

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Wednesday August 2nd, 2021, at 9:00 AM

Rev. 8/8/2021

MEETING REPORT

MEETING CALLED BY:	GARY DAVIS		
COMMITTEE MEMBERS:	GARY DAVIS	JOHN CASEY	CHUCK OYLER
	BOB HILLIARD	TOM SCHWARTZ	
SECRETARY:	KIMBERLY BURKARD		
GUESTS:	TERRY FENNELLY	DOUG FINCH	SHAWNA BONSHAK

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9:00 am.

PRIVILEGE OF THE FLOOR

None.

COMMITTEE BUSINESS

Ridgeline/Scenic Viewshed Protection Discussion with presentations from Barb Johnston (LaBella) and Joyce Marthaller on Town Planning Documents

- Mr. Davis confirmed that the discussion would concern the Ridgeline/Viewshed for the Lake only at this time. Follow-on work to address other areas.
- Mr. Casey expressed concern over this activity as he feels it stymies the desired type of development in the Town and continued to say that he did not feel that high density development was desired or needed in the viewshed (example given, Morrell properties) or development like what is behind Town Hall. He stated he felt the Town needed more Medium-High end, single-family homes that are higher-end properties that draw people that are entrepreneurs who come to live, play, and work here. He commented that one can control density via those economics. Mr. Casey then referenced a quote of Mr. Schwartz's in the previous meeting concerning Napa Valley: \$867K median price homes and median age of a homebuyer was 38 years old. He offered that as an example the Town should follow for development and become the "Tahoe of the East." He said he saw this code as limited development. He added that he thought density should be limited by acreage as opposed to "obscure restrictions." He also noted that dense developments should stay in those areas where dense development was desired.
- Mr. Schwartz did not agree with the high-end exclusivity of Mr. Casey's proposal. He felt that a mixture of housing was required else the Town would become like Hilton Head where the people that work in Hilton Head (service roles) cannot afford to live there and are bussed in from neighboring communities. He commented that overregulation was undesirable especially since there are guidelines in place along with "reasonable people on the various

Town boards.” He cited the Visual Impact Questionnaire and other quantifying requirements (ex. color of home) being a potential impediment to reasonable development. He is worried about overregulation and sees smart people being on the planning and zoning boards as the key element that is required. He noted that they can decide how much screening is needed, how tall it should be, and what property is a ridgeline. He cautions avoiding overregulation. He believes all prime ridgelines have already been built on and that the Town has already created “suburbia.” He commented that \$330-\$400,000 homes are now starter homes. He further noted that he thought the SCR and Uptown Areas as being appropriate places for growth and affordable housing for those in service roles.

- Mr. Casey agreed that there should be places in the Town where service workers can live and play and zone appropriately for those developments plus not to locate them in the Lake viewshed area.
- Mr. Scwartz quoted from the Visual Impact Questionnaire: “Will the project compliment or contrast with the visual character decided by the community.” He questioned who “the community” was and noted that there are always going to be people complaining about any project—including those that do not live in Canandaigua. He said that we cannot decide based on NIMBY* opinion as there will always be those for every project. (*Not in my backyard)
- Mr. Hilliard noted that he does not feel the committee has a shared vision of the Town’s future but rather all individual ideas. He cautions moving to a “McMansion” model where residents are priced out of living in the Town especially those that have properties for generations. He posed the question of whether Middle Cheshire was a suburban road or not—he believes both. He continued that density effects traffic and is something that needs to be looked at for the future. He also expressed that there is a desire to purchase open land and likened it to a “mini gold rush” as the Town property is in demand. He urged developing a shared vision and to carefully consider fostering elite properties to better understand its impact.
- Mr. Casey expressed his opinion that it should be mixed and that there should not be high density development located in the viewshed. Mr. Hilliard added that everything has an impact. He noted that the school system is not seeing growth, unlike Farmington that has many starter home opportunities. He said that there is no guarantee of children with higher price homes and that there may be negative growth for schools. Mr. Finch agreed that single-family homes are traditionally for raising families and those are supported by the school district. He continued that the demand is not for those homes. He said that communities designed for the Millennial generation, the largest generation coming with disposable income, and national data shows that they want low maintenance lifestyles and walkable communities. The problem is that the Baby Boomers have more disposal income than the Millennials and want the same lifestyle and have “gobbled” those properties up. He continued that you have two large generations competing for the same product.
- Mr. Finch asked Mr. Casey how this draft law encourages greater density in that area. Mr. Casey answered that it doesn’t limit it. Mr. Finch responded that the Conservation Subdivision does. Mr. Casey expressed that this ordinance does not and is in some regards contradictory in places. Mr. Finch answered that this law does not address that. Mr. Fennelly added that these laws are designed to work in concert with each other and that a development proposal is judged against the compendium of Town laws. Mr. Casey questioned if the desire was to have one reference source for developers for the Lake viewshed, if so, this setup does not do that. Mr. Finch clarified that only the Form Base Code provides the single source for developers in the Uptown Area. For the rest of the Town, he said that one would need to refer to the whole Zoning chapter 220. This draft law would also go into chapter 220.
- Mr. Finch continued that he does not believe that Lakewood sections 9 and 10 could be built today if the Conservation Subdivision ordinance passes. Mr. Casey said that he believes that is an important piece to this conversation. Mr. Finch reminded everyone that the

