

Pattie Murphy Work Email

From: Zoning Inspector <zoninginspector@townofcanandaigua.org>
Sent: Thursday, May 31, 2018 3:38 PM
To: 'Pattie Murphy Work Email'
Cc: 'Chris Jensen'; 'Town Manager'; 'Development Clerk'
Subject: RE: Potential Lot Annexation - 5929/2933 Goodale Road

Flag Status: Flagged

Pattie,

We would also recommend going through the 9 Conditions noted within the Farm Labor Housing Code Section and providing a statement attesting compliance to each and providing the documents it requests. Thanks.

Eric A. Cooper

Zoning Inspector
Town of Canandaigua
ecooper@townofcanandaigua.org
585-394-1120 x2254

From: Zoning Inspector <zoninginspector@townofcanandaigua.org>
Sent: Thursday, May 31, 2018 2:45 PM
To: 'Pattie Murphy Work Email' <bristolhillsfarmstables@gmail.com>
Cc: 'Chris Jensen' <cjensen@townofcanandaigua.org>; 'Town Manager' <dfinch@townofcanandaigua.org>; 'Development Clerk' <devclerk@townofcanandaigua.org>
Subject: RE: Potential Lot Annexation - 5929/2933 Goodale Road

Pattie,

We would require the following:

- ~~Special Use Permit Application:~~ <http://www.townofcanandaigua.org/documents/files/PB%20Application%20Form%20Site%20Plan%20SUP.pdf>
- ~~Lot Line Adjustment Application:~~ <http://www.townofcanandaigua.org/documents/files/P-002c%20Admin%20Review%20Lot%20Line%20Adjust%20Application.pdf>
- ~~Short Environmental Assessment Form:~~ <http://www.townofcanandaigua.org/documents/files/SEAF%20-%20Part%201.pdf>
- Four prints of the survey plat certified by a NYS licensed land surveyor in compliance with the attached "Lot-Line Adjustment Checklist"
- ~~Ag Data Statement: Attached~~

All of these forms would be required to be submitted to the Development Office. The next deadline would be June 15, but perhaps more realistically for your proposal July 13.

Please don't hesitate to contact me if you need any further assistance.

est,
1) Get Special Use Permit
After = Legal Annexation

Eric A. Cooper

Zoning Inspector

Town of Canandaigua

cooper@townofcanandaigua.org

85-394-1120 x2254

From: Pattie Murphy Work Email <bristolhillsfarmstables@gmail.com>

Sent: Thursday, May 31, 2018 1:05 PM

To: 'Zoning Inspector' <zoninginspector@townofcanandaigua.org>

Cc: 'Chris Jensen' <cjensen@townofcanandaigua.org>; 'Town Manager' <dfinch@townofcanandaigua.org>;
'Development Clerk' <devclerk@townofcanandaigua.org>

Subject: RE: Potential Lot Annexation - 5929/2933 Goodale Road

Hi Eric,

Thank you for looking into this for me. This was great information that you passed on regarding the Special Use variance. Can you tell me what form I need to complete and to whom do I send that to? Thank you!

Pattie

From: Zoning Inspector [<mailto:zoninginspector@townofcanandaigua.org>]

Sent: Wednesday, May 30, 2018 9:56 AM

To: bristolhillsfarmstables@gmail.com

Cc: 'Chris Jensen' <cjensen@townofcanandaigua.org>; 'Town Manager' <dfinch@townofcanandaigua.org>;
Development Clerk <devclerk@townofcanandaigua.org>

Subject: Potential Lot Annexation - 5929/2933 Goodale Road

Pattie,

It was a pleasure meeting you the other day. You asked that I look into whether you could annex 2933 Goodale Road, which contains an existing dwelling, into 5929 Goodale Road.

Town Code restricts uses of lots within the AR-2 to 1 Single Family dwelling on a parcel. Annexation which would create two separate dwellings on one lot would require a use variance.

However, I believe you suggested that the current resident of that dwelling is currently managing the Farm. There is a section of the Town Code allowing "Farm Labor Housing" as a specially permitted use within the AR-2. If you can meet the provisions of section, you may wish to pursue this route. This means that prior to a legal annexation, you would need to make application and receive approval for that Special Use from the Town's Planning Board.

I hope that this answers your questions, but please do not hesitate to contact me if there is anything further I may do for you.

