

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Thursday, May 6, 2019 at 9:00 AM

Rev. 5/6/2019

MEETING AGENDA

MEETING CALLED BY:	GARY DAVIS		
BOARD MEMBERS:	GARY DAVIS	TOM SCHWARTZ	ERIC COOPER
	BOB HILLIARD	SARAH REYNOLDS	JOHN CASEY
SECRETARY:	ERIC COOPER		
GUESTS:	KEVIN REYNOLDS	CATHY MENIKOTZ	DOUG FINCH
	TERRY FENNELLY	LINDA PHILLIPS	MARIA RUDZINSKI

PRIVILEGE OF THE FLOOR

COMMITTEE BUSINESS

- **Agricultural Enhancement Act**
 - As a result of comments received from a referral to Ontario County Planning, the Ordinance Committee invited Linda Phillips and Maria Rudzinski to join the Committee and discuss their suggested changes to the Draft Local Law.
 - Ms. Phillips and Ms. Rudzinski provided a list of 11 Items to discuss. Said list is attached to this report.
 - Key points of discussion revolved around:
 - Making sure definitions were tight and did not provide undue loopholes.
 - Identifying how the Town desires to regulate on-farm commercial uses unrelated to the Ag. Operation.
 - ID how the Town desires to regulate on-farm commercial uses principally associated with the Ag. Operation.

Next Meeting: May 22, 2019 @ 9:00 am

- **To discuss: Multi-Tenant Signage**

Adjournment @ 10:30 am

Agricultural Use Zoning Items for Discussion
Town of Canandaigua
May 9, 2019

1. Does the Town wish to treat agricultural uses in county agricultural district any differently than such uses outside county agricultural district?
2. Does the Town wish to treat commercial agricultural uses and hobby agricultural uses outside agricultural districts differently?
3. Definition of farm operation or agricultural use protected by Ag&Markets should explicitly include any parcels involved in the operation whether owned or leased. May also want to define all farm buildings as principal buildings.
4. How does the Town wish to regulate agricultural businesses not primarily involved in production or marketing of agricultural products and not protected by Ag & Markets (i.e. wedding barns, commercial farm equipment repair, boat storage)?
5. Revise site plan, special use permit, and subdivision submission regulations to require identification of on-site and off-site agricultural infrastructure potentially impacts by site development.

See 121-6F General Policy for subdivision design and review, sketch layout/preliminary plat requirements in 121-29C (6) from T. West Bloomfield).

6. Revise site plan, special use permit, and subdivision review criteria to include consideration of impacts of proposed development on agricultural lands and operations

Excerpt from T. Gorham code - Agricultural considerations will address the extent to which planned development will result in disruption of drainage patterns, loss of prime soils, nuisance concerns, wind patterns, farm operations efficiency and other farm operation impacts.

7. May want to refine definition of roadside stand to differentiate seasonal sales activities from displays table/stand and from buildings (which require a building permit to protect public safety).
8. Does/should the Town's Right to Farm Law protect all agricultural uses or primarily those in the county agricultural district?
9. Proposed changes to not address threat of fragmentation/non-farm development. Consider introducing buffer standards to require retention of natural vegetative buffer on non-farm uses adjacent to active agricultural uses/land in county ag districts/prime farmland.
10. Ag & Markets may consider SUP for protected agricultural activities within agricultural districts overly restrictive.
11. Address how to discourage fragmentation of agricultural lands.

Comments from OCDPW

1. Applicant must consider other stormwater management options than the proposed facility discharging to the County's 18" culvert under CR 41. The swale labeled Discharges to Mud Creek does not flow to Mud Creek but is significantly restricted by an existing farm road north of CR 41 and east of the development site.
2. The applicant must provide a justification for proposed Road "A" intersection with CR 41. CR 41 is a high speed collector and the proximity of the proposed road to the T intersection of E. Victor Road is not acceptable.
3. The applicant must provide actual and desired intersection sight distances as per AASHTO. The sight distance should use the 85th percentile operating speed of 60 MPH.
4. All underground utilities must be installed under CR 41 using trenchless methods and extend beyond the ROW.
5. Applicant must provide detailed roadway designs, stormwater management plans, SWPPP, SPDES permit compliance documentation, and show standard construction and work zone traffic notes on plans for OCDPW review in conjunction with any Highway Work Permit request.

Comments from OCDPW Will the proposed development include sidewalks and/or expansion/connection to the Town's trail system?

CRC Comments The design of the stormwater management facility should contribute to the area's rural character by incorporating rural landforms with maximum slopes of 1 in 5 and clusters of vegetation along the road frontage, preferably retained natural vegetation.

CPB Comments The sketch plan does not include a scale. The referring body will need additional information, possibly including the size of individual lots, to assess the provision of adequate usable yard space on each lot, particularly those encumbered by federal wetlands and the stormwater management facility.