Conservation Subdivision has not yet been adopted. Mr. Casey continued that he saw the draft law as something limiting development in the Lake viewshed so knowing things that would already limit building there would be crucial. He also said that the conversation has been cut down to just discussing “what do we want to see when we look at that purple area [Land Visible from Canandaigua Lake map] from the Lake.”

- Mr. Hilliard commented that the slogan for the ZBA is “character of the neighborhood” and that this discussion is now addressing the character of the community. He continued that “character” is an abstract discussion. Mr. Schwartz followed up by asking if character is determined by the 10% of people that show up to meetings or the 90% that don’t care or are perfectly happy with the it.
- Mr. Hilliard made additional comments on a moratorium idea floated in a previous meeting and his discussion with Chris Nadler who remarked that applications could be froze even if they were in the pipeline. He questioned what was currently in the pipeline and the speed with which the committee must move. Mr. Finch responded by saying the greatest development pressure is in the Uptown Area and so that is the reason for the Form Base Code work. He continued that is the area that development is desired to be in and most of his recent conversations with developers focus on that area.
- Mr. Schwartz questioned the Cook’s property and plans for development there. Mr. Finch answered that the owner is planning on development in phases including a country club and golf course plus use as an event venue. Houses are also planned for the property.
- Mr. Davis said that part of the purpose for this work is to assist the Planning Board in making decisions. He added that when he moved to the Town in 1977, Canandaigua was one of the largest school systems in Ontario County but Victor is now larger. Victor has expanded much and so has Farmington.
- Mr. Fennelly noted that guidelines have been in place since he was on the Planning Board and Mr. Oyler confirmed that they are still there. Mr. Fennelly feels that they are just “fluff” with no teeth. He feels this draft law has more substance and guidance. He doesn’t see needing the checklists that were based on California documents. He disagreed with creating an exclusive community or segregating parts of the community. Mr. Casey responded that basic economics dictates who can afford the exclusive properties and that you don’t want those areas to have a high density. Mr. Fennelly added you don’t want people building on ridgelines as well. Mr. Casey believes that the draft law needs to be reviewed point by point. He continued that the conversation in the meeting shows that not everyone is on the same page with regards to this issue. Mr. Hilliard added that he believes no one is pro-high density and that they can likely agree on that. He continued that the Planning Board needs a tool to make their job easier. Mr. Casey countered that knowing what can be built in the purple shaded area [Land Visible from Canandaigua Lake map] is important and he doesn’t believe anyone can answer that question.
- Mr. Finch said that the purple areas in the RLD (Residential Lake District) are more stringent and that there is no way to build apartments, townhomes, multifamily structures, or restaurants in the RLD, which is a portion of the purple area. Mr. Finch also notes various zoning districts overlapping with the viewshed areas including RR3, SCR1, R130, AR2, and AR1. He said that one must refer to the base zoning district plus zoning restrictions like the Conservation Subdivision to understand what can be built. Mr. Finch said the Conservation Subdivision was a “get-out-jail-free” for developers (ex. Morrell project) but now it is a lot more difficult with the changes that have been made. He pointed out that there are more boxes to be checked in the Conservation Subdivision analysis and the Natural Resource Protection. Mr. Finch noted Mixed-Use Overlay in some of the viewshed area that are in conflict with other regulations. He said that one almost has to review it parcel by parcel to understand what can be built.
- Mr. Finch referred to the Town’s Zoning map and Ms. Bonshak suggested creating an overlay for visual purposes to see the various zoning areas impacted. Mr. Oyler agreed that in

Planning Board work where ridgelines and viewsheds were impacted that knowing where those applied was very subjective. He continued that what would help the Planning Board most is a more definitive area where the regulation would apply—whether it was guidelines or local laws that applied. He also noted the example of Canandaigua Shores that has an MUO but is also in the scenic viewshed posing challenges. They have provided the developer a copy of the draft law. Mr. Oyler continued that they currently have guidelines and potentially regulations but still needs the area to apply it to. He thinks the viewshed map will be a great help.