Best,

Eric A. Cooper

Zoning Inspector

Town of Canandaigua

ecooper@townofcanandaigua.org

85-394-1120 x2254

- B. The minimum lot size shall be five acres.
- C. No more than one horse shall be permitted per acre of fenced paddock area. In no instance shall more than two horses be permitted. Dependent foals shall not be counted in arriving at the total permitted number of horses.
- D. Manure or any other material or substance which causes or creates any noxious or offensive odors or dust or which causes or may cause the presence of or attract vermin, rodents, or other animals shall be stored at least 200 feet from any property line. The applicant must demonstrate adequate means for disposal of manure and waste feed. The burning of manure or feed products is prohibited.
- E. A thirty-five-foot grassed buffer must be maintained at all times around property lines and any streams or tributaries. Said buffer strip may not be used for grazing or manure disposal.
- F. No structure used for the housing, harboring or stabling of horses may be placed closer than 100 feet to any adjacent property line. All other accessory structures shall be subject to the applicable zoning setbacks, provided they are not used for the storage of manure. No structure used for the housing, harboring or stabling of horses may be placed closer than 50 feet to the rear setback of any residential structure on the subject or immediately adjacent properties.
- G. The Planning Board may also require adequate setbacks, screening and/or fencing for any buildings or structures located on the premises or for any corrals, runs, tracks or other open areas used by horses so that there is minimal impact on adjacent property owners. All such buildings, structures, corrals, runs, tracks, or other areas shall be maintained in a neat and clean manner.
- H. No structure associated with this use shall exceed 35 feet in height.
- I. Exterior lighting shall be permitted only to the extent necessary to prevent injury and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjacent properties.

§ 220-57 Small commercial establishments.

The Town Planning Board may approve a special permit for small commercial establishments in the AR-1 Agricultural Rural Residential District, AR-2 Agricultural Rural Residential District and the RR-3 Rural Residential District, provided that, in addition to compliance with the general requirements in § 220-35 of this article, the following standards and conditions are maintained:

- A. Building area shall not exceed 5,000 gross square feet (GSF), maximum building footprint of 2,500 square feet; maximum height shall not exceed two stories.
- B. Parking at side or rear only; there shall be no front yard parking.
- C. Landscape, screening and buffers shall be designed to visually separate small commercial establishments, including parking areas, and adjacent residential land uses.
- D. Lighting shall be designed to shield glare (or light trespass) to adjacent streets, properties and sky. Light sources (i.e., bulb) shall not be visible from any angle. (See § 220-77, Lighting standards and regulations.)
- E. Signage must be consistent with the provisions contained in § 220-84G of this chapter.
- F. Hours of operation shall be limited to preserve the quality of life of nearby residential uses.

~~§ 220-58 Farm labor housing within established Ontario County Agricultural Districts located within RR-3, AR-1 and AR-2 Districts.~~

- A. Intent. The intent of this section is to allow for the placement of farm labor housing on active farms located within an established Ontario County Agricultural District, within the RR-3, AR-1 and AR-2 Districts, for the express purpose of providing low-cost housing alternatives for bona fide full-time farm labor employees of an agricultural operation.
- B. Limitations. No portion of this section shall be construed as to permit the placement of manufactured housing on lands not included in an established Ontario County Agricultural District, or on lands which are not established as an active commercial agricultural operation, defined as a full-time farm with gross annual agricultural income sales in excess of \$50,000, or to provide housing for individuals not in the direct employ of the commercial agricultural operation on which the manufactured housing is proposed to be placed. No permit issued in conformance with the conditions and requirements contained herein shall be valid for a period of greater than the effective period for which the land continues to be located within an Ontario County certified agricultural district. Upon the renewal of an Agricultural District by the County and certification by the Commissioner of the State Department of Agriculture and Markets, an application for renewal of a special use permit for farm labor housing shall be required.
- C. Conditions.
 - (1) Placement of farm labor housing by special use permit shall be restricted to farm lands located within an established Ontario County Agricultural District which are located within the RR-3, AR-1 or AR-2 District.
 - (2) Placement of a farm labor dwelling unit shall be by special use permit restricted to full-time employees, who are not an owner or partner of the farm operation, and their families.
 - (3) Placement of farm labor housing shall be permitted only on lands directly associated with full-time commercial agricultural operations with \$50,000 in gross sales annually.
 - (4) Placement of a farm labor dwelling unit may be permitted within an accessory structure located in the rear yard portion of the lot. Said dwelling unit may be either located within an existing farm building or a manufactured dwelling unit used exclusively for farm labor employees.

