



**ZONING BOARD OF APPEALS  
TOWN OF CONESUS**

**JANUARY 31, 2022  
7:00 PM**

A Regular Meeting/Public Hearing of the Zoning Board of Appeals of the Town of Conesus, County of Livingston and the State of New York was held at the Town Hall, 6210 South Livonia Road, Conesus, New York 14435 on the 31<sup>st</sup> day of January 2022.

<b>PRESENT:</b>	Mark Hopkins	-----	Chairperson
	Alissa de Wit-Paul	-----	Vice Chairwoman
	Brian McCarty	-----	Member
	Mike Vogt	-----	Member
	Ken Wilkinson	-----	Member
	Reinhard Gsellmeier	-----	Alternate
	Carol Crane	-----	Secretary

**ABSENT:**

**OTHERS PRESENT** Ron Maxwell, Rich Corrigan, Dakota White, Ann Hansen, Tamara Imm, and other members of the community

**CALL TO ORDER:** Chairperson Hopkins called the meeting to order at 7:01 PM. Chairperson Hopkins led the Pledge of Allegiance

**ANNOUNCEMENTS AND COMMUNICATIONS**

1. Copy of January 31, 2022 Agenda
2. Copy of December 27, 2021 Meeting Minutes

**RESOLUTION #01-2022**

**APPROVAL OF MINUTES** December 27, 2021

On a motion of Ken Wilkinson and seconded by Brian McCarty, the following resolution was

**ADOPTED**    Ayes    4        Hopkins, McCarty, Vogt, Wilkinson  
                   Nays    0  
                   Arrival after vote    1        de Wit-Paul

Resolved the Zoning Board of Appeals approve the December 27, 2021 meeting minutes as written.

**OLD BUSINESS**

**RESOLUTION #02-2022**

**OPEN PUBLIC HEARING FOR THE AREA VARIANCE OF 15 FEET FOR TAX MAP #130.-1-8**

Resolved that Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on January 20, 2022 and opened tonight at 7:04 PM.

1. Tax Map #130.-1-8  
    Dakota White  
    6994 White Road  
    Conesus, New York 14435



**ZONING BOARD OF APPEALS  
TOWN OF CONESUS**

**JANUARY 31, 2022  
7:00 PM**

Phone: 585-721-5591

Mr. White is requesting an Area Variance of 15-foot front yard setback from the right-of-way to build a 32' x 32' pole barn for property located at 6994 White Road.

**RESOLUTION #03-2022**

**CLOSE PUBLIC HEARING FOR TAX MAP #130.-1-8**

With no one wishing to speak either for or against, on a motion of Mike Vogt and seconded by Alissa de Wit-Paul, Chairman Hopkins declared the Public Hearing closed at 7:28 PM. Motion was carried unanimously.

This application was determined to be a Type II action, and SEQR was not required per #12 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

Area Variance determination dated 1/31/2022 for Tax Map #130.-1-8 currently owned by Dakota White

1. The Variance will not result in an undesirable change to the character of the neighborhood or a detriment to nearby properties. All agreed and have visited the property.
2. The Variance cannot be achieved by some other, feasible alternative. Topography of the land prevents this.
3. The Variance requested is not substantial.
4. The Variance will not have a negative effect on physical or environmental conditions.
5. The difficulty relating to the Variance was not self-created. Again, topography of the land made placement otherwise challenging.

**RESOLUTION #04-2022**

**APPROVAL TO GRANT THE 15 FOOT FRONT YARD SETBACK VARIANCE OF TAX MAP #130.-1-8**

On a motion of Alissa de Wit-Paul and seconded by Mike Vogt, the following resolution was

<b>ADOPTED</b>	Ayes	5	de Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson
	Nays	0	

Resolved the Zoning Board of Appeals approve to grant an Area Variance of 15-foot front yard setback to build a 32' x 32' Pole Barn for Tax Map #130.-1-8 located at 6994 White Road currently owned by Dakota White in the A/RR District.

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**RESOLUTION #05-2022**

**OPEN PUBLIC HEARING FOR TAX MAP #110.47-1-13.1**

Resolved that Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on January 20, 2022 and opened tonight at 7:04 PM.

2. Tax Map #110.47-1-13.1  
Tamara & Chris Imm  
4368 St. Paul Blvd.  
Rochester, New York 14617  
Phone: 585-752-7174



**ZONING BOARD OF APPEALS  
TOWN OF CONESUS**

**JANUARY 31, 2022  
7:00 PM**

Mr. & Mrs. Imm are requesting a Variance of 7.3 feet on the rear side setback for a screened-in porch/3-season room extending toward the lake but not exceeding the existing deck for property located at 5996 East Lake Road.

**RESOLUTION #06-2022**

**CLOSE PUBLIC HEARING FOR TAX MAP #110.47-1-13.1**

With no one wishing to speak either for or against, on a motion of Alissa de Wit-Paul and seconded by Brian McCarty, Chairman Hopkins declared the Public Hearing closed at 7:48 PM. Motion was carried unanimously.

This application was determined to be a Type II action, and SEQR was not required per #12 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

Area Variance determination dated 1/31/2022 for Tax Map #110.47-1-13.1 (Lakeshore District) currently owned by Tamara & Chris Imm.

