

**MINUTES  
CITY OF CANANDAIGUA  
PLANNING COMMISSION  
February 8, 2023**

PRESENT: Chairman Stanley Taylor Commissioner Guy Turchetti  
Vice Chairman Anne Beyer Commissioner James Hitchcock  
Commissioner Richard Manley

ABSENT: Commissioner Bonnie Dorschel  
Commissioner Lindsay Van Deusen

ALSO PRESENT: Richard E. Brown, Director of Development & Planning

**CALL TO ORDER**

Chairman Taylor called to order the Regular Meeting of the City Planning Commission at 7:00 P.M.

**APPROVAL OF MINUTES:**

Chairman Taylor asked if anyone had any additions or corrections to the January 11, 2023 Meeting Minutes. Corrections were noted. Commissioner Manley moved to approve the minutes as corrected. Commissioner Turchetti seconded the motion, which carried by unanimous voice vote (5-0).

**REVIEW OF APPLICATIONS**

**ITEM 01** (Public Hearing) Application #22-361: 267 South Main Street and 11 Saltonstall Street, 267 S MAIN STREET ASSOCIATES, for Minor Subdivision, Site Plan Review, and Architectural Review to combine the properties, demolish the existing structures, and construct a 9,000 SF, three-story structure with supporting infrastructure. (Tabled from January 11, 2023)

Commissioner Hitchcock moved to lift the application from the table. Commissioner Manley seconded the motion, which carried with a vote (5-0).

James Cretekos, of BME Associates, presented the application. With him was a representative of the applicant, Fred Rainaldi, and Dave Hanlon, of Hanlon Architects.

Mr. Cretekos noted that this is their third meeting in front of the Planning Commission. The feedback they have received has been mostly positive thus far. They are prepared to continue with any architectural discussions. They are hoping to begin construction toward the end of the year.

Chairman Taylor stated that the Public Hearing remains open from the previous meetings. He asked if there was anyone wishing to speak. No one came forward. Mr. Brown mentioned photos that were submitted by Joe Proe, of Canandaigua. These pictures point out the similarities in the existing historic buildings on Main Street and the applicant's proposed structure.

Chairman Taylor asked if there was anyone else wishing to speak. Seeing none, he closed the Public Hearing for this application.

Mr. Brown noted that all the referring agencies have reviewed the project and no significant comments were made.

Chairman Taylor explained that portions of this application were reviewed at the last two meetings. He asked if there were any additional comments or questions regarding the Minor Subdivision or Site Plan Review. No one came forward, so the discussion was directed to Architectural Review.

Commissioner Manley said he has no questions or concerns. He is enthusiastic about the design. He believes it is a wonderful project.

Vice Chair Beyer likes the orientation of the building. She initially had some concerns regarding the height, relative to the one-story buildings nearby. However, it does more to contribute to the historic feel of the neighborhood than the existing one-story structures.

Chairman Taylor agreed. A number of people had expressed concern with the scale of the building, in terms of the other buildings downtown. Perhaps this is not so much an issue with this building as it is an issue with the other buildings. After viewing pictures of Main Street in previous years, he noted that there were a number of churches on Main Street that are no longer there. Some had bell towers and were rather tall buildings. This building will actually add back to the city, some of what has been lost over time.

Commissioner Hitchcock said he is looking forward to the project. He does not see any negatives.

Commissioner Turchetti said it is great. It will benefit downtown.

Mr. Rainaldi referred to an old photograph he discovered of a barn shaped greenhouse that was on the neighboring property. This influenced the building style he is proposing. He also chose to step down the building in the rear, to be respectful to the residential properties in that area.

Chairman Taylor is pleased with the angled entry and appreciates that the building will be finished on all sides.

Chairman Taylor led the commission through the submitted SEQR Environmental Assessment Form.

Vice Chair Beyer moved that the Planning Commission make a determination that Application #22-361 will not have a significant adverse effect on the environment and that a SEQR Negative Declaration be filed. Commissioner Hitchcock seconded the motion which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

Chairman Taylor asked if there were any additional comments or questions. Hearing none, he called for a motion.

Commissioner Manley moved that the Planning Commission Approve the application as submitted and presented with the following condition:

1. Preliminary approval is waived.

Commissioner Hitchcock seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

**ITEM 02 (Public Hearing) Application #22-363A: 250 Bristol Street, ANDREW AND JOANN FIORENTINO, requesting a Special Use Permit to operate a Short-Term Rental from their residence.**

Andrew and JoAnn Fiorentino presented the application. They have recently purchased this two-family home. They currently reside in Binghamton until his retirement at the end of the school year. Their plan is to sell their primary residence there, move to Canandaigua and make this their primary residence. They will occupy one of the units and rent out the other. They have applied for and received a variance from the Zoning Board of Appeals for the primary residence requirement.

