

MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, MARCH 7, 2023, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/84936309067>
LIVE STREAM: <https://fingerlakestv.org/live/>

Environmental Committee: Karen White, Chair
Erich Dittmar
Renée Sutton

Other Councilmembers Present: Thomas Lyon
Erich Dittmar
Ellen Polimeni
Steve Uebbing, via Zoom
Dan Unrath
Mayor Palumbo

City Staff Present: John Goodwin, City Manager
David Hou, Corporation Counsel

Absent: Sim Covington, Jr.

Chair White opened the meeting and read the Core Values. She reviewed the first item for the landfill discussion and also added discussion of the Fire Boat with members of the Sheriff's Department who were present.

Supervisor David Baker spoke, however, there is an audio issue and his comments cannot be transcribed. Members of the Sheriff's department spoke on the issue of the marine patrol they provide, responding to complaints, penal law enforcement and crashes on the water. As far as an actual Fire, the Sheriff's Office is not able to mitigate anything for fire as well as any oil spill that may happen on the Lake. Rescues can be performed, as they do have a dive team. They have not seen the fire boat but assume the boat would be able to handle both. The Sheriff's boat does not have the capabilities to provide fire suppression. Discussion regarding a fire that took place on West Lake Road, the Sheriff's office provided support but unable to put the fire out. David Baker spoke again and said the County they had never been asked to help with the fire boat. Audio issues are still continuing and some of the comments may have been lost.

Chair White moved onto Ontario County City Supervisor Rich Russell. He spoke on the Ontario County Landfill and introduced Carla Jordan, Ontario County Director of Sustainability and Solid Waste Management. Ms. Jordan presented to members present on the latest details on her department which was established in 2019. She reviewed the County solid waste plan. The County also introduced a strategic plan in 2022. Audio issues are continuing during her presentation. County residents send almost 5,000 pounds of waste to the landfill. The recycling center at the landfill receives 60,000 tons of recycling materials from all over the state. The County does have recycling laws in place and will be updating those laws and as the City of Canandaigua is a stakeholder, we will be receiving the update law to help with enforcement. She reviewed recycling tips and the County will be offering the backyard composting program again in May 2023. She reviewed the landfill site forecasting beyond 2028 when the current

arrangement with Casella is set to expire. Right now, there is a request for quotes for professional services regarding to study the economic impact, alternatives to current landfill operations and post closure considerations. County Supervisors will be reviewing the proposals. In regards to the lease agreement revenue that Casella provides the County (\$4 million), officials will need to review the economic impact as well as the direct effect on residents. Currently, residents do not pay for recycling as part of the agreement with Casella. There are no tip fees, but there could be fees to each resident should the lease agreement change at the end of 2027. Post closure considerations will need to be worked out with Casella and the County. Odor control issues are reported to the DEC and the County directly and there is a hotline on the County's website. The County is very encouraged by the City's solid waste collection program changes. She discussed the efforts by the State to move municipalities to pay to throw programs. She encourages residents to review all the details on the County website. Mayor asked about the decision on closing the landfill. Ms. Jordan said the contract thought 2028, the decision will be with the County Board of Supervisors. Chair White asked the percentage of recycled materials that are moved to trash. Ms. Jordan said that 9 – 10% is the residue rate at the County level, which is great. Chair White encourage residents to review the details on the County site for all the information.

Mr. Goodwin reviewed Community Choice Aggregation (CCA) Restart, looking to have the discussion of whether or not City Council is looking to bring this program back for City residents. Discussion will be moved to the next meeting and the program isn't slated to start until August 2023. Due to the technology's issues, the meeting started late, and the continued technologies issues will be rescheduled.

Chair White closed the meeting

Ordinance Committee:

Erich Dittmar, Chair
Renée Sutton
Karen White

Other Councilmembers Present:

Thomas Lyon
Erich Dittmar
Ellen Polimeni
Steve Uebbing, via Zoom
Dan Unrath
Mayor Palumbo

City Staff Present:

John Goodwin, City Manager
David Hou, Corporation Counsel
Rick Brown, Director of Planning and Development

Absent:

Sim Covington, Jr.