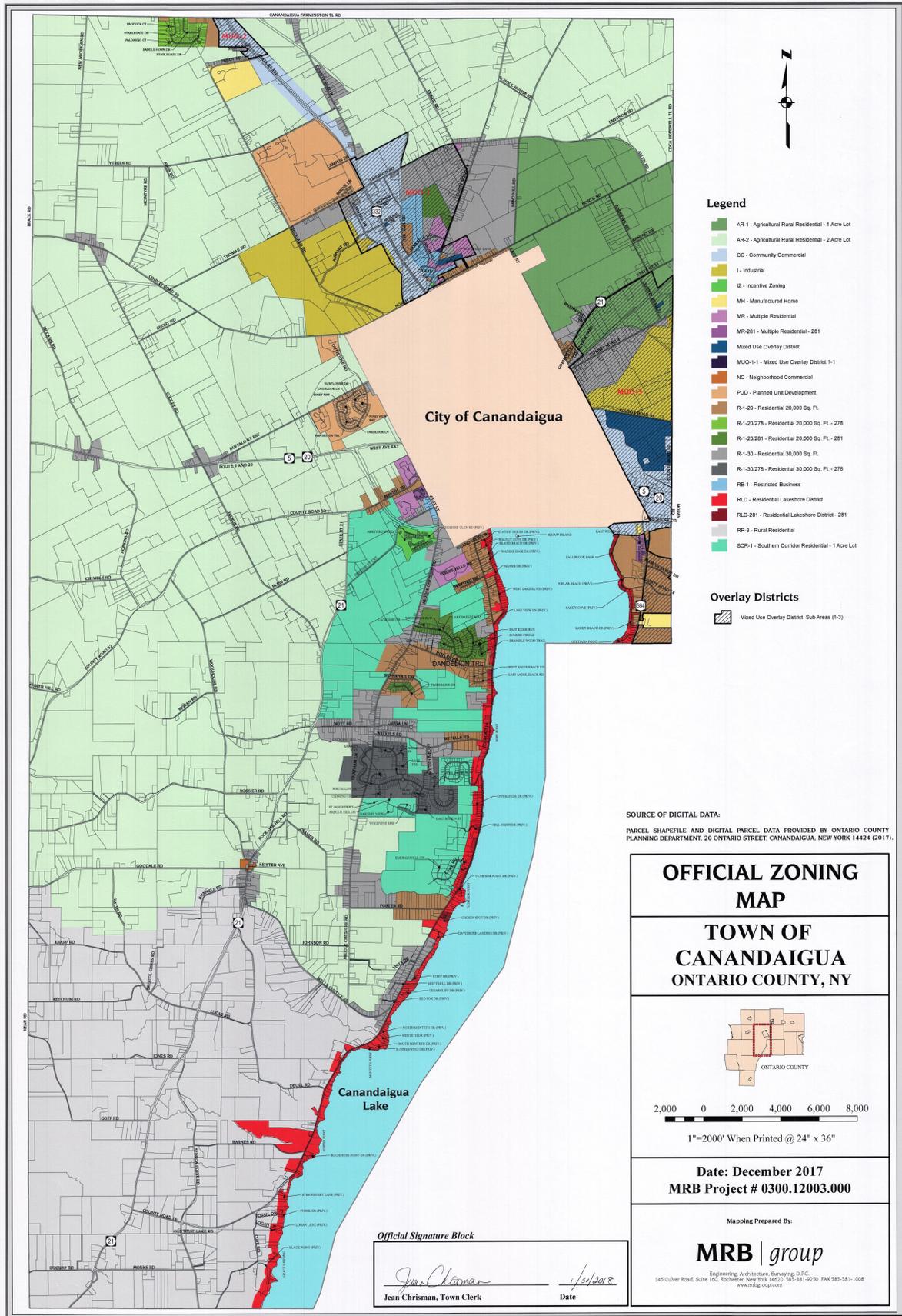
- Mr. Finch outlined the permitted principle uses of SCR1: one single family dwelling per lot; one single family dwelling per lot with accessory apartment; agriculture uses; agriculture structures; keeping/breeding/raising of different agricultural related things. He noted that town homes were built in Lakewood Meadows under the Conservation Subdivision. Mr. Schwartz noted that the town homes and more open space were a compromise from larger driveway circles and single-family homes. He also said there were three layers of plantings and that it is indeed suburbia.
- Mr. Schwartz continued that if Jeremy Fields wants to put in homes, a country club, or golf course, residents will complain about their viewshed impact and he answered Mr. Hilliard comments about character of a neighborhood with the statement that it is suburbia and suburbia needs a country club. Mr. Schwartz also continued that the right-to-farm also means he can buy the Wyffels farm and turn it into a pig farm, for example, as there was similar complaints recently by neighbors of another farm. Mr. Schwartz challenged those who don't like it to buy the property as it is a suburban area and there is just going to be more homes there.
- Mr. Casey asked if he found a 100-acre parcel in SER1, is there anything that stops him from breaking it into half acre or quarter acre lots and building a high-density development. Mr. Finch answered the Conservation Subdivision would. He continued that this is why the changes to it were important because now developers would have to go through the Conservation Subdivision analysis, Natural Resource, and they have to subtract out the constrained lands. Mr. Casey asked if anything in the Conservation Subdivision determined lot size. Mr. Finch answered yes, that it is based on natural resources so for each parcel you have to do a calculation that factors in the base density with a 1-acre lot minimum. Mr. Casey asked for clarification that it is a 1-acre minimum lot size for any place in SCR1. Mr. Oyler noted that the units could be clustered. Mr. Schwartz added that the base density is computed by the total acreage. To which Mr. Finch added that you have to subtract off the constrained lands.
- Mr. Finch noted that the Conservation Subdivision is not yet approved but he believes it will be.
- Mr. Casey asked another question, aside from the RLD, is SER1 the most restrictive lot size. Mr. Finch answered that it varies and gives the example that R130 and R120 are very small.
- Mr. Finch said that the new Conservation Subdivision regulations significantly alter development versus what is in place today.
- Mr. Casey asked if a Planned Unit Development (PUD) is allowed in any of the zoning districts and Mr. Finch answered that there is a 100-acre minimum.
- Mr. Davis asked Mr. Casey and Mr. Schwartz if they would be agreeable to moving this forward so the Planning Board has another tool available to them. Mr. Schwartz wanted to go through the draft paragraph-by-paragraph to review and make suggestions or editorial changes. Mr. Casey agreed with Mr. Schwartz. Mr. Oyler said he had a few items to discuss as well and suggested that each committee member mark up the draft and circulate it. Mr. Schwartz felt it was better to talk over the items.
- Mr. Hilliard thought the Visual Impact Assessment Questionnaire was loaded with controversy. Mr. Schwartz questioned if it was even needed if the Planning and Zoning

