

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## **ORDINANCE COMMITTEE**

**Monday, October 7, 2019 at 9:00 AM**

Rev. 10/9/2019

## **MEETING REPORT**

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<b>MEETING CALLED BY:</b>	<b>GARY DAVIS</b>		
<b>COMMITTEE MEMBERS:</b>	<b>GARY DAVIS</b>	<b>ERIC COOPER</b>	
	<b>JOHN CASEY</b>	<b>TOM SCHWARTZ</b>	<b>SARAH REYNOLDS</b>
<b>SECRETARY:</b>	<b>ERIC COOPER</b>		
<b>GUESTS:</b>	<b>CATHY MENIKOTZ</b>	<b>KEVIN REYNOLDS</b>	<b>LINDA DWORACZYK</b>
	<b>TERRY FENNELLY</b>	<b>DOUG FINCH</b>	<b>JOYCE MARTHALLER</b>

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### **PRIVILEGE OF THE FLOOR**

### **COMMITTEE BUSINESS**

- Conservation Subdivision:
  - Mr. Cooper introduced to those present why revisions to the Conservation Subdivision Chapter are suggested. General agreement that current practice and code may be insufficient.
  - Member Dworaczyk raised the question of whether Open Space should be allowed to be offered for dedication to the Town. Agreement that this should remain unchanged. However, standards could be in place to help guide what should or should not be dedicated.
  - Town Manager Doug Finch raised the question of whether Conservation Subdivision should even exist as it creates lots that do not comply with existing zoning regulations.
  - ECB Chair Marthaller recommended that we establish Natural Resources as the first priority within Conservation Subdivision. For example, no codified cap on woodland areas considered constrained. However, there are limits to the restrictions placed on a property. How much can Town restrict units before it is considered a taking and must be compensated?
  - Mr. Casey suggested that more up-front certainty is required from the Code. Developers and the Town can benefit when our code clearly dictates requirements.
  - Understanding that significant consideration and revision is possible, a discussion was had about the establishment of a subcommittee for this Code. Committee did not want to “pass the buck”.
  - Specific concerns within the Town’s constructed Conservation Subdivisions include:
    - Clear cutting of trees and environmental features to make way for development.
    - Open Space contained on building lots

- Mr. Finch suggested that we explore the potential of contracting with a consultant to prepare the necessary revisions. There was general agreement among those present that this was a good path forward.
- The Committee also briefly discussed TDR and how that process might play into Conservation Subdivision.
- Short-Term Rental
  - Mr. Finch gave an overview of why regulation might benefit the Town, including:
    - Potential source of revenue
    - Safety issues with buildings potentially not meeting building code and/or being renovated without permits.
    - Water quality and safety concern when dwellings are being rented out to more people than on-site wastewater system was designed to handle.
    - Nuisance concerns for neighbors related to above issues and issues of excessive noise in residential areas, trash/littering and parking.
  - The Committee discussed the potential of contracting with a compliance software (Host Compliance) for enforcement of potential regulations.
  - The Committee raised questions of liability. I.e. If the Town inspects these properties and certifies them as meeting a set standard, can the Town be sued if there is an incidence of harm? The Town would need to make sure the property owner has the proper insurance and coverage.
  - The Committee will have to check with Ontario County about a potential occupancy tax that the County had discussed previously.
  - The Committee raised concerns that the cost of enforcement – included the potential software or the time of code enforcement – would not be covered by the permit fee. I.e. creating a cost burden to the Town.
  - The Committee would like to speak with other jurisdictions who have used the Software or have implemented their own code to evaluate options and discover limitations.
  - Member Reynolds raised the question of whether the Town should even pursue this Ordinance. Mr. Reynolds noted that buildings were issued Certificates of Compliance/Occupancy upon completion and we have other sections of code currently to deal with parking, trash, on-site wastewater, and building code. This may be redundant. Mr. Reynolds did not feel that Short Term Rentals should be regulated at a higher standard than Single Family Homes.
  - The question was raised as to how this impacts Bed and Breakfasts. Existing code requires a Special Use Permit for Bed and Breakfasts, but proposed code would require only a permit for Short-Term Rentals. Should there be a difference?
  - The Committee must explore these questions and options before moving forward.

**Next Meeting: October 24, 2019 @ 9:00 am**

- **To discuss:**

- **Ag. Zoning**
- **Lawn Maintenance**

**Adjournment @ 10:30 am**