68 - 2019	Town of Canandaigua Town Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendments to definitions, districts, SUP standards, and procedures as suggested in the Town of Canandaigua's adopted Agricultural Enhancement Plan to retain farmland and enhance the agricultural economy of the Town. https://www.co.ontario.ny.us/DocumentCenter/View/17614/68-2019-03-06-Ag--Enhancement_copy_clean-2	

Key provisions of proposed regulatory changes to enhance the agricultural economy of the Town include:

1. Consolidate agricultural related definitions to include only agricultural use, agricultural building, farm, farmer, farming practices, farm labor, farm vehicle, and truck garden/nursery farm and cross referencing definitions for farm operation, farm woodland, commercial horse boarding operation, and crops livestock, and livestock products to section 301 of Ag & Markets law.
2. Adding language to site plan review criteria regarding minimizing negative impacts to farmland and agricultural operations.
3. Removing limit on structure size and sale of off premises products for permanent accessory structures for the sale of agricultural or nursery products grown by the operator.
4. Permitting as of right temporary accessory structures for sale of seasonal agricultural products grown principally by the operator and requiring they be located outside the ROW and discontinued if parking along a road becomes a traffic safety concern in the eyes of the Town Highway Superintendent or local law enforcement.

Comments

1. Consider drafting a zoning district where agricultural use is the priority/preferred use. Such a district would be appropriate for lands on which the development rights have been sold and other lands town/owners wish to protect from fragmentation by residential development and/or used for large scale solar energy facilities.
2. Consider adding impact to farmland and agricultural operations to the review criteria of subdivisions and special use permits.
3. The proposed regulations do not clarify the treatment of secondary businesses on farmsteads. The A-1 Agricultural-Residential, South Corridor Residential and R-1-30 Districts allow major home occupations by SUP and the A-1, A-2, and RR-3 districts allow small scale commercial establishments (<5,000 SF) by SUP. The referring body may want to permit as of right major home occupations on farms. The referring Board should also consider developing a class of home occupations and related definition and provision that apply when the principal use is farming. Such provisions may allow more than one such use per farm; allow such use to occupy part of house and part of an accessory building; allow as of right or by special use permit exterior storage and vehicle types compatible with the neighborhood; and increase the 3 vehicle parking limit. The proposed regulations also don't clarify regulation of farm related activities not protected by Ag & Markets law as customary agricultural operation such as on-farm entertainment and special events not intended primarily to market and sell farm products or commercial scale sale or repair of farm equipment.

4. Can farmers operate temporary farm stands through a lease or other arrangement on land they do not own/farm i.e. like Fish Farm Market at 96/332 or a mobile stand that parks at different sites on different days?
5. Accessory apartment is not defined. If such a unit cannot be rented to anyone, consider using and defining term accessory dwelling.
6. What are standards for incidental on-farm processing of farm products? Would a meat processing facility be allowed?
7. Ag and Markets law does not yet include hops as a field crop.
8. Are any standards allowed/desirable to mitigate potential lake water quality impacts of aquaculture?
9. Should the definition of buffers include intention to minimize transmission of agricultural or industrial odors?
10. The definition of Farm and Craft market does not limit products to locally produced items.
11. Consider revising gross floor area definition as outside dimensions rather than inside dimensions based on ease of measurement.
12. In many cases locating the edge of road ROW requires a survey. For temporary movable structures for sale of seasonal agricultural produce a setback from the edge of pavement may be sufficient.
13. Definition of viable agricultural soils is vague. Consider defining with respect to USDA soil characteristics (prime/unique and/or capability units used in determining agricultural assessments) and/or location in county agriculture districts or receiving ag exemption depending on how the term is used in the zoning regulations.
14. There are standards for small lot agricultural uses in 220-56.2, but the term is not defined and not included in permitted and allowable use lists.

OCDPW Comments

Prefers temporary farm stands to be located off the county road ROW. Such location typically requires operator to use existing driveway or build a driveway (with a culvert) to access a parking area adjacent to the stand.

CRC Comments Fragmentation is a key threat to the economic viability of farms and the proposed changes do not reduce threat of fragmentation.

69 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Marks Engineering PC	
Property Owner:	Mount, Chad	
Tax Map No(s):	71.00-1-49.000	
Brief Description:	Subdivision and area variance for creation of conforming lot with existing accessory building and no principal structure from 16.3 acre lot at 2659 SR 21 across from Bushwood Lane in the Town of Canandaigua.	

Subdivision to create a 1.475 acre lot with an existing 1,616 SF accessory building and a 14.851 acre lot with an existing single family home. No perc text results are provided to document the suitability of the created lot for a home with a septic system. The distance between the single family home driveway and the informal access to the accessory building is only 75'. An area variance is required for the small lot because the AR-1 district only allows an accessory building with a maximum size of 900 SF on a vacant parcel. Adjacent land uses include vacant residential land to the southwest, a sewer treatment plant for the VA facility to the northeast, and homes and undeveloped residential land across SR 21.

According to OnCOR, the property is not in an agricultural district and is not subject to development constraints related to floodplains, wetlands, or steep slopes. Site soil characteristics are as follows:

Cayuga silt loam 8 to 15 percent slopes 8.3 acres

Farmland of Statewide Importance

Permeability: moderately high **Erodibility:** low very high

Hydrological Group C/D **Not Hydric**

Dunkirk-Arkport Complex 3 to 8 percent slopes 4.6 acres

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C **Not Hydric**

Lakemont silty clay loam, 0 to 3 percent slopes 2.5 acres

Farmland of statewide importance

Permeability: moderately low **Erodibility:** very high

Hydrological Group D **Partially Hydric**