



LAW OFFICES OF  
**CHRISTIAN M. NADLER**

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*\*\*\*Privileged and Confidential\*\*\**

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TO: Town of Canandaigua Town Board

FROM: Chris Nadler, Town Attorney

DATE: December 19, 2023

RE: Adoption of Local Law # 9 of 2022 (amending Town Code to allow incentive zoning in all districts)

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On December 14, 2023 Town Planner Sarah Reynolds received an email from Ontario County Planning Board indicating that they have no record of the above-referenced local law being referred to them as required by NYS General Municipal Law § 239-m, and requesting that the Town see if we have any such record. To date, no record of a referral has been located.

The Town Board adopted Resolution # 2022-273 on November 21, 2022 which issued a SEQR negative declaration and adopted Local Law # 9 of 2022. The Local Law was filed at the NYS Secretary of State's Office on December 2, 2022, and is now Town Code § 220-31, and allows incentive zoning in all districts.

My understanding of the law is that failure to make a County Planning Board referral on a zoning amendment is a jurisdictional defect. As a jurisdictional defect, any challenge to the local law would not be made by an Article 78 lawsuit, but rather a lawsuit seeking a declaratory judgment. This procedural difference is significant because an Article 78 lawsuit has a four month statute of limitations, and a declaratory judgment lawsuit has a six year statute of limitations.

I have looked through all OCPB meeting minutes for 2022 and the second half of 2021 but did not see any mention of what eventually became Local Law # 9. Unfortunately, I only saw on zoning text amendment on OCPB's agendas during 2022, which I believe became Local Law # 8 of 2022. This leaves Local Law # 6 of 2022 (creating the Agricultural Protection Overlay District) and Local Law # 10 of 2022 (creating the Scenic Viewshed Overlay District) also vulnerable to challenge as jurisdictionally defective for the next 4+ years.

At this point I think we need to consider re-adopting each of the local laws described in the preceding paragraph. This will involve referral to OCPB, public hearings, and new local laws adopted with new resolutions. Unless instructed otherwise I will work with

*\*\*\* Privileged and Confidential \*\*\**

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Town Staff to get these 3 local laws on your January agenda to set 3 public hearings at your February Town Board meeting. Depending on when the referral to OCPB is made, you may be able to re-adopt the 3 local laws at your February Town Board meeting.

Please call me if you have any questions or if you would like to discuss this situation.

NADLER.

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
HTTPS://DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

December 7, 2022 **CANANDAIGUA TOWN CLERK**

**DEC 12 2022**

**RECEIVED**

Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424

**RE: Town of Canandaigua, Local Law 9 & 10 2022, filed on 12/2/2022**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

*LL#9 - Amend Sect 220-31  
Incentive Zoning  
✓LL#10 - Amend Sect 220-33 Scenic  
Viewshed Overlay*



**Department  
of State**

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(585) 394-1120

Fax: (585) 394-9476

*Established 1791*

November 29, 2022

NYS Department of State  
Division of Corporations, State Records and  
Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, New York 12231

RE: Filing of Local Laws 9 and 10 of 2022

To Whom It May Concern:

Enclosed is a certified original of Local Laws 9 and 10 of 2022 that were adopted by the Canandaigua Town Board on Monday, October 21, 2022:

- LL 9 of 2022: Amendments to Chapter 220 (Zoning) Section 220-31 Incentive Zoning District
- ✓ LL 10 of 2022: Amendments to Chapter 220 (Zoning) Section 220-33 Scenic Viewshed Overlay District

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jean Chrisman  
Town Clerk

Encs.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Canandaigua

Local Law No. 10 of the year 2022

A local law Amendments to Chapter 220 (Zoning) Section 220-33 Scenic Viewshed Overlay District  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Canandaigua as follows:

See Attachment A

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Attachment A**  
**Local Law 10 of 2022**

§ 220-33.1 Scenic Viewshed Overlay District.