Boards had regulations to use. Mr. Hilliard noted challenging elements like “level of local concern.” Mr. Schwartz felt that the questionnaire would cause problems. Mr. Fennelly said to remove it. Mr. Schwartz suggested they discuss if they need that at all. Mr. Casey and Mr. Schwartz were concerned that this regulation would turn away development by being too elitist and that a mix including starter homes and apartments were needed. Mr. Casey said that a successful community needs both high-end and starter homes. Mr. Casey noted from his experience that it is very restrictive to build in the purple area/RLD. He believes that those restrictions need to be reviewed.

- Mr. Casey suggested reviewing the document line-by-line and hoped that when that is complete that the committee will have a document that meets everyone’s needs and it can move forward.
- Mr. Davis expressed his desire to see the Committee’s effort on the draft not stall. The Committee members were agreeable to meeting more to review this draft. The next meeting was set for August 9, 2021 at 9 am in Town Hall Middle Conference Room.
- Mr. Davis also noted that the Agricultural Committee will be reviewing the Agricultural Protection Overlay District. Mr. Davis will bring information to the Committee on that review and that perhaps that can be added to the Committee’s upcoming agenda. Another upcoming agenda item is the Code of Ethics.
- Mr. Schwartz asked for people when reviewing the proposed code to make sure that it is objective, reasonable, fair to all parties, is understandable, and enforceable.

Town of Canandaigua Zoning District Map:

<http://www.townofcanandaigua.org/Documents/files/Town%20of%20Canandaigua%20Official%20Zoning%20District%20Map%202018-01-30.pdf>



SOURCE OF DIGITAL DATA:
 PARCEL SHAPEFILE AND DIGITAL PARCEL DATA PROVIDED BY ONTARIO COUNTY
 PLANNING DEPARTMENT, 20 ONTARIO STREET, CANANDAIGUA, NEW YORK 14424 (2017).