Chair Dittmar opening the meeting. There are still ongoing audio issues, so some of the comments may be lost. He reviewed the first agenda item.

Chair Dittmar reviewed the Commercial Flags. At the September 27, 2022 meeting, the Planning Commission discussed their concerns relative to commercial flags. As a result of that discussion, the Committee requested that the Planning Commission provide a recommended ordinance for consideration and further discussion. The recommended ordinance was discussed at the Ordinance Committee meeting

on January 17, 2023 and as part of that discussion the committee requested that businesses that utilize the flags be invited for their input. The 15 businesses that over the last 10 years have either received a permit to display a flag or were cited for displaying a flag without a permit have been invited to this meeting. **Jenny Timarini** from Canandaigua Sailboard spoke and advocated for the ability to have signage is critical to success of our business. Tom Crane, owner of Canandaigua Hair in Parkway Plaza spoke and has been in business for 14 years. Has a feather flag promoting his business since his permit was approved. He has had several customers find his store as a result of the flag and advocating that no changes be made. Councilmember White asked when this first was introduced. City Manager Goodwin said that it was brought up last October to Council, as the Commission saw a concern, and Council wanted to wait to see what feedback they could receive from local business owners potentially affected. Letters were sent to those businesses asking them to appear and discuss their feedback. Stanley Taylor, 165 Kennedy Street, Chair of Planning Commission spoke, the Commission had asked Council to review, over a number of meetings that the Commission has had, they have had request for commercial flags or “feather flags” and have approved them. However, he noted, several flags have popped up where permission or a permit has not been given. They also became aware of commercial flags that are put in place by businesses without a permit, causing issues with having Code Enforcement make repeated attempts to find the owners of the flags. The Commission felt that these flags were a traffic hazard to motorists as they are driving because they pop out near the street lines, especially on Lakeshore Drive. In addition to the distraction, the Commission feels that they have adequate signage to promote their business and changes are needed. Mt. Taylor noted at least 12 flags on Lakeshore Drive that are a distraction at the South Main Street area. There are issues with how the flags are in place, some are very precarious. We want to try the visual Blythe that the planning commission is trying to prevent. Councilmember Sutton said that she isn’t inclined to move this forward and appreciate the work of the Commission. Councilmember White said that she is reluctant to make a change after what she has heard tonight. Chair Dittmar thanked the Commission for their work on this issue.

Chair Dittmar moved to the second agenda item, the Planning Commission and Zoning Board of Appeals met jointly on January 25 and February 13, 2023 to review the existing rules and regulations for Short-Term Rentals. The boards have several recommendations that they would to present to the City Council for consideration. Rick Brown, Planning Director reviewed, the memorandum, summarizing the recommendations and draft proposed changes that the joint commissions are recommending. The short-term rentals law in it’s current state has been in place since 2018, to date, they have received 31 applications, 21 approvals, 7 denied applications and 3 that are currently pending. Based on what the commissions have seen with the increase in applications, both boards have established some patterns and precedents in their application reviews, and as such both commissions have expressed their concerns. One of the issues with the Planning Commission is the first threshold question, if the property is compatible with adjacent properties. They have found that host free short-term rentals are not compatible with residential neighborhoods. Mr. Brown continues to summarize Planning Commission feedback, as whether or not it is the primary residence of the person making it a short-term rental, they have been denying these applications. The Zoning Board, conversely, they have heard 5 requests to issue variances to the primary resident requirement, 3 of these requests were approved and two are pending. For area variances, the Zoning Board is charged with balancing the benefit to the individual against the hardships or detriment to the community, if the variance is granted. In all three of the approvals, they have found that the primary resident requirement does not significantly change the characteristic of the short-term rental. Zoning has been approving these, they are 3 for 3, while it might not be enough to establish a clear precedent, it is a concern that there is a requirement that was put in place by City Council, that is being varied. Mr. Brown continued, based on what they have seen over this period of reviews, the commissions came together to discuss these issues and crafted their recommendations. The draft of the 5

