

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, New York 14424

## **ENVIRONMENTAL CONSERVATION BOARD MEETING AGENDA**

*Established November 4, 2009*

**THURSDAY, MAY 6, 2021, 4:30 P.M.**

**PREPARED 4/21/2021**

---

*The meeting WILL NOT be held at the Town Hall.  
The meeting will be conducted via Zoom.com Video Conference*

### **Topic: Environmental Conservation Board**

Time: April 1, 2021 04:30 PM Eastern Time (US and Canada)

Every month on the First Thursday, until Jan 6, 2022, 12 occurrences:

**May 6, 2021 04:30 PM**

**Jun 3, 2021 04:30 PM**

**Jul 1, 2021 04:30 PM**

**Aug 5, 2021 04:30 PM**

**Sep 2, 2021 04:30 PM**

**Oct 7, 2021 04:30 PM**

**Nov 4, 2021 04:30 PM**

**Dec 2, 2021 04:30 PM**

**Jan 6, 2022 04:30 PM**

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: <https://us02web.zoom.us/meeting/tZYqf-iurjMvHtJGye6Zd1HTSQgOjaSSJBQM/ics?icsToken=98tyKuGqqTMrHNSdtR2BRpwQB4qgd-7ziFxYgrd3uwbgVRpXMyvCBdNFHbh-I-v6>

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/82781608546>

Meeting ID: 827 8160 8546

### **One tap mobile:**

+16465588656,,82781608546# US (New York)  
+13017158592,,82781608546# US (Washington D.C)

### **Dial by your location:**

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C.)  
+1 312 626 6799 US (Chicago)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

**Meeting ID: 827 8160 8546**

---

## **AGENDA**

**Meeting Called By:** Jared Simpson, *Facilitator*

<b>Board Members:</b>	Justin Damann	Gary Kochersberger
	Edith Davey	Rocky Polimeni
	Saralinda Hooker	Pat Venezia
	Leif HerrGesell	

**Committee Members:** Susan Shaw                      Darin Loy

**Recording Secretary:** Kimberly Burkard

**Guests:**

- 
- a. Call to Order by the Facilitator
  - b. Pledge of Allegiance
  - c. Introduction of Guests by the Facilitator
  - d. Continued Organizational Meeting—Per the adopted 2021 Rules of Procedure
    1. Election of the Vice-Chair
  - e. Approval of the Minutes—April 1, 2021
  - f. Updates to ECB Webpage (G. Kochersberger)
  - g. Privilege of the Floor
  - h. Report of the Development Office
  - i. Referral from the Town Board

- j. Referrals from the Citizens' Implementation Committee (CIC)
- k. Referral from the Ordinance Committee
- l. Referrals from the Planning Review Committee (PRC) (Ms. Hooker, Mr. Damann)  
*Referred April 12, 2021*

**CPN-21-034**      **Marathon Engineering, c/o Lucas Bushen, 39 Cascade Drive, Rochester, N.Y. 14614; representing Daniel M. Gill Revocable Trust, c/o Dan and Debbie Gill, 17440 Via Lugano Court, Miromar Lakes, Florida 33913; owner of property at 4495 Davidson Landing Drive**  
TM #126.20-1-8.000

Requesting an Area Variance for building coverage of 20.6 percent and a Single-Stage Site Plan approval for an addition to a single-family home (driveway, pickleball court, retaining walls and steps) and associated site improvements.

**CPN-21-035**      **Marks Engineering, c/o Brennan Marks, P.E., 42 Beeman Street, Canandaigua, N.Y. 14424; and ATL Contractors LLC, 8242 East Bluff Drive, Penn Yan, N.Y. 14527; representing Carol Eiffert, 3253 Abbey Road, Canandaigua, N.Y. 14424; owner of property at 3535 State Route 364**  
TM #98.19-1-20.100

Requesting a Single-Stage Site Plan approval for construction of two single-family residences, 116 town homes and 2,000 feet of new dedicated road.

**CPN-21-036**      **Venezia & Associates, 336 N. Main Street, Canandaigua, N.Y. 14424; representing Canandaigua Country Club, owner of property at 2380 Fallbrook Park**  
TM #98.00-1-39.111

Requesting a Single-Stage Site Plan approval for a 40-foot x 80-foot event structure and renovated barn.

**CPN-21-037**      **Venezia & Associates, 336 N. Main Street, Canandaigua, N.Y. 14424; representing Craig Palmer, 3366 Clover Street, Pittsford, N.Y. 14534; owner of property at 4157 Woolhouse Road**  
TM #111.00-1-71.13

Requesting a Single-Stage Site Plan approval for construction of a new single-family residence.

**CPN-21-038**      **Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; representing Sidney C. Wilkin et. al., 5 Mullet Drive, Pittsford, N.Y. 14534; owners of property on Parrish Street Extension**  
TM #97.02-2-2.000

Requesting a Sketch Plan Review of a proposed 51 single-family home Conservation Subdivision on 82.672 acres on the Wilkin "south parcel."