**OFFICIAL ZONING
 MAP**

**TOWN OF
 CANANDAIGUA
 ONTARIO COUNTY, NY**



2,000 0 2,000 4,000 6,000 8,000

1"=2000' When Printed @ 24" x 36"

Date: December 2017
MRB Project # 0300.12003.000

Mapping Prepared By:

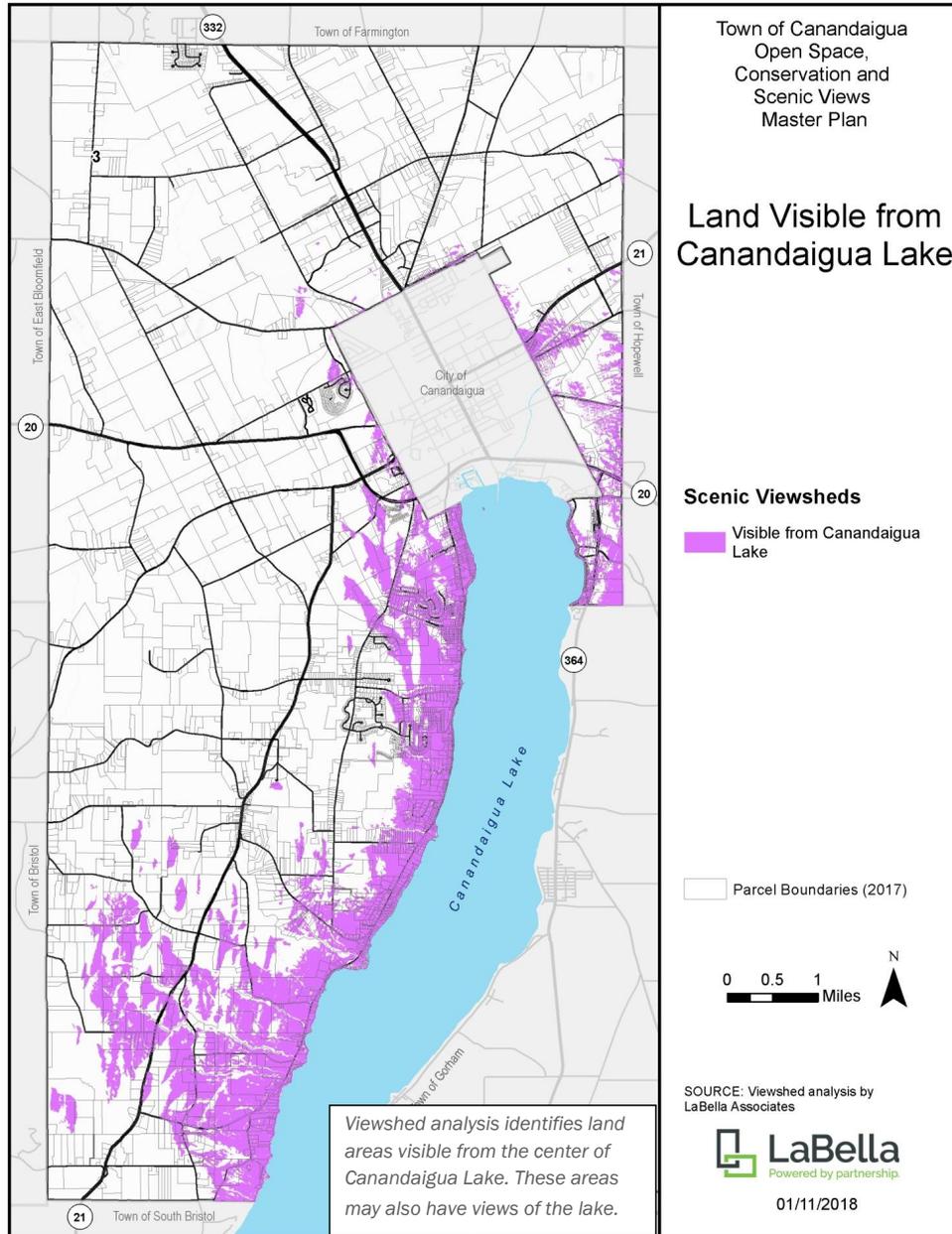
MRB | group

Engineering, Architecture, Surveying, D.P.C.
 145 Culver Road, Suite 100, Rochester, New York 14620 585-581-9290 FAX 585-581-1008
www.mrbgroup.com

Official Signature Block

Jan Chrisman
 Jan Chrisman, Town Clerk Date 1/31/2018

MAP 11: LAND VISIBLE FROM CANANDAIGUA LAKE



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§ 220-8.2 VIEWSHED AND RIDGELINE PROTECTION LAW

A. INTENT AND PURPOSE: The intent of the Viewshed and Ridgeline Protection Law is to promote new development that blends harmoniously with the natural terrain and vegetation in order to preserve and protect the scenic character and the environmental quality of the Canandaigua Lake viewshed.