recommendations that are being reviewed tonight is from their discussions. They more clearly defined the differences between the short-term rental and Bed and Breakfasts, hosted and non-hosted rental is, eliminated the requirement of primary residents, both boards are finding that it just isn't working as originally intended. Reducing the area that short term rentals are permitted. The single-family districts R1 and R2s, not allowing short term rentals. Having short term rentals in mixed use zone districts are permitted in the city. Having some kind of revocable permit, not like how special permits are handled now, that does not carry over or transfer with the property. The fifth, is that if the council would like to consider these issues, that they also consider a moratorium on short term rentals until they have decided the next course of action. Councilmember Sutton asked the reasoning behind the primary residence issue. Mr. Brown said that ideally, the primary resident is renting out their property a few times a year while living in the residence. What the commissions are seeing, several, where it has been questionable. They may have mail delivered to that home, voting registration and DMV that suggests it is their primary residence, but it is clearly the intent to rent that property out for as long as they can. The other is in a multi-family situation, where a two-family home, they are renting 12 months out of the year. He isn't really sure if this was the intent of the law. Councilmember Sutton asked where do these people live if constantly renting out their primary residence. Mr. Brown said, this is what both commissions are struggling with. Councilmember Sutton asked how does the commission know the rules aren't being followed. Mr. Brown responded by saying the details are in application, where an applicant may say that they travel a lot for work and will not be available. Councilmember Sutton said that significantly restricting the areas where short term rentals can be, she isn't in favor of and she does like the idea of a revocable permit. Councilmember White said that she agrees with Councilmember Sutton, she asked that if the current ordinances in place to help navigate the short-term rentals, the property owner could be cited to help weed out potential situations. She doesn't understand the moratorium suggestion as puts more pressure and uncertainty on residents looking for an answer with their application, she is interested in the licensing. Chair Dittmar doesn't like limiting the zoning to certain areas. He asked about the commissions conclusion that it isn't compatible with residential neighborhoods. Mr. Brown explained that it is a form of lodging, with people coming and going in a residential neighborhood, it isn't compatible. He is okay with the resident requirements being drop and is in favor of the licensing. Councilmember discussed the use variance versus the area variance. Councilmember Polimeni suggested that it might be a good idea to go with the moratorium and to have Council meet with the Commissions to better understand all the nuances involved before making a decision. She thanked the commissions for working together on these complex issues. Councilmember Unrath agrees with Councilmember Polimeni on the moratorium should start and stop accepting new applications, while letting the current applications play out. Mayor Palumbo said that since this is a housing issue, are we losing residents able to move here as these properties are being purchased to be short term rentals. Mr. Brown said that we have 31 short term rentals with 3,000 rental units in the City. Councilmember Lyon agrees with Councilmembers Polimeni and Unrath on the moratorium idea. Mr. Brown clarified; the moratorium is only for short term rentals in residential districts. The commission would continue reviewing short term rentals in mixed use or commercial districts. Stan Taylor, Chair of the Planning Commission, discussed the permit with short term rental. We have to grant a special use permit for that short term rental. Currently, that permit transfers with the property should it be sold. What we are seeing is an end to the special use permit and it cannot transfer with the property. We are just asking to tinker with our current ordinance. We had all received a letter on 2/18 from a resident in South Pearl Street, and her concerns were very thing that the two commission have wrestled with. We are seeing rental being much longer than a 20-day rental, we are seeing where they are now six months or longer. Mr. Taylor discussed the updating of the second and third floors of the commercial district on Main Street, and reviewing those applications are much different. They are seeing there approving these commercial spaces for short term rental will pay off in the future for the downtown area. Chair Dittmar said that it is worthy to entertain the changes. Councilmember Sutton said that she is not

in favor of the majority of the recommendations, does want to continue discussions and is not in favor of a moratorium. Councilmember White agrees. No motion was made and discussions will continue. Chair Dittmar thanked Mr. Brown for discussing this and it will be added to the next agenda.

