

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ORDINANCE COMMITTEE

Monday, July 18, 2022, at 9:00 AM

Rev. 8/4/2022

MEETING REPORT

MEETING CALLED BY: JOHN CASEY

COMMITTEE MEMBERS: CHUCK OYLER TOM SCHWARTZ JOHN CASEY
ADELINE RUDOLPH (R) TERRY FENNELLY

SECRETARY: KIMBERLY BURKARD

GUESTS: JARED SIMPSON

TOWN STAFF: SHAWNA BONSHAK DOUG FINCH

R = REMOTE

PRIVILEGE OF THE FLOOR

Mr. Casey opened the meeting at 9:05 am.

APPROVAL OF MINUTES: JUNE 27, 2022

Motion to approve minutes from June 27 made by Mr. Oyler and seconded by Mr. Schwartz.
Voice vote carried.

PRIVILEGE OF THE FLOOR

ZOOM ETIQUETTE REMINDER

COMMITTEE BUSINESS

- **Amendment to the Scenic Viewshed Overlay**
 - Mr. Finch shared the section needing clarification: Section C
 - Example shared in SVO and AR2 so should be a minimum of two acres but developer could make a case for 1 acre. Insert in D-1 addresses that: "The minimum lot size in the SVO District shall not be less than one acre or the minimum lot size of the underlying zoning district, whichever is greater."
 - Motion to approve made by Mr. Fennelly and seconded by Mr. Schwartz. Voice vote carried.
 - Discussion of protecting trees (in SVO and outside of it) and people significantly cutting trees before making an application.
 - Erosion discussed.
 - Six-inch trees are used in existing conditions plans.
 - Logging is a defined definition in Ag & Markets/Agriculture.

- Clear cutting versus selective cutting discussed.
- Mr. Finch and Ms. Bonshak will work on a draft.
- Two and a half inch trees are required for planting and six inches is a substantial tree. Discussion on limits about regulation—perhaps new construction.
- Suggestion of using Oncor to direct replanting of trees already removed.
- Suggestion of staying cutting once application is submitted.
- Disturbance > 10,000 sq ft and new homes go to the Planning Board.
- Discussion about the Notre Dame property.

➤ **Incentive Zoning**

- This would modify incentive zoning so it could be used in all districts in the town.
- Discussion of incentive zoning examples, RLD, Form Base Code.
- The underlying zoning has a specific intent.
- Incentive Zoning is a wild card.
- Farmington has used incentive zoning a lot—housing and solar projects.
- This could open up proposals to the Town Board.
- It is contract zoning.
- Mixed Use Overlay provided some flexibility. Then Form Base Code. Now Incentive Zoning.
- Incentive Zoning used for the Villas.
- Planned Unit Developments used. Minimum of 60 acres. Incentive zoning does not have that.
- Planning Board discussing lower cost housing. Incentive Zoning is a possible solution.
- Current Incentive zoning law predates modern code tracking (no date).
- Section O, Cash payment in lieu of amenity—redline updates. The section read.
- Funds received could be distributed to various funds and projects.
- The funds cannot be used to supplement operating budget.
- Comptroller regulates fund usage.
- Discussion about fee schedule.
- Incentive Zoning process similar to MUO.
- It is actually rezoning—application made to Town Board, Board send it out for comment, comes back to Town Board, and then they can rezone the parcel. Town Board to negotiate incentives. Goes to Planning Board after.
- No TDR included in proposal. Discussion about what TDR's are.
- Restrictions drive TDR's and Incentive Zoning.
- Motion to approve made by Mr. Fennelly and seconded by Mr. Oyler. Voice vote carried. 4 ayes and one abstain. (Ms. Rudolph abstains because she was not visible remotely so not allowed to vote.) Public hearing to be set in September.

➤ **Additional Discussion**

- Ms. Rudolph noted the Tree Team is working on a recommended native species list. ECB inquired about ordinance to not allow the planting/sale of invasive species.
- Ms. Rudolph also inquired about a CIC topic of reducing the minimum sq footage of a home, currently 1,200 sq ft.
- These will be added to list of topics.
- Sidewalk maintenance will also be added to pending list. Draft circulated. Discussion about lack of maintenance and indemnification of the Town.
- Solar is a priority topic. Bob Lacourse will present. Draft of presentation to be sent. General discussion about issues. Current solar language to be sent out.
- Next meeting to be held on August 8. Invite Chris Nadler and Bob DiCarlo.

- **Future Topics**

1. Solar ordinance updates
2. 1203 (Uniform Code and Energy Code)
3. Permeability; pavers, stone drives, and other mediums
4. Accessory Dwelling Units, Accessory structures (size flexibility related to lot size)
5. Building height in RLD
6. Blue line stream setbacks
7. Sandy beach zoning considerations
8. Short-term Rental Restrictions
9. Sidewalk Maintenance
10. Form Base Code
11. Invasive Species Restriction
12. Minimum Home Size
13. Sidewalk Maintenance

Upcoming Meetings: August 8, 2022 @ 9:00 am

Adjournment @ 9:57 am