- (1) Development within the Viewshed and Ridgeline Protection Areas shall be "Visually Subordinate". The intent of this standard is not to require the complete screening of all new development. The principle of visually subordinate recognizes that development might be visible if sought out by the viewer, but that the development is not a defining feature of the visible landscape. Visually subordinate development shall preserve unique visual resources and the natural harmony of the landscape patterns formed by uninterrupted forests, ridgelines and hillsides.
- (2) The purpose of the Viewshed and Ridgeline Protection Law is to:
 - (a) Protect important scenic views and vistas for the general welfare of the residents and businesses of the Town of Canandaigua, for visitors to the Town of Canandaigua, for those traveling on or otherwise enjoying Canandaigua Lake, and for those residents and businesses across Canandaigua Lake whose own scenic views and vistas include those portions of the Town of Canandaigua;
 - (b) Ensure that new development within defined Viewshed and Ridgeline Protection Areas does not negatively impact the scenic qualities of the area;
 - (c) Ensure that tourism and commerce enjoy long-term viability by preserving, protecting, enhancing, and restoring the scenic qualities of the Canandaigua Lake viewshed; and
 - (d) Promote planting and maintenance of trees and shrubs across the viewshed, which stabilizes slopes, protects water quality and improves habitat value.

B. VIEWSHED AND RIDGELINE PROTECTION AREAS

- (1) The Town of Canandaigua Viewshed and Ridgeline Protection Areas, has been determined to be those areas of land visible from Canandaigua Lake as identified on the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan Scenic Viewsheds map in the Town of Canandaigua Open Space Plan created by LaBella dated June 2018.

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- (2) New development on land that has been determined by the Zoning Officer to be partially or wholly within the Viewshed or Ridgeline Protection Areas shall meet the requirements of this Section, 8.2, together with such other requirements imposed by the Town of Canandaigua Town Code. The Town of Canandaigua Planning Board shall make the final determination on whether a new development site is included in a Viewshed Protection and Ridgeline Protection Area based on the Viewshed and Ridgeline Protection Areas Map, the application, site analysis and site visit.
- (3) Applicants shall submit plans that document how the project layout and design minimizes visual impact from Common Public Viewing Areas to the maximum extent practicable for all site development and subdivisions in a Viewshed and Ridgeline Protection Area.

C. VIEWSHED AND RIDGELINE PROTECTION AREA REVIEW PROCESS

- (1) Authority. The Planning Board shall have authority to require that all provisions of this § 220-8.2 shall be complied with, but where it is deemed appropriate by the Planning Board, any of the provisions contained in this § 220-8.2, may be waived by the Planning Board based upon findings as set forth in the Public Record.

The Planning Board shall review the application and the site plan and make its determination thereon in accordance with the site plan review procedures set forth in Article VII of the Zoning Law and, in addition to the requirements established in this Section 220-8.2.

- (2) Site plan review and approval by the Planning Board shall be required within the Viewshed and Ridgeline Protection Areas for the following activities and uses:
 - (a) Construction of any structure greater than 1,000 square feet in footprint area, including residential and residential accessory structures;
 - (b) Filling, excavation, grading or other alteration of the natural landscape in excess of 5,000 square feet, including the construction of private driveways
 - (c) Clear-cutting or tree -topping that impacts more than ¼ acre.
 - (d) Timber harvesting or selective removal of trees designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic

systems or related work, shall be reviewed by the planning board under these regulations.