Chair Dittmar moved onto Solid Waste Collection Program. The City Council has received feedback from various groups related to the City Solid Waste Collection program and has added this item for continued discussion; specifically, the request from Mr. Viggiani related to large families, mixed-use properties, or other properties that do not or will no longer receive City solid waste collection. At the Finance Committee meeting, the committee voted to amend the ordinance to allow for the continued collection of condominium developments within the City. A draft ordinance is attached for review and discussion. Chair Dittmar said that they could give large families a second toter for free and he is against this. We all agreed to the program and he would prefer to stay with the program at hand. 33% of waste going to the landfill were compostable. We need to continue to educate the City Residents on ways to reduce trash. Councilmember White agrees with Chair Dittmar. Councilmember Sutton agrees as well. City Manager Goodwin said that with the closure of the landfill, everything will cost more, while recycling is currently free, this will change. It will be a tough economic decision going forward. Mayor Palumbo advocated for families to try and reduce waste and use one toter. Councilmember Uebbing, agrees, it is unfortunate that they may have to bear more expensive or change their practices, and what we have to do is create less waste. Mr. Michael Yarger, said that every property owner is paying for this practice, he thinks everyone that is paying should be receiving trash service. Patrick Rhodes, Buffalo Street, is there a concern with residents placing trash into recycling to avoid paying for an additional toter. City Manager said that the 64-gallon toter fits 5 garbage bags and encourages residents to continue to reduce ways to reduce trash. Mr. Palumbo said that a resident had contacted him from Mohawk Road, and parts of their property is in the Town and they pay taxes to both. They have received pick up from the City and followed everything and they did not receive new toters. He is asking to have that resident grandfather in, but due to the circumstances of this particular property had the service and should continue. Council should be able to decide. City Manager Goodwin shared the details with Council on 5069 R North Rd, vacant property with improvements. The House is in the Town and a piece of the garage is in the City. We did not provide toters to properties that are in the Town, as Town residents are able to take their waste to the Town free of charge. Councilmember White said that since the house is in the Town and Councilmembers discussed what would happen if they decided too. City Manager said that the Town is looking to change the boundary line and those discussions are forthcoming. Councilmember Uebbing asked how many properties straddled the line that were receiving services that aren't now. City Manager Goodwin said that in these areas they are talking about three properties. Councilmember Uebbing said that since they are paying taxes to the City, even a small amount, he believes they should continue. Goodwin said the property classification code is where they drew the line. His sense that we picked up garbage there all the time that we should continue. Chair Dittmar has no desire to change any details to the ordinance. Councilmember Sutton doesn't like how it was handled, they were told they were getting a toter and found out they weren't. She doesn't like how it was handled and wants to help but since there are plans to move it to one municipality, we do not need to pick up their garbage. They are owed an apology for how this was handed. Councilmember White said that they knew they were Town residents and sadly there was a snafu but agrees with Councilmember Sutton. City Manager said that he has apologized to them and we are making arrangements for them to get garbage toters.

Chair Dittmar moved to discuss the Volunteer Firefighter Tax Exemption. Chief Ma said we currently have five volunteer firefighters; we are in favor of this and this is one opportunity to help incentivize volunteers. He will leave the decision to Council to decide. He believes it would be a good thing for our community. Chair Dittmar said he would be in favor of opting in to this local law. Councilmember Sutton

moved to approve its adoption, seconded by Councilmember White. Unanimously passed and carried. Chair Dittmar thanked Chief for staying. Councilmember Polimeni thanked the Chief for his hard work on the annual report from the department and appreciated his hard work.

Chair Dittmar discussed the Solid Waste Ordinance changes with Corporation Counsel Hou, who recommended bringing the those changes to the full council for adoption. Councilmember Sutton clarified that the changes are to the condo language as previously discussed. Councilmember Sutton moved to approve moving the changes to the full council for review, seconded by Councilmember White. Unanimously passed and carried.

Councilmember Sutton moved to adjourn, seconded by Councilmember White. Unanimously passed and carried. Meeting ended at 9:07 pm.