**m. Old Business****1. ECB Page for Town Newsletter: April, May, June, and July (Ms. Venezia)**

April: Topic: 17-Year Cicada by Ms. Venezia  
May: Topic: Birding, to be submitted by Ms. Hooker  
June: Topic: Garden Pollination by Ms. Davey  
July: Topic: to be determined by Mr. Polimeni  
August: Waste and Recycling by Mr. Simpson

**2. Town Hall Display Case (Ms. Davey)**

Spring exhibit: Tree Exhibit (w/ childrens' art), Mr. Polimeni  
Summer exhibit: To be determined

**3. Neighbor Concern Regarding Flooding at 3439 & 3443 West Lake Blvd. (CPN-21-028 & CPN-21-029)**

Email Reference:

From: Marc Vail  
To: jsimpson@townofcanandaigua.org  
Date: Fri, 16 Apr 2021 15:49:13 -0400  
Subject: Blue Line Creek Affected by Proposed Development of Two Properties on West Lake Boulevard

Hello Jared,

We live at 3457 West Lake Rd. which is directly west of the 2 properties that are under review at 3439 and 3443 West Lake Blvd. Our concern is the potential for flooding should the proposed structures be allowed to be built as close to the creek as the plans indicate at this time. Attached are some photos and videos that we took during a major weather event in March of 2013 which show the creek overflowing and flooding the property to the north of us and flooding where the creek flows into Canandaigua Lake.

The first of the photos are actually taken from the front of our house on West Lake Rd and show the amount of water coming down from Middle Cheshire Rd. We have had to install extra drainage along our front walkway to prevent that water from flooding our front porch. As development continues up towards Middle Cheshire Rd, our neighbors across the street have seen an increase in the water level in their backyard, persistent muddy conditions in the yard and flooding in their basement. This can only mean an additional strain on the creek which would contribute to more flooding closer to Canandaigua Lake.

The next photos are along the creek as you head from West Lake Rd. towards the lake. The videos show the intensity of the water flow and you can see the flooding that occurred towards the outlet of the creek. We have seen flooding at least 35 to 40 feet from the south edge of the creek right where the proposed house would be built. If you look through the trees in photo number 100\_4652, you will see the extent of the flooding beyond the culvert pipe that goes under the pathway.

In addition, the water table seems to be very high in this area as indicated by the level of water that is always present in the sump crock in our basement, particularly when there is heavy rain or snow melt. The area that is adjacent to the southeast corner of our property is generally a swamp except in very dry weather. When there was a house on what is shown as parcel 2 on the property at 3443 West Lake Blvd. the previous owners had several drain pipes installed to take the water away from their house and out of their basement diverting the water into our yard.

We look forward to having new neighbors but just don't want to see them have to go through the added expenses that we've had since we moved here 9 years ago. We've had to add drainage in the front and back of our house and had to have the storage space under our garage filled in and the garage floor replaced due to the excessive amount of water in that space causing the steel supports to rust out.

We hope that these photos and videos will help you in making recommendations regarding the set backs from the creek.

Regards,  
Marc and Kris Vail

Photos:









**4. Comprehensive Plan Review w/ Suggestions and Comments from the ECB Perspective**

See plan information at: <http://www.townofcanandaigua.org/page.asp?id=196>

**n. New Business**

**1. Ridgeline Development Guidelines Discussion**

**RESOLUTION NO. 2021 – 110: SETTING A PUBLIC HEARING ON A SIX-MONTH MORATORIUM OF SUBDIVISION APPLICATIONS IN THE SCR-1 ZONING DISTRICT**

**WHEREAS**, the Town Board of the Town of Canandaigua (“Town Board”) began the process of updating Town Code § 174-16 relating to Conservation Subdivisions on \_\_\_\_\_; and

**WHEREAS**, Town Code § 174-16 was created to promote “meaningful open space conservation and natural resource protection in the Town of Canandaigua” and “limit the impact of development on sensitive and/or significant environmental, agricultural, historical and archaeological resources, and to encourage development that enhances the Town’s rural character, pattern and scale of settlement;” and



**WHEREAS**, in \_\_\_\_\_ the Town of Canandaigua adopted Ridgeline Development Guidelines in the Comprehensive Plan to “describe methods to site buildings in a manner that minimizes visual impacts, while still allowing for scenic views”; and

**WHEREAS**, in 2019 the Town of Canandaigua conducted a survey in conjunction with its Comprehensive Plan Review, which found, among other things, the following: (i) 58% of people choosing to live in the Town of Canandaigua moved here for its rural character, (ii) 75% chose the Town of Canandaigua for its natural beauty, and (iii) 80% of respondents indicated that preservation of natural areas and scenic views is very important; and

**WHEREAS**, the Town of Canandaigua continues to grow and develop with one of the greatest areas of development focus being the SCR-1 district; and