- (3)** Requirements for site plan review and approval by the Planning Board within Viewshed and Ridgeline Protection Areas shall not apply to the following:
- (a)** Agricultural uses
 - (b)** Repair and maintenance of existing structures
 - (c)** Tree removal, thinning of vegetation, and grading associated with construction of unpaved hiking trails, not exceeding 4 feet in width.
- (4)** Viewshed and Ridgeline Protection Area Application: The Viewshed and Ridgeline Protection Area Review Process shall follow the Town of Canandaigua Site Plan Regulations (Chapter 220 Article VII), in addition to the following criteria:
- (a)** The Preliminary Site Plan and Final Site Plan shall include the following:
 - (i)** Grading Plan: Existing and proposed contours at a maximum of 2' intervals for the area surrounding the proposed development, such area to be of sufficient size to show the relationship of the development to the surrounding terrain.
 - (ii)** Proposed Tree Cutting Plan: Location of all trees within the Viewshed and Ridgeline Protection Area six (6) or more inches DBH that are proposed to be removed as part of this project. Include a description of view creation plans and maintenance protocols.
 - (iii)** Visibility Studies: Viewshed analysis, line-of-sight profiles, site photography and other means to assess the visual impact and relationship of the proposed development to Ridgeline Areas as viewed from locations within any Common Public Viewing Area.
 - (iv)** Architectural Plans and Renderings: Building design drawings clearly depicting all, elevation plans, proposed structures to scale and their location on the site in relation to the physical and natural features of the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design; building materials and exterior colors.

- (v) Landscape/Revegetation Plan: Existing vegetation and proposed landscaping and clearing plans showing the proposed type, size and location of all vegetation to be preserved and/or installed. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes. A species list of existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after construction and/or installation of all site improvements. The plan should have the intention of interrupting building facades, providing additional trees as backdrop to buildings and/or soften the visual impact of new development from common public viewing areas.
- (vi) A narrative statement demonstrating that the improvements were designed to minimize visual impacts to the greatest extent possible.
- (vii) Projects with four or more dwellings or the disturbance of one acre or more shall complete the Town of Canandaigua Visual Impact Assessment Questionnaire

D. GENERAL REQUIREMENTS FOR VIEWSHED AND RIDGELINE PROTECTION AREAS. Any development in a Viewshed and Ridgeline Protection Area shall conform to the following:

(1) Building Site and Envelope

- (a) Development atop ridgelines should be avoided. Where possible, buildings shall be sited downgrade a distance sufficient to ensure that the roofline does not break the visible horizon as seen from any Common Public Viewing Area.

Building sites shall be selected to utilize natural topography and vegetation to minimize visual impacts.

- (b) The vegetative clearing, site grading or placement of buildings and structures shall not detract from the sense of order or harmony of the landscape patterns formed by the natural topography, forests, agricultural fields and open meadows.

If site development will result in a structure becoming visible above a horizon along a Ridgeline, documentation must be provided to demonstrate that alternatives have been duly considered and (a) are not practicable, (b) would result in greater visibility from Common Public Viewing Areas, or (c) would result in more significant impacts to

vegetative cover, more significant alterations to existing topography, and/or more significant impacts to stormwater runoff and water quality.

(2) Grading

- (a)** Disturbance to or alteration of existing contours, slopes, and natural drainage areas shall be kept to a minimum.
- (b)** As practicable, all grading or earth moving operations shall be planned and executed to assure that final grade is contoured to resemble the existing terrain, both on and adjacent to the site.
- (c)** Site grading shall be conducted to minimize removal of existing vegetation and with emphasis on preserving mature trees.

(3) Architectural Design

- (a)** If the roofline will become visible above the horizon along a Ridgeline as viewed from a Common Public View Area the maximum building height shall be 25 feet as measured from the average finished grade. If the site contains mature vegetation that can screen the roof line of the building, the maximum building height can be increased to the maximum allowable building height for the underlying zoning district.
- (b)** The applicant shall strive to use materials and colors that minimize the visual impact, including reflectivity, of any structure.

(4) Vegetative Clearing

- (a)** Vegetative clearing atop ridgelines should be minimized. Tree removal should not alter the natural form of the upslope treeline where such forms the visible Ridgeline.
- (b)** Existing vegetation shall be preserved to screen buildings and reduce the visual impact of development.
- (c)** At no time shall the vegetation clearing restrictions set forth in this ordinance prohibit the removal of invasive species, diseased vegetation or of rotten or damaged trees or other vegetation that presents safety or health hazards.
- (d)** This section is not intended to limit permitted timber harvesting when practiced in accordance with environmentally sound and sustainable silvicultural principals. Timber harvesting should be conducted to maintain the appearance of an unbroken forested canopy as viewed from a Common Public Viewing Area.

