

CITY COUNCIL AGENDA
TUESDAY, OCTOBER 5, 2023 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Council:

Bob Palumbo, Mayor
Ellen Polimeni, Councilmember Ward I
Dan Unrath, Councilmember Ward II
Karen White, Councilmember Ward III
Erich Dittmar, Councilmember Ward IV
Sim Covington, Councilmember-at-Large
Thomas Lyon, Councilmember-at-Large
Doug Merrill, Councilmember-at-Large
Steve Uebbing, Councilmember-at-Large

John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Hearings:** Ordinance #2023-005 Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments (*remained open from September 5th City Council Meeting*)

Local Law #2023-08- A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C

- 4. Review of Community Core Values:**
As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

- 5. Approval of Minutes: September 5, 2023**
- 6. Recognition of Guests:**
- 7. Committee Reports:**
- 8. Resolutions:**

Resolution #2023-114: A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7

Resolution #2023-115: A Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter §850 regarding Storage Structures

Resolution #2023-116: A Resolution Setting the Time and Place of a Public Hearing on Local Law to Amend Chapter 7 of the City Charter Relative to the Assessment Roll Calendar

Resolution #2023-117: A Resolution Authorizing the Commencement of Legal Action to Enforce Compliance with the City Code and the New York State Property Maintenance Code and Building Code for 10 Chapin Street

Resolution #2023-118: A Resolution Affirming the Climate Smart Canandaigua Task Force

Resolution #2023-119: A Resolution Awarding a Contract for Replacement of Pier #3 Decking

9. Ordinances:

Ordinance #2023-005: An Ordinance Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments

Ordinance #2023-008: An Ordinance Amending Chapter §850-30.B.4 and §850-28 Regarding Storage Structures

Ordinance #2023-009: An Ordinance Amending Chapter §585 Solid Waste Regarding the Screening of Commercial Refuse Containers, §585-7

10. Local Laws:

Local Law #2023-03: A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law 3-C

Local Law #2023-04: Local Law to Amend Chapter 7 of the City Charter Relative to the Assessment Roll Calendar

11. Manager's Report:

12. Miscellaneous:

13. Executive Session: Needed to discuss employment history of a particular individual or corporation and discuss the Corporation Council contract renewal.

14. Adjournment

RESOLUTION #2023-114

**A RESOLUTION SETTING A TIME AND PLACE FOR PUBLIC HEARING TO
AMEND CHAPTER 585 SOLID WASTE REGARDING THE SCREENING OF
COMMERCIAL REFUSE CONTAINERS**

WHEREAS, although a public hearing is not required for the proposed ordinance, City Council is desirous of holding a hearing;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing relative to an ordinance amended Chapter 585-7 Solid Waste regarding the screening of commercial refuse containers, held in City Council Chambers at the Hurley Building (205 Saltonstall Street) at 7:00 p.m. on November 2, 2023; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as outlined by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-115

**A RESOLUTION SETTING A TIME AND PLACE FOR PUBLIC HEARING TO
AMEND CHAPTER 850 REGARDING STORAGE STRUCTURES**

WHEREAS, §850-8 of City Code requires a public hearing for amendments to the City Zoning Code in accordance with §83 of the General City Law of the State of New York;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing relative to an ordinance amending §850 Zoning regarding maximum size of storage structures, held in City Council Chambers at the Hurley Building (205 Saltonstall Street) at 7:00 p.m. on November 2, 2023; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by §850-8 of City Code.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-116

**A RESOLUTION SETTING A TIME AND PLACE FOR PUBLIC HEARING TO
AMEND CHAPTER 7 OF THE CITY OF CANANDAIGUA CHARTER RELATIVE TO
THE ASSESSMENT ROLL CALENDAR**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED by City Council that a public hearing relative to a local law authorizing an amendment to Chapter 7.2 of the City Charter to change Grievance Day in the assessment roll calendar, held in City Council Chambers at the Hurley Building (205 Saltonstall Street) at 7:00 p.m. on November 2, 2023; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-117

