

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ORDINANCE COMMITTEE

Monday, June 27, 2022, at 9:00 AM

Rev. 7/13/2022

## MEETING REPORT

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**MEETING CALLED BY:** JOHN CASEY

**COMMITTEE MEMBERS:** CHUCK OYLER                      TOM SCHWARTZ                      JOHN CASEY  
ADELINE RUDOLPH                      TERRY FENNELLY

**SECRETARY:** KIMBERLY BURKARD

**GUESTS:** JARED SIMPSON                      KAREN DEMAY                      GREG WESTBROOK  
PETER BRUU

**TOWN STAFF:** SHAWNA BONSHAK                      DOUG FINCH

**R = REMOTE**

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### PRIVILEGE OF THE FLOOR

Mr. Casey opened the meeting at 9 am.

### APPROVAL OF MINUTES: JUNE 6, 2022

Motion to approve minutes from June 6 made by Mr. Schwartz and seconded by Mr. Oyler. Voice vote carried.

### PRIVILEGE OF THE FLOOR

Guests Greg Westbrook and Peter Bruu (German Brothers Marina) spoke during the Privilege of the Floor.

- Mr. Bruu new owner of German Brothers Marina (1.5 years).
- Parking on Co Rd 16 is a challenge and no destinations on the lake.
- Purchasing property on North Rd/Co Rd 30 and moving boat service business to there. Will free up congestion at the lake.
- Will have space free up. Restaurant a possibility. Parking for restaurant would be a need.
- Are more docks a possibility? Docks could be used restaurant goes and “wet slip” boat storage—boats stored on hill currently moved to wet slips. Space on hill could be a car parking location.
- Boats could also be stored at Co Rd 30 location allowing space for “Appointment boating.”
- Rentals have limited space—good for out of towners.
- Dock space limited by zoning.
- Zoning: RLD
- Marina: Nonconforming use
- Mooring & Docking law: At max moorings (NYS law)

- Tier Classification is up to Town Board discretion (based on zoning) and it dictates the number of moorings and slips.
- Discussion of traffic dangers on Co Rd 16.
- Explanation of Incentive Zoning—Town Board discretion to allow “leniency” with regards to existing zoning in exchange for a benefit to the community.
- Discussion of “lake access.”
- Just under 600’ lake frontage.
- The Villas/Incentive Zoning discussion. Incentive Zoning only allowed in certain zones per code. Not in RLD now.
- Suggestion to engage with lakeshore neighbors and get feedback.
- Incentive zoning currently not allowed in AR1, AR2, SER1, RR3.
- Suggestion to tie to safety improvements.
- Watershed Council drew conclusion that lake was already too congested. North end too congested.
- Engage with the Watershed Council. Lake health discussion.
- County study of Co Rd 16—any recommendation for German Bros. There were suggestions. Town Board could restrict parking on Co Rd 16.
- Incentive Zoning grants much power to change/waive items.

### **ZOOM ETIQUETTE REMINDER**

Ms. Bonshak informed the committee that the new rules require any members attending via Zoom to have their name set on their Zoom session and their camera on. Members in person should use a name plaque/card.

### **COMMITTEE BUSINESS**

#### ➤ **Agricultural Protection Overlay District**

- Mr. Finch shared the background for the overlay. The Ag Committee wanted to respect landowner rights. The overlay includes most of the prime soils of the town. Overlay area requires the Town Board to approve running sewer and water lines in the area before the Planning Board can make an approval. This makes an additional review requirement.
- Town Board would have to approve before the developer can run water and sewer. Right now, Planning Board can do this.
- **§220-33.2.1 Intent:**
- **§220-33.2.2 Agricultural Protection Overlay District:**
  - Focused on a particular area that have most of the prime soils without much protection.
  - Does not take away rights—asks for a final review.
  - A variance could be applied for.
  - A sewer district would need to be created if adding sewer. (Area not in sewer district or sewer district envisionment area.) County has authority on that. So this ordinance would give more oversight to town.
- **§220-33.2.3 Purpose; effect on inconsistent provisions:**
- **§220-33.2.4 Right to engage in agricultural practices**
  - Important for PDRs.
- **§220-33.2.5 New infrastructure improvements:**
  - Solar suggested to be its own ordinance.
- Subdivision with septic and wells are not an issue.
- Farming drawbacks discussion.

- Mr. Fennelly moved to approve and Mr. Schwartz seconded. Voice vote carried—4 ayes, one nay.
- **Incentive Zoning**
- Mr. Finch shared incentive zoning documents with committee and will mail them out again.
- **Future Topics**
  1. Incentive Zoning
  2. Solar ordinance updates
  3. 1203 (Uniform Code and Energy Code)
  4. Permeability; pavers, stone drives, and other mediums
  5. Accessory Dwelling Units, Accessory structures (size flexibility related to lot size)
  6. Building height in RLD
  7. Blue line stream setbacks
  8. Sandy beach zoning considerations
  9. Short-term Rental Restrictions
  10. Sidewalk Maintenance
  11. Form Base Code
  12. Scenic Viewshed Update

Discussion about TDR and incentive zoning.

**Upcoming Meetings: July 18, 2022 @ 9:00 am**

**Adjournment @ 10:25 am**