Mr. Fiorentino presented a slide presentation to demonstrate that they meet the standards for a special use permit. Initially, they would offer short-term and long-term rentals. It is their goal to rent to traveling medical personnel. The home is in close proximity to Thompson Hospital and is within reach of the Canandaigua VA Medical Center, and others. Short-term rentals offer more flexibility to allow them to use the home themselves, periodically, until they are able to move here permanently. He said this is a densely populated area with a transient element to the neighborhood, due to the nearby apartment complexes. There is a potential for a lot of comings and goings from expiring leases. Each apartment has two bedrooms with separate entrances and driveways. They are seeking approval to rent to a maximum of 4 people with a maximum of 3 vehicles.

Chairman Taylor asked if the applicant is planning for one particular unit to be designated a short-term rental. Mr. Fiorentino said they would prefer having the option to choose, due to the different sizes of the units.

Chairman Taylor opened the Public Hearing. No one came forward. Mr. Brown said that no written comments have been received. Chairman Taylor then closed the Public Hearing and opened the discussion to the commission.

Commissioner Turchetti asked if the applicants would always be present. Mrs. Fiorentino said they would most always be present, once the home becomes their primary residence.

Commissioner Manley mentioned a short-term rental application in a similar residential neighborhood on Scotland Road that was recently denied, even though the owners planned to be present. He feels it is

important for the commission to remain consistent. Chairman Taylor agreed. This application is almost identical.

Vice Chair Beyer agreed with the need to be consistent. She recognizes that the property is different than Scotland in that it is in close proximity to the hospital, but most traveling nurses are not seeking short-term rentals. They often require a rental longer than 30 days.

Mr. Fiorentino replied that the Scotland Road application differs in that it is on a cul-de-sac and has a shared driveway.

Commissioner Hitchcock agreed that there is a different neighborhood feel than Scotland Road. Bristol Street is a much busier road, due in part to the large apartment complex across the street.

Chairman Taylor feels that apartments do not create a transient neighborhood. And there are elements of safety present with familiar neighbors.

Mrs. Fiorentino pointed out that some long-term rentals are transient. Not all tenants stay for a year. There is the potential to change tenants every 30 days.

Vice Chair Beyer compared this application to a previously approved short-term rental on Howell Street. It is the owner's primary residence and they are present the majority of the time.

Chairman Taylor remembered the application for Howell Street. It is a multi-family rental with a large parking lot behind the house. There that are several long-term tenants. When the owners cannot be present, there are others with long term connections, available to oversee the property.

Commissioner Turchetti believes a short-term rental is compatible with the neighborhood. However, he is concerned about the approved variance. He does not want to see the variance carried forward to any future owners. He would be more comfortable approving the application if the applicants had applied after making the property their primary residence.

Chairman Taylor believes the application is premature. The applicants should wait to apply once the home becomes their primary residence.

Chairman Taylor asked if there were any additional comments or questions. Hearing none, he called for a motion.

Commissioner Hitchcock moved that the Planning Commission Approve the application as submitted and presented with the following conditions:

1. Both units cannot be rented as short-term rentals concurrently.
2. A maximum of 4 guests and 2 vehicles are permitted.

Commissioner Manley seconded the motion, which *failed* to carry with a vote (1-4).

Commissioner Manley	Voting	NO
Commissioner Turchetti	Voting	NO
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	

Vice Chairman Beyer	Voting	NO
Chairman Taylor	Voting	NO

Chairman Taylor asked for an alternate motion.

Commissioner Manley moved that the Planning Commission **Deny** the application.

Commissioner Hitchcock seconded the motion, which *failed* to carry with a vote (3-2).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	NO
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	NO
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

Chairman Taylor asked for an alternate motion.

Commissioner Turchetti moved that the Planning Commission **Table** the application to allow an opportunity for a full panel of commissioners to review and vote on the application.

Commissioner Manley seconded the motion, which carried with a vote (4-1).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	NO

Vice Chair Beyer assumed the chairmanship for the next two applications.

**ITEM 03**      **Application #23-007: Pier 1, Boathouse 24, LEE DERUYTER, for Historic Alteration to replace windows and siding.**

Lee DeRuyter presented the application. He is proposing to install Hardiboard siding, only on the side facing the Pier. He is also proposing to replace two windows with vinyl.

