

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Monday September 27, 2021, at 9:00 AM

Rev. 10/8/2021

MEETING REPORT

MEETING CALLED BY: GARY DAVIS

COMMITTEE MEMBERS: GARY DAVIS CHUCK OYLER BOB HILLIARD
TOM SCHWARTZ JOHN CASEY

SECRETARY: KIMBERLY BURKARD

GUESTS: TERRY FENNELLY

TOWN STAFF: DOUG FINCH

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9:04 am.

PRIVILEGE OF THE FLOOR

COMMITTEE BUSINESS

- Mr. Davis clarified that the meeting schedule had moved from twice a month to once a month in order to accommodate vacations and other absences of members.
- Because of varying viewpoints and opinions expressed by Committee members about the proposed Ridgeline/Viewshed law and the direction the committee is taking on this, Mr. Finch straw polled the committee members. While there was no support for the proposed law as it was written, three members had support for some type of viewshed protection law (in the purple mapped area) and one supported some type of ridgeline protection.
- Mr. Casey commented that he that the first three of the five items identified as 2022 goals in the recent Strategic Planning Session are directly related to this issue. The five goals are:
 - Encourage continued agricultural use of viable farmland and discourage development of those parcels by directing developers to more appropriate locations within the Town such as the three identified growth nodes.
 - Permanently protect lands with natural resource significance and support recreation on protected lands.
 - Promote housing and development growth within identified growth nodes and discourage development in environmentally sensitive areas. Revise ordinances as needed to achieve this goal.
 - Support the development of affordable housing options and affordable transportation options for the local workforce.
 - Invest in construction of roads, sidewalks, and bike lanes.

- Mr. Finch said that the three growth nodes as identified in the Comp Plan are the three MOU's. Mr. Schwartz noted that zoning identified the Southern Corridor as a place where people will build homes on one-acre lots and that there would not be clustered developments unless they are Conservation Subdivisions. The discussion included that the Planning Board has zoning regulations like the SCR1 and the Conservation Subdivision to use as guidelines in reviewing applications. Mr. Hilliard commented that clustered developments can help to conserve land.
- Mr. Casey noted that there should be a certain lot size in the purple area to control density and added that due to zoning, most lot sizes are at least one-acre minimums in the purple area or they are in the RLD.
- Mr. Finch said that types of homes (ex. townhouses) cannot be dictated but a Viewshed Protection Overlay could be created for the purple area that would require a one-acre minimum lot size and that would prevent people building townhomes as no one would build them on a one-acre parcel. Mr. Casey added that the overlay could be updated, as needed, to enforce building away from ridgelines.
- Mr. Hilliard questioned the lack of town homes and other such residences favored by families with children. Mr. Finch noted that 60% of the under 17 population in Canandaigua lives north of 5&20. This is part of the reason behind the Form Base Code and Uptown creation. The infrastructure and public transportation are there already and the density can be done there.
- Mr. Finch suggested the creation of a Viewshed Protection Overlay based on lot size. Mr. Oyler suggested seeing it applied like the Shoreline and Steep Slope Guidelines and that having a defined area is what is critical for the Planning Board. They could put the burden of proof on the applicant to prove that the development would not impact the Viewshed.
- Mr. Finch further developed this idea by suggesting the completion of the NRI by applicants so the Planning Board would have the details to consider other elements of the application. Mr. Oyler did not want it to be a checklist. Mr. Finch noted that a one-acre minimum lot size would preclude Conservation Subdivision in the overlay district.
- Mr. Finch suggested that the Viewshed Protection Overlay include one-acre minimum, the completion of the NRI analysis for proposed subdivisions, and that all purple areas are considered constrained land. This would allow the Planning Board the authority and flexibility to still work with developers on a case-by-case basis. Mr. Finch will draft the overlay and bring it back to the Committee.
- A portion of the purple viewshed area is north of RTE 5&20 but because it is an overlay, the base zoning and MOU still exists. This would allow the Planning Board latitude to negotiate with the developer based on the underlying zoning. Mr. Finch noted that there may be legal challenges to such a delineation. Mr. Casey noted that higher density development is promoted north of 5&20 but not south of it. It was noted that the overlay will include the purple areas on the east side of the Lake, where a growth node (MOU3) has been defined.
- The Committee was favorable to the idea of the Viewshed Overlay District and Mr. Finch will work with Ms. Bonshak and hoped to have it ready for the 10/4 Ordinance meeting.

Other Business

- Meetings in October will be held on 10/4 (Conservation Subdivision Amendments) and 10/20 (Ag Overlay). The balance of 2021 meetings will be 11/1 (Ag Overlay), 11/17 (Cemetery Committee), and 12/6 (Cemetery Committee).
- Mr. Finch said that there is work happening on creating program guidelines for residents interested in conserving property and that it will eventually be brought before one of the

committees. He also noted that there is nothing in Town code for the Town's cemeteries and that the Town is responsible for any abandoned cemeteries.

- Mr. Finch commented that Ms. Bonshak is now the representative for the Town to the County Planning Board.

Upcoming Meetings:

October 4, 2021 @ 9:00 am

Adjournment @ 10:22 am