

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ORDINANCE COMMITTEE

Monday, April 4, 2022, at 9:00 AM

Rev. 4/30/2022

## MEETING REPORT

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**MEETING CALLED BY:** GARY DAVIS

**COMMITTEE MEMBERS:** GARY DAVIS                      CHUCK OYLER                      TOM SCHWARTZ  
JOHN CASEY

**SECRETARY:** KIMBERLY BURKARD

**GUESTS:** TERRY FENNELLY                      DOUG FINCH                      KATE SILVERSTRIM (R)  
KAREN DEMAY

**TOWN STAFF:** SHAWNA BONSHAK

**R = REMOTE**

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### PRIVILEGE OF THE FLOOR

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

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### COMMITTEE BUSINESS

#### Review of the Revised Cemetery Local Law

- Mr. Davis opened the meeting and the review of the revised Chapter 45 Cemeteries and Monuments code.
- Ms. Bonshak, Ms. Silverstrim, and Mr. HerrGessell worked on/had input on the new revision. Ms. Bonshak noted that the document has been pared down and that a Cemetery Committee would set their own goals.
- Mr. Casey shared comments on the new document.
  - 45-3-C: questioned why the Zoning & Planning Boards would be involved with this committee. Ms. Silverstrim answered that these are the boards that may see requests related to cemeteries.
  - 45-4: questioned having committee members (up to two) from outside of the town. Ms. Bonshak said that there may be many people in and outside of the town with relatives in these cemeteries and thus an interest. Mr. Casey did not question advisors to the committee being non-residents. Ms. Silverstrim noted non-residents with key and valuable training/knowledge related to cemeteries—Cody Grabhorn (OCHS) and Doug Stone. She also noted that the majority of the committee is made up of town residents and that they wrote into the code that education, experience, and grant agency experience of committee members was key. Mr. Finch added that the Town Board has 100% oversight and final approval of any committee

expenditures. Mr. Finch also offered that the LDC members have to have some affiliation with the town—business owner, land owner, resident, etc. and perhaps the draft could be changed to include committee members having some affiliation. Doug Stone is the Executive Director of the Wood Lawn Cemetery. Mr. Casey agreed that adding town affiliation for non-residents would address his concerns. Ms. DeMay suggested shorting terms of non-resident committee members.

- Mr. Casey questioned why the current/former Town Historians could not be a member of the committee. Ms. Silverstrim said it was at the request of Mr. HerrGessell. Mr. Casey suggested that it be changed to say that the Town Historian “may” serve on the committee.
- Mr. Schwartz shared comments on the new document:
  - Asked which cemeteries other than Pinebank are taking in internments. Only Academy.
  - Mr. Schwartz noted the fee schedule of \$500 for burials and asked who does the burial (digging of hole). Mr. Finch said the Highway Dept. digs the hole. Mr. Schwartz said the fee covers equipment and employee costs and does not contribute to perpetual care. Perpetual mowing is a burden on tax payers and he would rather see people go to a for-profit cemetery. Mr. Fennelly added that mowing is already going to happen there. Mr. Schwartz said some old cemeteries charge a significant fee that helps to cover such costs. Mr. Finch said there are no plots for sale at Academy.
  - Item 45-8-M: Asked if these were already covered by laws about what can be done on town owned property. Mr. Finch said there is nothing referring to cemeteries.
- Mr. Oyler shared comments on the new draft:
  - Asked about “rules & regulation” vs “preservation.” He noted that it would be up to the committee to come up with preservation procedures.
  - He added that headstone specifications were removed from the document. Ms. Silverstrim said that was removed along with much preservation information from the first draft.
  - Ms. Bonshak said that if the Cemetery Committee wants to make changes regarding preservation, the Ordinance Committee will review those changes.
  - Mr. Oyler is content with the draft as written knowing that the Cemetery Committee will come up with preservation guidelines and procedures. Mr. Casey added that the Cemetery Committee would also come up with a budget and bring it to the Town Board for approval. Mr. Oyler said the Cemetery Committee would also be responsible for developing guidelines for headstones for new internments. Mr. Finch noted that family members (at their expense) will occasionally replace headstones.
- Motion to approve with minor changes noted made by Mr. Casey, seconded by Mr. Oyler. Voice vote carries.
- Discussion about inactive committee members being removed. There is NYS law that dictates the process.

### **Additional Discussion**

- Discussion about future topics. Mr. Davis will work with Ms. Bonshak to review the list and determine what is next.
  - ZBA wants to discuss pervious pavers/surfaces.
  - Ms. Bonshak and Mr. Jensen are working on private drive, private right of way, etc. Mr. Finch said he was concerned about this one as there was a precedent (in part) because of a variance determination by the ZBA. He said there is 2 or 3 cases where someone has been able to subdivide off of a private driveway. Mr. Finch gave an example of being able to subdivide into multiple lots from a long private driveway.

He also added that precedent carries in a court of law until the town changes its code. Ms. Bonshak shared examples of private drives, subdividing off of a private driveway, etc. needing clarification. There is a standard for private roads. Discussion about shared driveways. There are a lot of private roads and common drives in the town.

- Ms. Bonshak noted accessory dwellings is coming.
- Mr. Casey shared information on permeable pavers.
  - Mr. Casey shared they had a permeable vs impermeable issue at the last ZBA meeting. The ZBA thinks there should be some incentive for residents using permeable surfaces. He noted that permeable surfaces is a common ZBA discussion item. He noted it is also a common issue before the ECB and the ECB regularly recommends the use of permeable pavers.
  - Mr. Oyler mentioned “grass grids” as another permeable surface type which is not considered a structure and is not counted as lot coverage. Mr. Finch noted that per town code a “structure” is anything affixed to the ground.
  - Mr. Schwartz commented that the permeable issue often comes up with large homes being proposed for small lots. He also added that the ZBA is confronted with this lot/building coverage issue often. Mr. Casey countered that often it is only by small percentage and they would like to be able to suggest permeable surfaces to avoid the ZBA review and to better ecologically serve the area. Mr. Schwartz supports the permeable surfaces but worries about encouraging more large houses on small lots. Mr. Casey noted that if the homeowner is committed to other ecological concerns, it often gets approved.
  - Mr. Oyler noted that there are technical considerations for each surface and questions a having a standard or leaving it up to the engineer—each subsoil requires a different standard. He also noted requiring detail on the plans and a requirement for maintenance of the surface to maintain proper function. Mr. Casey added the manufactures specify the subbase requirements. Ms. Bonshak added that the percentage cannot be one-for-one and a soil/geotechnical report should be required.
  - Mr. Scwartz noted that rain gardens have been used as a trade off in the past and wonders how many are in place five years later. Discussion about car dealer sealing porous pavement two years after installation.
- Mr. Oyler noted sidewalks as an issue.

**Upcoming Meetings:**

**May 2, 2022 @ 9:00 am**

**Adjournment @ 9:53 am**