Chairman Taylor clarified that the siding proposed is a smooth Hardiboard and the color will be red.

Chairman Taylor inquired about updating the existing storm door. Mr. DeRuyter said he is willing to paint the door white, to match the windows, or install a new one.

Commissioner Manley said he has no concerns with the proposal.

Commissioner Turchetti recognized that most of the boathouses have vinyl windows installed.

Vice Chair Beyer asked if there were any additional comments or questions. Hearing none, she called for a motion.

Commissioner Turchetti moved that the Planning Commission Approve the application as submitted and presented.

Commissioner Hitchcock seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

**ITEM 04      Application #23-008, 51 North Main Street, DAVID WHITCOMB, for Historic Alteration to install a ground sign.**

The applicant was not present. Mr. Brown explained that David Whitcomb is now sharing the law office and both need their identities on the sign. Eventually the Pheterson Spatorico sign would come off, but for a period of time, both signs would be shown.

Vice Chair Beyer noted that the appearance of the two signs is quite different.

Chairman Taylor questioned how long both signs would need to be displayed. Mr. Brown said the time frame was not indicated in the application.

Commissioner Manley said he does not have an issue with the two signs being displayed together.

Chairman Taylor asked if the posts are to be replaced. Vice Chair Beyer said the submitted drawings indicate that the new sign is to be mounted on existing posts, above the original sign.

Vice Chair Beyer asked if there were any additional comments or questions. Hearing none, she called for a motion.

Commissioner Hitchcock moved that the Planning Commission Approve the application as submitted and presented with the following condition:

1. The original sign must be removed within one year.

Commissioner Manley seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	

Vice Chairman Beyer  
Chairman Taylor

Voting  
Voting

YES  
YES

**ITEM 05**      **(Public Hearing) Application #23-009: 200 Eastern Boulevard, MARK'S LEISURE TIME, for Site Plan Review, to expand the existing parking area for the display of boats.**

Application withdrawn.

Chairman Taylor resumed chairmanship of the meeting.

**ITEM 06**      **(Public Hearing) Application #22-014: 328 Eastern Boulevard (Towne Center Plaza) GOODWILL OF THE FINGER LAKES, for Site Plan Review and Architectural Review to create a drop-off area and trash compactor.**

Kurt Charland and Andy Hart, of Bergmann Associates, presented the application via Zoom. Jack Eichhorn and Dave Wiesner, representatives of the applicant, were also present via Zoom.

Mr. Hart explained that the project will include the addition of a donor drop-off canopy on the east side of the building, including a new sliding door for staff to bring the donated goods into the back for sorting. The new drive-thru canopy will result in the removal of 9 existing parking spaces. A new exterior means of egress will be provided on the west side of the building to replace the one removed for the dock bump out. A new compactor will be added at the existing overhead door on the west side. Lastly, signage will be added to the building façade and new canopy.

Chairman Taylor opened the Public Hearing. No one came forward. Mr. Brown said that no written comments have been received. Chairman Taylor then closed the Public Hearing.

Commissioner Manley said the proposal seems straight forward.

Chairman Taylor asked if the existing trash compactor in the back of the building is to be removed.

Chairman Taylor asked for clarification on the signage proposal.

Mr. Wiesner said they are proposing a Goodwill sign, centered on the front of the building, in individually lit channel letters. They are requesting that the hours of lighting match their hours of operation. The donation signage would be smaller blue lettering on all three faces of the canopy and would not be illuminated.

Mr. Brown confirmed the existing black tile on the façade will remain. Mr. Wiesner said yes. The lettering on the sign will be white. The smiling "g" face will have a blue background.

Chairman Taylor acknowledged the SEQR Environmental Assessment Form that was submitted with the application. Mr. Brown said the form is not necessary for this application. It may be classified as a Type II, as there is no significant impact.

Chairman Taylor asked if there were any additional comments or questions. Hearing none, he called for a motion.

Vice Chair Beyer moved that the Planning Commission Approve the application as submitted and presented with the following conditions:

1. The existing trash compactor shall be removed.
2. The sign may be lit from dusk to 8 P.M.

Commissioner Hitchcock seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

**ITEM 07 (Public Hearing) Application #23-015: 116 South Main Street, MIGHTEA BOBA, requesting a Special Use Permit to operate a Carryout Restaurant.**

Carol Grover, a representative for the applicant presented the application. The landlord, Robert Taylor, was also present via Zoom. Ian MacDonald, of Historic Sign Restoration, was present to discuss a proposal for signage.

Ms. Grover described the business as a bubble tea store. They plan to serve drinks, ice cream and milkshakes. The trash generated is mainly cups and straws. There are garbage totes in back of the building.

