

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Wednesday, November 17, 2021, at 9:00 AM

Rev. 12/5/2021

MEETING REPORT

MEETING CALLED BY: GARY DAVIS

COMMITTEE MEMBERS: GARY DAVIS CHUCK OYLER TOM SCHWARTZ
JOHN CASEY

SECRETARY: KIMBERLY BURKARD

GUESTS: TERRY FENNELLY KATE SILVERSTRIM

TOWN STAFF: DOUG FINCH SHAWNA BONSHAK

PRIVILEGE OF THE FLOOR

Mr. Davis opened the meeting at 9:10 am.

PRIVILEGE OF THE FLOOR

COMMITTEE BUSINESS

Updates & Comments

- Mr. Davis said that the Ag Committee would be November 18, 2021 and they would discuss meeting with the Ordinance Committee in December or January.
- Mr. Davis will schedule Saralinda Hooker (History Team) to join an upcoming Ordinance Committee meeting regarding cemeteries.
- Mr. Oyler suggested “tightening up” sidewalk regulations regarding maintenance. He noted Sarah Reynolds had created a draft that may give a starting point for this discussion.

Double-Frontage Clause in Zoning Code

- The section of code in question is:

From Section 174-19 (H): “Double-frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets or where otherwise required by unusual topographic conditions. Where double-frontage lots are permitted, the Planning Board shall, as a condition of final plat approval, determine the front yard and rear yard portions of all such lots.”

- Mr. Oyler suggested adding “residential” to the code in question. Mr. Finch updated the code to read:

H. Double-frontage lots are prohibited, except **for residential parcels** or where employed to prevent vehicular access to major traffic streets or where otherwise required by unusual topographic conditions. Where double-frontage lots are permitted, the Planning Board shall, as a condition of final plat approval, determine the front yard and rear yard portions of all such lots.

- Mr. Schwartz moved to approve the change and Mr. Oyler seconded it. Voice vote carries. A public hearing will be set in January for this change.

Cemetery Committee Document Review

- Introduction of Kate Silverstrim, who has been working with Mr. HerrGessel on the proposed Cemetery Committee.
- Ms. Bonshak said that the sticking point from the previous meeting had been whether or not a separate committee was required for managing the Town's cemeteries.
- Ms. Silverstrim noted that the draft cemetery ordinance is a model law from the State that Mr. Finch drafted. She also noted that the Town is in compliance with the State's requirements in the maintenance of cemetery properties even though there is not a specific, formal procedure for it. She continued that it has been the Parks Dept. and the Historian managing this but there is the desire to transition much of this activity to a group of volunteers. Ms. Silverstrim said that the State does not require but allows the option of having a committee to manage cemetery maintenance.
- Ms. Silverstrim also commented that Peter Ellison has been doing headstone maintenance and he has suggested that an inventory of the cemeteries including headstones plus the quality of them be done. Mr. Henry has done some of this work. This inventory would help direct preservation work and the budget.
- Mr. Fennelly suggested that the cemetery committee be a sub-team of the History Team as that is where the interest and expertise lies. He also noted that any budget given to headstone preservation would be set by the Town Board. Ms. Bonshak said that the 2022 budget is \$22,000.
- Ms. Silverstrim added that the History Team has quite a few projects already assigned, is primarily interested in cultural resources, and have expressed that they want to see a separate, dedicated committee for cemeteries. Mr. Fennelly said that this is a cultural topic and that the cemetery committee would have a low meeting rate and most likely only be active during budget activities in suggesting the money required for the upcoming year.
- Ms. Silverstrim said that the cemetery mowing is contracted out. Mr. Oyler said that this would most likely be something not handled by the Cemetery Committee.
- Mr. Finch shared that the History Team is a Citizens Implementation Committee Project Team and it was created to meet a specific goal and it answers to the CIC. He suggested that Ms. Hooker meet with the Ordinance Committee and that if the History Team is to assume more responsibility, it may need to become a committee. He noted that the Town Historian has been the primary manager of cemeteries thus far.
- History Team webpage: <http://www.townofcanandaigua.org/page.asp?id=195> This page includes their projects and purpose.
- Discussion turned to code specifics.
 - 45-11 Rules & Regulations, D-1-a, b, and c: included sketch to clarify exactly what these sections mean. (This refers to the base the headstone sits on.)
 - 45-11 Rules & Regulations, D-2: Why is there a height restriction on headstones?

- Article II Cost of Lots and Internment: This is not an issue for the Town at this time and this section could be removed. This can be revisited if the management of another cemetery is assumed by the Town.
- Mr. Finch suggested the removal of new construction content (mixed throughout the different articles) to simplify the ordinance.
- Article IV Rules and Regulations, C-2 & 3: both mention glass containers. Duplication.
- Town staff will revise the code to remove new construction elements and bring it back to the Committee for review.
- Article IV Rules and Regulations D-5: Why English language only on headstones?
- Article IV Rules and Regulations E: Replace “shall” with “may.” This may be a statue requiring a vault. But as the new construction sections are being struck, this item will be removed.
- Article IV Rules and Regulations F: Is this done by the Town? F-1: what does “regular” mean? Struck as part of new construction removal.
- Article IV Rules and Regulations G: Why no prepayment? Because there is no end date for that. Why does that matter regardless if the plot is used or not? This will be struck as part of the new construction changes.
- Article IV Rules and Regulations M-2: Placing rocks is a Jewish tradition. Strike “and/or rocks.”
- Article IV Rules and Regulations I: change “lot” to “plot.”
- Article 45-14 Penalties for offenses: \$25 fine is no realistic penalty. Change to refer to Town Code Chapter 220-114 so the judge can appropriately fine.
- Invite Ms. Hooker to next meeting.

Upcoming Meetings:

December 6, 2021 @ 9:00 am

Adjournment @ 10:00 am