- A. Purpose. It is the purpose of the Scenic Viewshed Overlay District (SVO District) to provide supplemental regulations to the underlying zoning district(s) that are located within the mapped SVO District to support the protection of the Town of Canandaigua's natural resources. The SVO District is an area mapped south of NYS Route 5&20 and identified as "Land Visible from Canandaigua Lake" June 2018 from mapping completed as part of the Town of Canandaigua's Comprehensive Plan and found in the adopted Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan (2018).
- B. Intent. It is the intent of the SVO District to grant authorization to the Planning Board of the Town of Canandaigua to enable development or subdivision in a manner which shall protect the natural resources as identified in the Town of Canandaigua's Comprehensive Plan; Open Space, Conservation, and Scenic Views Master Plan; and Natural Resource Inventory by promoting new single-family development on minimum one-acre lots in the SVO District and thereby limit the potential harmful impact(s) to the identified natural resources and Canandaigua Lake.
- C. Applicability. The SVO District is overlaid onto the underlying zoning districts. All provisions of the underlay districts shall be applied except where provisions of the SVO District differ, in such cases the more restrictive provision shall apply.
- D. Site development standards. To the extent possible, any subdivision of land in the SVO District shall not create a new lot unless all parcels are at least one acre in size, or the Planning Board finds a lessening of the degree of nonconformity for the combination of preexisting nonconforming lots. To the extent possible, the Planning Board of the Town of Canandaigua shall be authorized to grant subdivision and development of land in the SVO District provided the following standards have been met:
- (1) Density and minimum lot size. 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. In the SVO District the use of conservation subdivisions (§ 174-16) shall not result in a lot size smaller than one acre, and the land area identified as part of the SVO District shall be identified as a priority conservation asset, Class 2.
  - (2) Permitted uses. The following mix of land use is permitted on a legal lot located within the SVO District:
    - (a) One single-family dwelling;
    - (b) One single-family dwelling with accessory apartment, where public sewer and water service exist;
    - (c) Public parks;
    - (d) Public safety facilities.
  - (3) Development shall be located in a manner that maintains the existing landscape features to the greatest extent feasible by locating buildings to complement natural topography. Consideration should be given to blend the proposed development with the existing natural

resources. The Planning Board shall consider and may require those elements identified in the Town of Canandaigua Ridgeline Development Guidelines or Shoreline Development Guidelines as part of the site development authorization.

E. Higher standards to prevail; improvements required.

- (1) The provisions of this chapter shall supersede local laws, ordinances, codes or regulations to the extent such laws, ordinances, codes or regulations are inconsistent with the provisions of this section, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance or regulation which is more restrictive or establishes a higher standard than those provided in this chapter and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.
- (2) In a case where a provision of this section is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or higher standard shall prevail.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2022 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on November 21 2022, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local (Elective Chief Executive Officer\*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

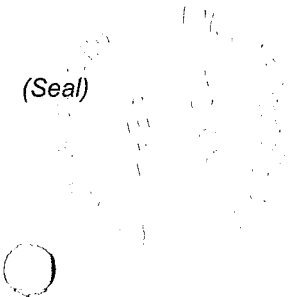
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Juan Chidman*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/29/2022

(Seal)



# Short Environmental Assessment Form

## Part 1 - Project Information

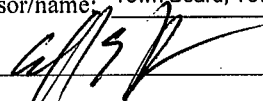
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Canandaigua			
Name of Action or Project: Adoption of a local law to amend town code chapter 220-33.1 Scenic Viewshed Overlay			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: The Town Board is considering the adoption of a town code amendment that would change Chapter 220-33.1 Scenic Viewshed Overlay to clarify the minimum lot size requirements.			
Name of Applicant or Sponsor: Town Board, Town of Canandaigua		Telephone: 585-394-1120	
		E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	NO YES
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Town Board, Town of Canandaigua</u> Date: _____		
Signature: <u></u> Title: <u>Town Manager</u>		

Project: Scenic Viewshed Overlay  
 Date:

**Short Environmental Assessment Form  
 Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Scenic Viewshed

Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Canandaigua	<u>11.21.22</u>
Name of Lead Agency	Date
Douglas Finch	Town Manager
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u><i>[Signature]</i></u>	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

**PRINT FORM**

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120  
Fax: (585) 394-9476

*Established 1791*

The following resolution was acted upon by the Canandaigua Town Board on November 21, 2022:

**RESOLUTION NO. 2022 – 274: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A LOCAL LAW TO AMEND TOWN CODE CHAPTER 220-33.1 SCENIC VIEWSHED OVERLAY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a local law that would amend zoning code relating to §220-33.1 Scenic Viewshed Overlay District (SVO) to clarify that the minimum lot size in the SVO shall not be less than one acre, or the minimum size of the underlying zoning district whichever is greater; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed local law on November 21, 2022; and