Mr. Taylor, said there are several trash options. He also owns the building next door and has trash service, via totes, provided by Figure Lakes Refuse. He will look at options and work with the tenant to find a plan that makes the most sense.

Chairman Taylor opened the Public Hearing

Denise Chaapel, Manager of the Business Improvement District, came forward. She said the BID is excited that Mightea Boba is joining the existing businesses downtown. Ice cream is something that they have had on their recruitment and needs assessment for many years. They are looking forward to having them in the downtown district.

Chairman Taylor asked if there was anyone else wishing to speak to the application. No one came forward. Mr. Brown said that no written comments have been received. Chairman Taylor then closed the Public Hearing.

Chairman Taylor asked for details on the sign proposal.

Mr. MacDonald said he had designed a dimensional individual cutout letter style sign. The typeface has really rounded faces that will be mounted on a piece of quarter inch thick black acrylic that will be cut oversized. It will act as an outline of the letters.

Chairman Taylor asked for questions or comments from the commissioners.



Commissioner Manley said the proposal looks good.

Vice Chair Beyer said it is very similar to bakeries and coffee shops in the area. In terms of foot traffic and impact, it seems compatible.

Chairman Taylor asked if there were any additional comments or questions. Hearing none, he called for a motion.

Commissioner Hitchcock moved that the Planning Commission Approve the application as submitted and presented.

Commissioner Turchetti seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

**ITEM 08      Application #23-022: 195 South Main Street, NICK’S CHOPHOUSE, for Historic Alteration, to construct a 20’ x 48’ roof structure over the roof top dining.**

The architect, Dan Long, presented the application. The applicant is proposing an extension to the existing rooftop dining area roof system, that is approximately 20’ wide x 48’ long. They wish to provide additional weather coverage for customers. They have had a lot of inquiries for larger groups, such as weddings and other group events, but were not able to commit to these bookings without being able to offer better protection for various weather conditions.

There is a low slope roof covering the existing bar area. They are looking to extend it using the same roofing metal panel system that is currently there. The difference is that it will be lower than the bar roof. The ridge will tuck under the bar roof and extend towards Main Street. The eaves will be approximately eight feet high, which is about twice the height of the existing railing system. The roof itself will be inset; it won't hang over the building.

Commissioner Hitchcock asked if the extension is to be permanent. Mr. Long said yes. They considered fabric, but that would require more maintenance.

Chairman Taylor asked about the fastening technique. Mr. Long described bracing, hurricane clips and custom steel brackets.

Mr. Brown mentioned the proposed plastic sheeting. Mr. Long said a heavy gauge, clear plastic, similar to a window shade, would be installed to provide protection from wind and rain. It rolls up above the beam line and can be pulled down and tied off using grommets at the base.

Chairman Taylor questioned whether the building could withstand the added weight. Mr. Long said he is confident it can.

Chairman Taylor asked if the existing lighting is to be removed. Mr. Long said yes. They plan to install LED lighting just above the beam line, on either side of the roof, on the interior, to allow for reflective lighting off of the inside of the roof panels.

Chairman Taylor stated, for the record, that he believes roof top dining is inappropriate for our city. However, since it is already in place, he is interested in seeing that it is successful and safe, and operates satisfactorily.

Chairman Taylor asked if there were any additional comments or questions.

Denise Chaapel, of the Business Improvement District, asked to speak. During conversations with the property owner, she has learned that the intent is for the rooftop dining to become a three-season venue. He has no intention of utilizing it year-round. She confirmed that he has missed multiple opportunities for weddings and different events. And it is something that is seriously lacking downtown.

Chairman Taylor called for a motion.

Commissioner Turchetti moved that the Planning Commission Approve the application as submitted and presented.

Commissioner Hitchcock seconded the motion, which carried with a vote (5-0).

Commissioner Manley	Voting	YES
Commissioner Turchetti	Voting	YES
Commissioner Van Deusen	Absent	
Commissioner Hitchcock	Voting	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

### MISCELLANEOUS

Mr. Brown reminded the commission of a second joint meeting with the Zoning Board of Appeals to continue the discussion on Short-term Rentals. The meeting is scheduled for Monday, February 13, 2023 at 7:00 P.M.

### ADJOURNMENT

Commissioner Manley moved to adjourn the meeting at 9:30. Commissioner Turchetti seconded the motion, which carried with a unanimous voice vote (5-0).

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Richard Brown  
Director of Development & Planning

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Stanley Taylor  
Planning Commission Chairman