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION TO ENFORCE COMPLIANCE WITH THE CITY CODE AND THE NEW YORK STATE PROPERTY MAINTENANCE CODE AND BUILDING CODE

WHEREAS, the property located at 10 Chapin Street (the “Property”) has long been vacant, in a state of disrepair and is and continues to be a blight upon the neighborhood; and

WHEREAS, despite written notices of violation the Property is and continues to be in violation of the City Code and the New York State Property Maintenance Code and Building Code;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby authorizes Corporation Counsel Boylan Code, LLP, to commence legal proceedings in the Ontario County Supreme Court and any other court having jurisdiction against the owners of 10 Chapin Street, 2240 North Forest Road, LLC and any successors in interest, to pursue compliance with City Code, the New York State Property Maintenance Code and Building Code, including injunctive relief and statutory civil penalties.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-118

A RESOLUTION AFFIRMING THE CLIMATE SMART CANANDAIGUA TASK FORCE

WHEREAS, the City’s dedicated efforts towards Environmental Stewardship were formally recognized in 2019 when the City was designated as a Certified Bronze Climate Smart Community (CSC); and

WHEREAS, the CSC certification process required the formation of a Climate Smart Task Force to formalize the City’s commitment to becoming a Climate Smart Community; and

WHEREAS, since being designated as a CSC, the City of Canandaigua has continued efforts towards climate change, promoting renewable energy alternatives, reducing the overall energy use in the community, reducing solid waste through recycling and other climate smart waste management practices, reducing greenhouse gas emissions, and educating/engaging the community and inspiring a commitment to the evolving process of climate action; and

WHEREAS, the additional efforts made by the City of Canandaigua warrant application to now be considered a Silver CSC community and ultimately leading the State of New York in local climate action;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby affirms and thanks the Climate Smart Canandaigua Task Force for the City of Canandaigua; and

BE IT FURTHER RESOLVED, that the Mayor may appoint up to eleven (11) members to the Climate Smart Canandaigua Task Force and that the City Council recognizes with the current membership as follows:

- Thomas Lyon, Chair
- Maria Bucci
- Erich Dittmar
- Lauren Dittmar
- Chris Glattly
- Ellen Polimeni
- David Poteet
- Ryan Wilmer
- Karen White
- Susie van der Sterre

ADOPTED this 5th day of October, 2023.
ATTEST:

Erin VanDamme
City Clerk

RESOLUTION #2023-119

**A RESOLUTION AWARDING A CONTRACT FOR
REPLACEMENT OF PIER #3 DECKING**

WHEREAS, the decking on the City's boathouse piers are in need of replacement and the 2023 Capital Budget included funding for the first of three phased re-decking project with Pier #3 being the first phase; and

WHEREAS, bids were opened on September 26, 2023 with one vendor responding with a bid, HEP Sales, 2567 Rochester Road, Canandaigua, NY 14424, with a base bid of \$31,396.50 for the replacement of the 450 deck boards; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the contract to HEP Sales as the contract is for a composite product that has a much longer lifespan and significantly less maintenance;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the replacement of deck boards on Pier #3 to HEP Sales, 2567 Rochester Road, Canandaigua, NY 14424, from the \$31,396.50.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

THIS VERSION INCLUDES ALL AMENDMENTS MADE AT THE September 5TH COUNCIL MEETING

ORDINANCE #2023-05

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
WITH REGARD TO SHORT-TERM RENTALS
AND BED & BREAKFAST ESTABLISHMENTS**

WHEREAS, the City Council most recently enacted an ordinance regulating Short Term Rentals on September 14, 2018, through Ordinance 2018-010; and

WHEREAS, at the City Council’s Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of Short-Term Rentals; and

WHEREAS, the Planning Committee of the City Council after further consideration has recommended amending the Short-Term Rental ordinance;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1 Article II “Terminology” hereby amended as follows:

SHORT-TERM RENTAL

A **complete** residential dwelling unit ~~or portion thereof rented for habitation~~ **that provides lodging without a host present** for a period of less than 30 days. Such properties are regulated under §850-110.5.