**WHEREAS**, the Comprehensive Plan adopted in 2003 contains ten key goals to guide decision-making within the Town of Canandaigua, the first of which is to “[m]aintain Canandaigua’s rural character by preserving farmland and supporting efforts to enhance the economic prospects of agriculture;” and

**WHEREAS**, the Town of Canandaigua contains some of the best agricultural soils in the world, with the USDA determining that 73% of the Town’s total land area qualifies as high quality agricultural soil that has been designated as “Farmland of Statewide Significance” (Canandaigua Agricultural Enhancement Plan – December 2016, P7, 11); and

**WHEREAS**, the Town of Canandaigua lost 7.1% of its agricultural land between 2003 and 2009 (Comprehensive Plan Update – August 2011, P2), and that trend has continued in recent years as development pressure has continued to grow, particularly in the SCR-1 district; and

**WHEREAS**, the most recent update to the Comprehensive Plan, adopted on August 29, 2011, states that one the goals of the update is to “[e]stablish a regulatory and economic framework that supports the preservation and continued development of agriculture;” and

**WHEREAS**, the SCR-1 district contains many elevated hills and ridgelines that are important to the rural nature of the viewshed in the Town of Canandaigua; and

**WHEREAS**, the New York State Division of Local Government Services has stated in its document “Land Use Moratoria” (2013, P8) that, “[a] moratorium on land uses or development will be considered a valid interim measure if it is reasonably designed to temporarily halt development while the municipality considers comprehensive zoning changes and the enactment of measures to specifically address the matters of community concern”; and



**WHEREAS**, additional stated purposes in the “Land Use Moratoria” are to develop or amend a comprehensive plan, zoning regulations, subdivision regulations, site plan regulations, and/or other land use regulations; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby sets a public hearing to be held for May 17, 2021, at 6:00 PM during the Town Board meeting being currently held by Zoom relating to a request for a Six Month Moratorium of Building Applications for Subdivisions in the SCR-1 zoning district;

**BE IT FURTHER RESOLVED**, that the Town Board does request that the Ordinance Committee and Environmental Conservation Board review the Ridgeline Development Guidelines to create a local law, “Ridgeline Development Law” for the preservation of ridgelines and view sheds within the town; and

**BE IT FURTHER RESOLVED**, that the Town Board does request that the Conservation Subdivision Committee review current conservation law and provide recommendations to the Town Board to amend Town Law § 174-16; and

**BE IT FINALLY RESOLVED**, that the Town Board hereby directs the Town Clerk to provide notice of such public hearing and provide a copy of this resolution to the Town Manager, Town Board, Ordinance Committee, Environmental Conservation Board, and Conservation Subdivision Committee.

## **2. Solar Policy Discussion**

See “*New York Solar Guidebook for Local Governments*”:

<http://townofcanandaigua.org/documents/files/Attachment-31-NY-Solar-Guidebook-for-Local-Governments.pdf>

### **o. Member Reports**

- Citizens Implementation Committee Representatives
- Local History Team
- Town Tree Board
- Conservation Easement Team

### **p. Future Training Opportunities:**

#### **■ 2021 Municipal Bootcamp:**

A free annual program to provide certification credits to newly elected officials, planning and zoning boards and town officials sponsored by Hancock Estabrook and MRB Group. The program includes 10 hours of remote training designed to provide a comprehensive

education that encompasses all aspects of municipal governance. Each program will be provided remotely on the fourth Thursday of the month with subject matter experts and attorneys from Hancock Estabrook and MRB Group.

- **Thursday, May 27, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 5: Come One, Come All to the Greatest Show on . . . well . . .
- **Thursday, June 24, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 6: Planning From (At Least) Six Feet Away
- **Thursday, July 22, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 7: Ask Me Anything
- **Thursday, September 23, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 8: From Big to Small
- **Thursday, October 28, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 9: Well, Aren't You Special?
- **Thursday, December 23, 2021, 6:00 p.m. to 7:00 p.m.**  
Session 10: All the Right Forms in All the Right Places

**Questions to:**

Wendy A. Marsh, Partner, Hancock Estabrook  
wmarsh@hancocklaw.com, (315) 565-4536

Matt Horn, Director, Local Government Services, MRB Group  
matt.horn@mrbgroup.com, (315) 220-0740

**Registration link:**

<https://register.gotowebinar.com/rt/4608077833213548299>

■ **General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.  
Information:  
<https://www.generalcode.com/training/>

■ **NYS Department of State Local Government Training Calendar posted here:**

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

■ **Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:  
<https://www.co.ontario.ny.us/192/Training>

■ **iMap Invasives Trainings & Events Online:**

<https://www.nyimapinvasives.org/training>

**q.** Adjournment and Next Meeting

Next meeting: **June 3, 2021, 4:30 p.m.**

Subsequent meetings will be held on:

Thursday, June 3, 2021

Thursday, July 1, 2021

Thursday, August 5, 2021

Thursday, September 2, 2021

Thursday, October 7, 2021

Thursday, November 4, 2021

Thursday, December 2, 2021

Thursday, January 6, 2022