**WHEREAS**, the Town Board determines said proposed action is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as lead agency for the described action; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed action; and

**BE IT FURTHER RESOLVED**, the Town Manager is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua and the community to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. 10 of the Year 2022; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to include SEQR, findings, and narrative of the Town Board of the Town of Canandaigua as it pertains to this Local Law for filing purposes; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. 10 of the Year 2022 in the minutes of this meeting, and in the Local Law Book of the Town of Canandaigua, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Motion made by Councilwoman DeMay, seconded by Councilman Fennelly

3 Ayes: DeMay, Fennelly, Simpson

STATE OF NEW YORK}  
County of Ontario}  
Town of Canandaigua}

*I DO HEREBY CERTIFY that I have compared the preceding with the original thereof, on file and on record in the Town Clerk's office, and that the same is a correct copy and transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board held at Canandaigua, New York, on November 21, 2022.*

SEAL

*Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on November 22, 2022.*

  
\_\_\_\_\_  
Rebeca Doyle, Deputy Town Clerk



**rdoyle@townofcanandaigua.org**

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**From:** Gannett Legals Public Notices 5 (ganlegpubnotices5@gannett.com)  
<ganlegpubnotices5@gannett.com>  
**Sent:** Tuesday, November 1, 2022 10:45 AM  
**To:** rdoyle@townofcanandaigua.org  
**Subject:** RE: 7995935 & 7995988 RE: two public hearing notices  
**Attachments:** Public Notice 7995935.pdf; Public Notice 7995988.pdf

Corrected.

Here are the proofs of the legal notices that you have requested.  
The notices will run on 11/08/22 in the Canandaigua Daily Messenger.

The total cost is \$39.44 & 39.44 which includes an affidavit. Please reply by 5pm Friday Nov. 4th with changes for the ad. **Your notice is scheduled to run per your request and will publish unless you advise otherwise.** You will be able to receive an affidavit 7-10 business days after the last day of printing.  
Thanks,

Kimberly Megrew  
Public Notice Representative



Office: 844-678-3462

**From:** rdoyle@townofcanandaigua.org <rdoyle@townofcanandaigua.org>  
**Sent:** Tuesday, November 1, 2022 9:17 AM  
**To:** Gannett Legals Public Notices 5 <ganlegpubnotices5@gannett.com>  
**Subject:** RE: 7995935 & 7995988 RE: two public hearing notices

Hello

Attached are the correct ones .

Thank you

*Rebeca Doyle*

*Deputy Town Clerk*

*Town of Canandaigua*

*5440 Route 5 & 20 West*

*Canandaigua NY 14424*

585-394-1120 Ext 2226

*Office Hours:*

*Mon, Tues, Thur & Fri*

*8:00am-4:00pm*

*Wednesday*

*8:00am-5:30pm*

**From:** Gannett Legals Public Notices 5 ([ganlegpubnotices5@gannett.com](mailto:ganlegpubnotices5@gannett.com)) <[ganlegpubnotices5@gannett.com](mailto:ganlegpubnotices5@gannett.com)>

**Sent:** Monday, October 31, 2022 4:10 PM

**To:** [rdoyle@townofcanandaigua.org](mailto:rdoyle@townofcanandaigua.org)

**Subject:** 7995935 & 7995988 RE: two public hearing notices

Here are the proofs of the legal notices that you have requested.

The notices will run on 11/08/22 in the Canandaigua Daily Messenger.

The total cost is \$39.06 & 39.44 which includes an affidavit. Please reply by 5pm Friday Nov. 4th with changes for the ad. **Your notice is scheduled to run per your request and will publish unless you advise otherwise.** You will be able to receive an affidavit 7-10 business days after the last day of printing.