(5) In addition to the conditions set forth in § 220-35 of this chapter, the following information will be required to be submitted with the application for special use permit:

- (a) Financial statements, either CPA certified or in the form of previous year New York State income tax returns, providing evidence of an active commercial agricultural operation as defined above.
- (b) Copies of employment information for at least one of the proposed resident(s) of the manufactured housing, including proof of employment in the form of proof of payment of social security and workers' compensation contributions by the commercial agricultural operation and copy (copies) of I-9 employment eligibility verification forms. For the purposes of this section, an "employee" is defined as an individual working a minimum of 40 hours per week for a minimum of 26 weeks of each calendar year. In cases where manufactured housing is to be placed on a site prior to the hiring of an employee, then the applicant shall have no more than 30 days to provide the documentation provided for in this section from the day the manufactured housing is placed on the site.

(6) Setbacks for the proposed farm labor manufactured housing dwelling unit shall be consistent with those of the respective zoning district, except for the front setback. Front setbacks shall be no less than 60 feet or equivalent to the front setback of the principal structure on the site, whichever is greater. Additionally, no farm labor manufactured housing dwelling unit shall be more than 200 feet from the primary residential structure of the agricultural operation. Where no primary residential structure exists appurtenant to the agricultural operation, then the farm labor manufactured housing dwelling unit shall be no more than 200 feet from the largest structure, as measured by its area of footprint, associated with said agricultural operation. In no event shall a farm labor manufactured housing dwelling unit be allowed on a parcel of land that does not have an agricultural building used as part of the established farm operation.

(7) The applicant must provide documentation of potable water supply and adequate wastewater disposal and/or treatment systems for the proposed manufactured housing or the farm labor dwelling unit.

(8) All farm labor manufactured housing dwelling units shall be adequately anchored and have installed on all sides skirting which shall conceal all frames, piers or other nonfoundation supports.

(9) Where more than two farm labor dwelling units are proposed on a single parcel of active farmland, the applicant shall prepare a site plan as provided for elsewhere in this chapter.

D. Renewal. Any special use permit issued pursuant to this section for a farm labor dwelling unit shall be granted for a maximum period which shall coincide with the effective dates for the land remaining as part of a certified agricultural operation within an established Ontario County Agricultural District as certified by the State Commissioner of Agriculture and Markets. Upon renewal and certification of said Agricultural District, each special use permit shall be subject to review and renewal for a period of time not to exceed the effective dates of the continued Agricultural District.

E. Removal.

(1) Upon an approved farm labor dwelling unit being vacated for a period of two years or more, said dwelling unit shall be required to be completely removed from the subject property.

(2) Should a parcel of land not continue to be a part of an Ontario County Agricultural District, then the special use permit shall automatically expire. The Town shall provide written notice to the property owner of the effective date of the expiration of said special use permit. Then the previously approved farm labor dwelling unit shall be required to be removed within 30 days of said permit expiration.

§ 220-59 Major home occupations.

A. It is the intent of this section to allow a variety of major home occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. It is recognized that while home occupation pursuits are specially permitted under the conditions provided for in this section, it is the primary purpose of this section to preserve and maintain the residential atmosphere, appearance and character of residential districts. It is the stated intent that the special permitted home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this section to establish specific performance standards and controls to limit major home occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this section to exclude family or group family day care as first defined in New York State Social Services Law, § 390(1)(d) and (e), which are exempt from the provisions of this chapter, from having to comply with these regulations.

B. A major home occupation, as defined in Chapter 1, Article II, of the Town Code, shall first require the issuance of a special use permit by the Planning Board. The Planning Board may condition or restrict the special use permit for a major home occupation if, in the Board's judgment, such restriction is required to minimize the impact of the use upon the neighborhood or district. No special use permit shall be issued unless the Planning Board makes a finding that, in addition to compliance with the general requirements in § 220-35 of this article, all of the following criteria have been met:

- (1) The property is in full compliance with the provisions of the Town Code.
- (2) The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises.
- (3) No other major home occupation is conducted upon the premises.
- (4) The special use permit must be issued to the owner of the premises who is an actual resident of the premises.
- (5) No more than two employees, whether full-time or part-time and whether paid or unpaid, who are not residents of the premises shall be permitted.