1. The Variance will not result in an undesirable change to the character of the neighborhood or a detriment to nearby properties. Will not fit with the character of the neighborhood.
2. The Variance can be achieved by some other, feasible alternative.
3. The Variance requested is substantial. Some members felt this is substantial.
4. The Variance will have a negative effect on physical or environmental conditions. Concern that structures closer to the lake are setting precedent. The deck was pre-existing non-conforming.
5. The difficulty relating to the Variance was self-created in regard to the enclosed part.

**RESOLUTION #07-2022**

**APPROVAL TO GRANT A 7.3 FOOT REAR SETBACK VARIANCE OF TAX MAP #110.47-1-13.1**

On a motion of Alissa de Wit-Paul and seconded by Ken Wilkinson, the following resolution was

<b>DENIED</b>	Ayes	1	Wilkinson
	Nays	4	de Wit-Paul, Hopkins, McCarty, Vogt

Resolved the Zoning Board of Appeals denied the Variance of 7.3-foot (rear setback) for a screened-in porch/3 season room no closer than the existing deck for property located at 5996 East Lake Road currently owned by Tamara & Chris Imm in the Lakeshore District.

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**RESOLUTION #08-2022**

**OPEN PUBLIC HEARING FOR TAX MAP #110.47-1-13.1**

Resolved that Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on January 20, 2022 and opened tonight at 7:04 PM.

3. Tax Map #110.47-1-13.1  
Tamara & Chris Imm  
4368 St. Paul Blvd.  
Rochester, New York 14617  
Phone: 585-752-7174



**ZONING BOARD OF APPEALS  
TOWN OF CONESUS**

**JANUARY 31, 2022  
7:00 PM**

Mr. & Mrs. Imm are also requesting a Variance of 25-feet (setback from the road) to build a 3-car garage on the property across the street from their residence located at East Lake Road currently owned by Chris & Tamara Imm.

**RESOLUTION #09-2022**

**CLOSE PUBLIC HEARING FOR TAX MAP #110.47-1-13.1**

With no one wishing to speak either for or against, on a motion of Alissa de Wit-Paul and seconded by Brian McCarty, Chairman Hopkins declared the Public Hearing closed at 7:48 PM. Motion was carried unanimously.

This application was determined to be a Type II action, and SEQR was not required per #12 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

Area Variance determination dated 1/31/2022 for Tax Map #110.47-1-13.1 (Lakeshore District) currently owned by Tamara & Chris Imm.

1. The Variance will not result in an undesirable change to the character of the neighborhood or a detriment to nearby properties. Garage would be in character, not out of place.
2. The Variance cannot be achieved by some other, feasible alternative. Not reasonable to move more land back to build the garage.
3. The Variance requested is substantial. Noting that a 50% Variance is substantial.
4. The Variance will not have a negative effect on physical or environmental conditions. All members agreed.
5. The difficulty relating to the Variance was not self-created.

**RESOLUTION #10-2022**

**APPROVAL FOR A 25 FOOT SETBACK FROM THE ROAD FOR TAX MAX #110.47-1-13.1**

On a motion of Ken Wilkinson and seconded by Brian McCarty, the following resolution was

<b>ADOPTED</b>	Ayes	5	de Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson
	Nays	0	

Resolved the Zoning Board of Appeals approved the Variance of 25-feet (setback from the road) to build a 24' x 36' (3 car) Garage for Tax Map #110.47-1-13.1 located at 5996 East Lake Road currently owned by Tamara & Chris Imm in the Upland District.

**NEW BUSINESS**

**RESOLUTION #11-2022**

**APPROVAL OF THE 2022 ORGANIZATIONAL NOMINATION OF ALISSA DE WIT-PAUL AS VICE**

**CHAIRPERSON**

On a motion of Mark Hopkins and seconded by Mike Vogt, the following resolution was

<b>ADOPTED</b>	Ayes	4	Hopkins, McCarty, Vogt, Wilkinson
	Nays	0	
	Abstain	1	de Wit-Paul



**ZONING BOARD OF APPEALS  
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**JANUARY 31, 2022  
7:00 PM**

Resolved the Zoning Board of Appeals approve the nomination of Alissa de Wit-Paul as Vice Chairperson.

**RESOLUTION #12-2022**

**APPROVAL OF THE 2022 ZONING BOARD OF APPEALS MEETING SCHEDULE**

On a motion of Mark Hopkins and seconded by Mike Vogt, the following resolution was

**ADOPTED**      Ayes    5            DE Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson  
                     Nays    0

Resolved the Zoning Board of Appeals approve the 2022 Zoning Board of Appeals Meeting Schedule as follows:

- January 31
- February 28
- March 28
- April 25
- May 23
- June 27
- July 25
- August 29
- September 26
- October 24
- November 28
- December 19

All meetings (except those indicated in red) will be held on the last Monday of the month starting at 7:00 PM. All meetings are open to the public.

**GENERAL DISCUSSION**

With no further business, on a motion of Alissa de Wit-Paul and seconded by Mike Vogt, the meeting was adjourned at 7:55 PM. Motion was carried unanimously.

Respectfully submitted,

Carol Crane,  
Zoning Board of Appeals Secretary