

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Wednesday May 19th, 2021, at 9:00 AM

Rev. 5/20/2021

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	CHRIS JENSEN	SAMANTHA ALDRICH
	SARAH REYNOLDS	KIMBERLY BAPTISTE	ADELINE RUDOLPH
	JARED SIMPSON	GREG WESTBROOK	

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9am.

COMMITTEE BUSINESS

Discussion/Vote on Form Based Code for Uptown Area

- Ms. Baptiste provided a brief overview of the Form Based Code.
- The Committee shared comments and questions with Ms. Baptiste and Ms. Aldrich from Bergmann.
- Mr. Casey questioned Bullet 3/Section F/Page 6 on how often the fees for Parks & Rec are assessed. Ms. Aldrich noted that section is from existing Town code and Mr. Schwartz detailed that section.
- Mr. Casey questioned Bullet J as to how it was determined. Ms. Baptiste noted that is from existing code and that it is the burden of the applicant to provide evidence, such as an estimate, of cost or maintenance and submit that to the Town.
- Mr. Casey questioned Bullet 5 and how the 1-year time period is determined. Ms. Baptiste noted that it would be determined from the time the organization stops its business.
- Mr. Casey questioned the amount of process put into the Form Based Document and how would it be handled if that document was in conflict with existing Town code. Ms. Baptiste said that the document was designed to supersede other written code for the small identified Uptown area and that it was prepared to be a stand-alone document that can be used as the one reference source for developers and property owners.
- Mr. Casey noted that a “structure” was not defined in the document. Ms. Baptiste said that it could be added. Mr. Schwartz noted that existing Town code is very detailed in its definition of structures but essentially defines a structure as anything not grass/vegetation.

- Mr. Casey questioned the signs that require a permit on Page 56 and Ms. Baptiste said that the Form Based Code would supersede other code on this matter.
- Mr. Casey questioned the prohibition of commercial outdoor storage of boats and boat accessories on Page 69. Ms. Baptiste said that would be prohibited for new businesses and not existing ones as they are “grand-fathered.” Mr. Jensen noted that boat sales are handled under vehicle sales code as there are two different sections of code that apply to boats—commercial storage and vehicle sales. Mr. Casey questions whether boat sales, which have boats outside of a showroom would be prohibited. Ms. Baptiste said that storage of boats outside is not inline with the vision for this area. Mr. Jensen noted that sales of vehicles are not prohibited by code.
- Ms. Reynolds noted that much of what is being discussed is clarifying definitions.
- Mr. Davis called for a vote to move the Form Based Code forward with the modifications identified. Motion carried by voice vote. Ms. Baptiste will make the identified edits.

Discussion/Vote on Billboard Signage

- Mr. Davis called for questions and discussion on the Lamar presentation and pending billboard signage changes.
- Mr. Hilliard said he no longer had any reservations and was ready to move forward on this one.
- Mr. Oyler said that while pending litigation is a determining factor in this issue, the ordinance needs to move forward.
- Mr. Schwartz asked for Mr. Davis to forward his comments onto Mr. Nadler.
- Mr. Davis called for a motion to move this forward with the stipulation that it cannot be acted upon until the litigation is settled. Motion by Mr. Oyler and seconded by Mr. Hilliard. Motion carried by voice vote.

Discussion on Viewshed and Ridgeline Protection Law

- Mr. Davis introduced the proposed Viewshed and Ridgeline Protection Law, which is to “protect the scenic character and environmental quality of the Canandaigua Lake viewshed.” Additional information can be found here:
<http://www.townofcanandaigua.org/page.asp?id=243>
- Mr. Oyler asked if this was an effort to change the Viewshed guidelines into regulations and Mr. Fennelly answered that it was.
- Mr. Fennelly noted that Saratoga Associates was contracted to give guidance and draft documentation. He further noted that the current document is from 2018 and he would like to see it moved along.
- There was discussion about these two maps, which were created by Mr. Jensen using GIS software:

2017-10-03 Canandaigua Ridgeline Viewshed Map (02)

<http://www.townofcanandaigua.org/documents/files/2017-10-05%20Canandaigua%20Ridgeline%20Viewshed%20Map%2002.pdf>

2017-10-03 Canandaigua Ridgeline Viewshed Map (02 Topo)

<http://www.townofcanandaigua.org/documents/files/2017-10-05%20Canandaigua%20Ridgeline%20Viewshed%20Map%2002%20-%20TOPO.pdf>

- Mr. Jensen noted that the Adopted NRI document may also contain some applicable maps:

NRI Document <http://www.townofcanandaigua.org/documents/files/Natural-Resources-Inventory-Final-Adopted-11-2020-web-version.pdf>

- Regarding 2017-10-03 Canandaigua Ridgeline Viewshed Map (02), it was noted that the yellow cross-hatched area was viewable from the lake and that the red lines were ridgelines potentially visible from the lake. Mr. Casey noted that this map illustrates the challenges in defining an area impacted by this ordinance and questions how you do define it.
- Mr. Hilliard noted that mature vegetation can obscure rooflines but vegetation doesn't last forever and that mature trees can die which could make structures potentially viewable. He further asked if this viewshed protection is on an "honor system" or is it enforced. Mr. Fennelly answered that this is an attempt to give "teeth" to the guidelines and that if things like vegetation change in the future, the results would have to be accepted. Mr. Hilliard noted that construction can damage the roots of mature trees so there needs to be awareness there.
- Ms. Rudolph asked if certain land use is prohibited in the viewshed areas. Mr. Jensen answered that there is no industrial allowed in those areas. Ms. Rudolph noted that solar farms can disrupt the viewshed.
- Mr. Casey, referring to the two viewshed maps, said that definition of the impacted areas needs to be better quantified than a line on a map for ordinance purposes. Mr. Jensen commented that there are ridgelines obscured by trees or other ridgelines. He continued that the applicant must prove that their construction doesn't impact the view. He cited an example of Morrell using a balloon floated to the height of the construction and seeing if it is visible in the lake or other locations. He said visibility is difficult to verify without such field investigations.
- Mr. Fennelly asked if this was only concerned with lake views. Mr. Jensen noted that other public views are included, example such as from state roads, would also apply with regards to viewability.
- Mr. Hilliard noted that trees on ridgelines are also important in an environmental sense.
- Mr. Davis said that more discussion on this matter will be held in the June 7th meeting and asked people to prepare for that.

Other Committee Business

- Mr. Davis noted that the Parks & Rec Code changes were passed by the Town Board.
- He also said that the next meeting's discussions will include Viewshed/Ridgeline Proposal and Conservation Subdivisions.

Upcoming Meetings:

- **June 7, 2021 @ 9:00 am**
 - **Discussion on Viewshed/Ridgeline Proposal**
 - **Conservation Subdivisions**

Adjournment @ 10:06 am