Town of Canandaigua

5440 Routes 5 & 20 West Canandaigua, NY 14424

ORDINANCE COMMITTEE

Monday November 2nd, 2020, at 9:00 AM

Rev. 11/17/2020

MEETING REPORT

MEETING CALLED BY: GARY DAVIS

COMMITTEE MEMBERS: GARY DAVIS JOHN CASEY CHUCK OYLER

CHUCK OYLER TOM SCHWARTZ BOB HILLIARD

SECRETARY: ERIC COOPER

GUESTS: TERRY FENNELLY COLIN DIEHL

PRIVILEGE OF THE FLOOR

Chair Davis opened the meeting at 9am.

COMMITTEE BUSINESS

- Local Wetland Ordinance

- Mr. Cooper stated that Mr. Diehl had originally brought up during the NRI update. The NRI committee felt that it would be valuable to the Town and asked the Ordinance Committee to evaluate.
- o Mr. Diehl introduced himself. He stated that he is a biologist by trade and does wetland delineations for a living.
- O Mr. Diehl believes the Town has the ability to enforce a higher regulation upon Army Corps or NYS DEC wetlands. NYS DEC only regulates mapped wetlands beyond 12.4 Acres and the Army Corps regulated waters of the US. Notably, the Army Corps has recently reduced the scope of wetlands under their jurisdiction.
- Wetlands provide important conservation resources to the Town including stormwater detention and Canandaigua Lake health. More information can be found in the NRI document. These smaller wetlands are also more at risk.
- Mr. Cooper asked how these regulations might work. Mr. Diehl suggests a simple buffer, caps on impacts and possible mitigation.
- The Committee is curious the extent to these potential wetlands within the Town, but this is unclear without mapping. Mr. Diehl stated that the first step to creating this local law would be to do that mapping and creating a GIS layer.
- o Mr. Oyler asked whether these regulations have held up in Court. Mr. Diehl stated that they should be legal so long as it is regulatory and not prohibitive or a taking.
- o Mr. Fennelly requested copies of other communities, especially local communities, with similar regulations. <u>Town of Sweden Local Wetland Ord.</u>
- Mr. Diehl said that if the Town is interested in pursuing this, there may be grants available to assist in mapping the wetlands.
- The Ordinance Committee had a few questions they wished to answer before moving forward including:

- What is the impact on Agriculture and Drainage Districts?
- What does Kevin Olvany think about this?
- What is the dollar value expense of wetland delineation as discussed?
- o Mr. Casey wanted to make sure that real estate transactions are clear and that people who have previously purchased land or will purchase in the future are not blind sided by these regulations. He worries it may end in litigation.

- Pools in the RLD

- o The Ordinance Committee reviewed the comments of the ECB. The Ordinance Committee did not agree with the suggested revisions.
- o The Ordinance Committee voted to move this Local Law to the Town Board.

- Watercourse Setback

o The Ordinance Committee voted to move this Local Law to the Town Board.

Upcoming Meetings:

- December 7th, 2020 @ 9:00 am
 - o Manufactured Homes
 - Neighborhood Commercial
 - o Lighting?

Adjournment @ 10:00 am