TOURIST HOME/BED-AND-BREAKFAST

~~A building or part thereof other than a hotel, motel or restaurant~~ **A single-family dwelling with a resident host that provides lodging and possibly meals** for persons primarily for overnight accommodations and where no cooking or dining facilities are provided in individual rooms. **Such establishments are regulated under §850-101.**

(Draft date: September 5, 2023) *THIS VERSION INCLUDES REVISIONS MADE TO TABLED ORDINANCE REVIEWED AT AUGUST 15TH ORDINANCE COMMITTEE MEETING AS WELL AS SUGGESTIONS FROM COUNCILMEMBER UEBBING’S 9/3/23 memo*

Sec. 2 § 850-101 “Tourist Homes and Bed-and-Breakfasts” shall be deleted and replaced with the following:

- A. Tourist Homes and Bed-and-Breakfasts may be permitted in the R-1B, R-2, R-3, R-I, R-L, **R-O, and MU** zone districts, provided **that the Planning Commission determines that the following standards are met:**
1. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
 2. **The use as a tourist home/bed-and-breakfast shall involve the rental of a partial dwelling unit within a single-family dwelling.**
 3. **A resident of the dwelling shall be present during the rental. There shall be no more than two, nonresident employees.**
 4. The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
 5. The use of the premises as a bed and breakfast shall not require or involve any exterior alterations to the structure which will make it appear as other than a single-family residence
 6. The establishment shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with §850-83.
 7. The establishment shall not operate as a rooming house or boardinghouse as defined in §850-12.
 8. **The establishment shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.**
 9. **The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.**
 10. **The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy, but in no case shall the occupancy exceed 10 guests at any one time.**
 11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II

Sec. 3. §850-110.5 “Short-Term Rentals. shall be deleted and replaced with the following:

- A. Short-term rentals may be permitted in a complete residential dwelling unit in any zone district **except those designated as R-1A and R-1B**, provided that the Planning Commission determines that the following standards are met:
1. The Planning Commission finds that the proposed short-term rental is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
 - 2. Within the R-2, R-3, and R-L zone districts, the short-term rental unit shall be the owner's primary residence, and may not be rented for more than a total of 60-days in each calendar year in increments of not less than 2 nights.**
 - 3. The rental unit shall be registered and periodically inspected in compliance with the City of Canandaigua Rental Inspection Program.**
 4. The proposed short-term rental shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
 5. The use of the premises shall not require or involve any exterior alterations to the structure.
 6. The short-term rental property shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with § 850-83.
 7. The short-term rental property shall not operate as a rooming house or boardinghouse as defined in § 850-12.
 8. The short-term rental property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.
 9. The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.
 10. The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy.
 11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.
 - 12. The Special Use Permit shall be issued as a temporary, renewable permit, which shall expire three years from the date of approval. The permit shall be renewed administratively by the Zoning Officer upon verification of compliance with the original conditions of approval. If the Zoning Officer determines noncompliance or verifies written complaints received, the permit shall be forwarded to the Planning Commission for review in accordance with the procedure of the original review. The permit may be revocable at any time if the conditions of approval are not being met.**

13. The Special Use Permit shall not be transferable to a different property owner.

14. All Short Term Rental Special Use Permits issued prior to the adoption date of this ordinance, including those that might be made noncompliant, may be continued in accordance with the conditions of that permit, However, all previously approved Short Term Rentals shall be subject to administrative renewal in accordance with the provisions in § 850-110.5.A.12 and shall also be subject to the provisions of § 850-110.5.A.13.

Sec. 4. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ____ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-08
AN ORDINANCE AMENDING THE ZONING ORDINANCE
REGARDING THE MAXIMUM SIZE OF STORAGE STRUCTURES

WHEREAS, at their meeting on September 19, 2023, the City Council's Ordinance Committee heard recommendations from the Zoning Board of Appeals, regarding the permitted maximum size of Accessory Storage Structures, and

WHEREAS, the City Council's Ordinance Committee endorsed these recommendations,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 850-30.B.4 shall be amended as follows:

~~Storage buildings of 165 square feet or less in area.~~ **Accessory storage structures in compliance with § 850-28**

Sec. 2. § 850-28 shall be amended as follows:

Accessory **storage** structures.