- (e)** Site Clearing for Construction – The Building Envelope
- (i)** Land disturbance and/or tree removal for the construction of the proposed principle building shall be limited to a distance of forty (40) feet beyond the proposed building foundation/footprint.
 - (ii)** Land disturbance and/or tree removal for accessory structures shall be limited to 20 feet beyond the foundation/footprint.
 - (iii)** Land disturbance and/or tree removal for driveways shall be limited to the minimum necessary for driveway construction and associated grading.
 - (iv)** Absorption area for onsite wastewater treatment systems should be located on previously cleared land where practicable. When necessary clearing for construction of septic fields shall be limited to the amount and location necessary for safe function and maintenance.
 - (v)** Clearing shall in no case create a total cleared area of $\frac{1}{4}$ acre or more in size on any one lot/site, excluding driveways, on site wastewater treatment, and utility corridors.
 - (vi)** Additional clearing can be permitted if required for fire safety or to safely construct the proposed structure.
- (f)** Additional Site Clearing – View Creation on Treed Lots
- (i)** Where practicable a moderate forest density shall remain in place sufficient to ensure that any new proposed structure shall be substantially screened and visually subordinate as viewed from Common Public Viewing Areas. Clearing and trimming practices must minimize visibility of the façade and roof area of any structure(s) as viewed from a Common Public Viewing Area.
 - (ii)** Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades. Methods to achieve this standard include, but are not limited to:

- (a) Maintaining, planting or allowing to regenerate a well distributed stand of trees next to the proposed building site to interrupt the façade of buildings and to provide a forested backdrop to buildings;
 - (b) Selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.
 - (iii) Additional vegetative clearing and maintenance shall be no closer than the setback for accessory structures within the underlying zoning district with the exception of driveways and utility lines.
 - (iv) Areas of additional vegetative clearing and maintenance shall be clearly identified on the Site Plan.
 - (g) Sites Lacking Existing Vegetation Trees or Vegetative Buffer
 - (i) For development on any site lacking trees, a landscape planting shall be proposed with the intention of interrupting building facades, providing additional trees as backdrop to buildings and/or soften the visual impact of new development from Common Public Viewing Areas.
 - (ii) Landscape planting shall include a well distributed mix of indigenous vegetation planted in natural appearing clusters and within good soil, that, can reasonably be expected to render all new buildings visually subordinate as viewed from Common Public Viewing Areas within a reasonable amount of time.
 - (5) Site Lighting. All lighting shall comply with Town Code and shall be visually subordinate.
 - (6) Utilities. All utilities shall be located underground whenever possible. Utility housings shall be safely screened by native plant species and located so as to minimize their visual impact to the greatest extent possible. For areas with rocky terrain or for cost prohibitive reasons, placing of utilities near the road edge and offsetting the alignment can assist to screen a cleared utility corridor.
- E. BURDEN OF PROOF.** The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in Section 220-8.2.

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F. REMOVAL OF TREES PRIOR TO SITE PLAN APPROVAL

- (1) Where an applicant removes trees in order to enhance views prior to site plan review and/or fails to submit a predevelopment site preparation plan to the planning board for review, the planning board may limit development to the non-impacted portion of the property, require the site to be restored or revegetated to the satisfaction of the Planning Board prior to development, and/or withhold building permits for construction of any structure property for a minimum of 5 years after the clear-cutting violation is discovered to have occurred in the area of the site plan application.
- (2) If a clear-cutting violation is discovered after a building permit is issued, the building permit will be suspended and/or the Certificate of Occupancy will be denied or revoked.

G. SEVERABILITY. If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

H. DEFINITIONS. The following definitions shall be added to the Town of Canandaigua Town Code Section 1-17.

- (a) Common Public Viewing Area – shall include any portion ~~land visible from~~ Canandaigua Lake ~~or as identified being a portion or all of a parcel on the Land Visible from Canandaigua Lake Scenic Viewsheds Map, created by LaBella June 2018 and found in the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan.~~
- (b) Viewshed and Ridgeline Protection Area-any parcel that appears entirely or partially as a Viewshed or Ridgeline Protection Area as depicted on the ~~Land Visible from Canandaigua Lake Scenic Viewsheds Map, created by LaBella June 2018 and found in the Town of Canandaigua Open Space, Conservation and Scenic Views Master Plan.~~
- (c) Visually Subordinate – The principle of visually subordinate recognizes that development might be visible if sought out by the viewer, but that the development is not a defining or highly memorable feature of the visible landscape. Visually subordinate development shall preserve unique visual resources and the natural harmony of the landscape patterns formed by uninterrupted forests, ridgelines and hillsides.

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Upcoming Meetings:

August 9, 2021 @ 9:00 am

- Discussion of the Viewshed and Ridgeline Protection Draft Law

Adjournment @ 10:02am