Thanks,

Nberly Megrew  
Public Notice Representative



Office: 844-678-3462

**From:** [rdoyle@townofcanandaigua.org](mailto:rdoyle@townofcanandaigua.org) <[rdoyle@townofcanandaigua.org](mailto:rdoyle@townofcanandaigua.org)>

**Sent:** Monday, October 31, 2022 1:36 PM

**To:** Messengerlegals-Messengerpostmedia <[Messengerlegals@messengerpostmedia.com](mailto:Messengerlegals@messengerpostmedia.com)>

**Subject:** two public hearing notices

Hello

Please find attached two legal notices that the Town of Canandaigua is requesting to be published int the Tuesday November 8, 2022, Daily messenger. Please confirm receipt and publication date.

Thank you

*Rebeca Doyle*

*Deputy Town Clerk*

*Town of Canandaigua*

5440 Route 5 E 20 West

Canandaigua NY 14424

585-394-1120 Ext 2226

*Office Hours:*

*Mon, Tues, Thur & Fri*

*8:00am-4:00pm*

*Wednesday*

*8:00am-5:30pm*

# LOCALiQ

Observer-Dispatch | Daily Messenger  
Times Telegram | New Jersey Herald  
Times Herald-Record

## Order Confirmation

Not an Invoice

Account Number:	789748
Customer Name:	Town Of Canandaigua *Le*
Customer Address:	Town Of Canandaigua *Le* 5440 State Route 5 And 20 Canandaigua NY 14424-9327
Contact Name:	Town Of Canandaigua *Le*
Contact Phone:	5853941120
Contact Email:	
PO Number:	

Date:	11/01/2022
Order Number:	7995988
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	38.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
CND Daily Messenger	1	11/08/2022 - 11/08/2022	Public Notices
CND mpnnow.com	1	11/08/2022 - 11/08/2022	Public Notices

Total Order Confirmation	\$39.44
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**Ad Preview**

Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120  
Fax: (585) 394-9476  
Established 1789

**PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE**, that the Town of Canandaigua Town Board will be conducting a public hearing on a draft local law to amend Chapter 220 (Zoning) relating to Scenic Viewshed on Monday, November 21, 2022, beginning at 6:00 p.m. The meeting will be held in the Onnallinda Conference Room on the lower level of the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY, and people can participate via Zoom (details found on the Town's website). All persons of interest will be heard at this time and date. A copy of the draft local law can be viewed from the Town's website. All questions relating to the local law should be directed to Town Manager Doug Finch at [dfinch@townofcanandaigua.org](mailto:dfinch@townofcanandaigua.org)

By order of the Town Board  
October 17, 2022.  
#7995988

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120  
Fax: (585) 394-9476

*Established 1791*

The following resolution was acted upon by the Canandaigua Town Board on October 17, 2022:

**RESOLUTION NO. 2022 – 251: SETTING A PUBLIC HEARING TO ADOPT A LOCAL LAW TO AMEND TOWN CODE CHAPTER 220-33.1 SCENIC VIEWSHED OVERLAY; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a local law that would amend zoning code relating to §220-33.1 Scenic Viewshed Overlay District (SVO) to clarify that the minimum lot size in the SVO shall not be less than one acre, or the minimum size of the underlying zoning district whichever is greater; and

**WHEREAS**, the Town Board seeks to hold a Public Hearing to obtain public input; and

**WHEREAS**, the Town Board wishes to refer the proposed draft to the Town of Canandaigua Planning Board, Zoning Board, Environmental Conservation Board; and

**WHEREAS**, the Town Board intends to determine said law change is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Canandaigua hereby establishes a public hearing to obtain public input as it considers the proposed local law to amend the Town of Canandaigua Code section §220-33.1 Scenic Viewshed Overlay District to be held on November 21, 2022 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424 and also via Zoom videoconferencing; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing and to provide a copy of this resolution to the Town Manager’s Office.

Motion made by Councilwoman Rudolph, seconded by Councilman Fennelly

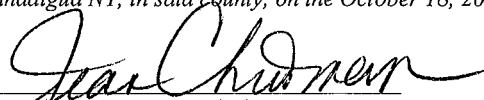
4 Ayes: DeMay, Fennelly, Rudolph, Simpson

STATE OF NEW YORK}  
County of Ontario}  
Town of Canandaigua}

I DO HEREBY CERTIFY that I have compared the preceding with the original thereof, on file and on record in the Town Clerk’s office, and that the same is a correct copy and transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board held at Canandaigua, New York, on October 17, 2022.

Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on the October 18, 2022.

SEAL

  
Jean Chrisman, Town Clerk