A. **Maximum area. The maximum permitted area of a single Accessory Storage Structure shall be 240 square feet. The maximum total area for two Accessory Storage Structures shall be 360 square feet.**

B. Maximum permitted height. The maximum permitted height of an accessory structure shall be not more than one and 1/2 stories totaling not more than 25 feet.

C. Minimum yard regulations.

(1) Unattached accessory structures in residential districts. Accessory structures which are not attached to a primary structure may be erected only within one of the side yards or within the rear yard in accordance with the following setback requirements:

(a) Side yard (interior lot): five feet.

(b) Side yard (corner lot): same as for principal structure.

(c) Rear yard: five feet, except when said rear yard is abutting an alley, then the setback shall be 10 feet.

(d) Not closer to a principal structure than 10 feet.

(2) Attached accessory structures in residential districts. When an accessory structure is attached to the primary structure, it shall comply in all respects with the requirements of this chapter applicable to the primary structure.

(3) There shall be not more than two accessory structures for each primary dwelling structure on each zone lot intended or used for residential purposes, except that apartment, townhouse, attached condominiums and similar residential developments shall not be subject to the provisions of this section. Each primary building on a single parcel in single ownership shall conform to the requirements of this chapter which would be applicable if each were located on a separate zone lot.

Sec. 3. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ____ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

ORDINANCE #2023-09

**AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE
REGARDING THE SCREENING OF COMMERCIAL REFUSE CONTAINERS**

WHEREAS, at their meeting on September 19, 2023, the City Council's Ordinance Committee heard recommendations from the Code Enforcement Office, regarding the improved screening of commercial refuse containers, and

WHEREAS, the City Council's Ordinance Committee endorsed these recommendations,

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1. § 585-7 shall be amended as follows:

Screening of ~~dumpsters~~ **Refuse Containers.**

All dumpsters ~~and/or roll-off containers~~ , **totes, and other refuse containers** used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use ~~and located in or immediately adjacent to residential districts or uses~~ shall be screened from public views **and views from all other properties at ground level** by landscaping or fencing, ~~or shall be located on the premises in such a manner as to be hidden from public view. For the purposes of this section, "public view" shall mean view at ground level from a public street or way, or from across a property line separating that use from an adjoining residential use~~

Sec. 2. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW No. 2023-003
City of Canandaigua, County of Ontario

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY
IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2024 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this 5th day of October, 2023.

ATTEST:

Erin VanDamme
City Clerk

LOCAL LAW #2023-004

A LOCAL LAW AMENDING CHAPTER 7 OF THE CITY CHARTER RELATIVE TO THE ASSESSMENT ROLL CALENDAR

WHEREAS, The State of New York has granted the governing body of an assessment unit, which employs an assessor who is at the same time employed by another assessing unit, the power to establish a date for the meetings of the Board of Assessment Review other than that provided by State Law; and

WHEREAS, the assessor for the City of Canandaigua satisfies this criterion and the City Council wishes to avoid conflicts in scheduling,

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

Section 1. Authority.

Real Property Tax Law s. 512(1-a), states the governing body of an assessing unit which employs an assessor who is at the same time employed by another assessing unit may adopt a local law establishing a date for the meetings of the board of assessment review other than that provided in subdivision one of this section. The date or first date so established may be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June.

Section 2. Legislative Intent.

The City Council of the City of Canandaigua, County of Ontario, has determined a need to change the meeting date of the Board of Assessment Review of the City of Canandaigua per Section 7.2 of the City Charter which shall be amended as follows:

Grievance Day	First Friday following the Fourth Tuesday in May, commencing on May 31, 2024, and continue on the first Friday following the fourth Tuesday in May thereafter until this local law is rescinded or superseded by subsequent local law.
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Section 3. Severability

Such local law shall remain in effect until rescinded or superseded by subsequent local law.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Erin VanDamme
City Clerk