

**MINUTES
CITY OF CANANDAIGUA
PLANNING COMMISSION**

May 10, 2023

PRESENT: Chairman Stanley Taylor Commissioner Lindsay Van Deusen
 Vice Chairman Anne Beyer Commissioner Bonnie Dorschel (via Zoom)
 Commissioner Richard Manley
 Commissioner Guy Turchetti

ABSENT: Commissioner James Hitchcock

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 April 26, 2023 Meeting Minutes. Commissioner Manley moved to approve the minutes as submitted. Vice Chair Beyer seconded the motion, which carried by unanimous voice vote (6-0).

REVIEW OF APPLICATIONS

ITEM 01 **Application #22-337A: 343 North Main Street, REMAX REVOLUTION for Architectural Review to install signage. Applicant seeks modification to approval granted on November 09, 2022. (Tabled from March 08, 2023)**

Commissioner Turchetti moved to lift the application from the table. Commissioner Manley seconded the motion which carried with a voice vote (6-0).

The applicant was not present.

ITEM 02 **Application #23-060: 321 North Main Street, LEE IVERS, Historic Alteration to demolish barn.**

Lee Ivers presented the application. The existing barn was in disrepair when he obtained the property. He has received opinions from two contractors that agree; the structure is irreparable. It is currently sitting on the property line and does not meet current code requirements.

Chairman Taylor asked when the applicant purchased the property and if any attempt was made to salvage the barn. Mr. Ivers said he acquired the property in 2011 and installed posts to keep the structure from falling, but has not attempted any further repairs.

Chairman Taylor asked if the applicant had plans for the site once the barn is demolished. Mr. Ivers said no.

Commissioner Manley said the barn appears to have deteriorated to the point that it is now hazardous. Chairman Taylor agreed. He visited the site and said the barn appears unsafe to enter.

Commissioner Turchetti agreed. It would be cost prohibitive to repair.

Mr. Ivers noted that the barn was constructed at a much later date than the house. He is questioning the historic significance of the barn.

Commissioner Van Deusen agreed that the barn does not appear to hold much historic value.

Vice Chair Beyer agreed.

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

Commissioner Van Deusen asked if the foundation is to be removed. Mr. Ivers said he has no plans for the site currently, so it is likely he will remove it.

Chairman Taylor noted the findings that the structure is irreparable and holds no historic value. He then called for a motion.

Commissioner Van Deusen moved that the Planning Commission Approve the application as submitted with the following condition:

1. The foundation shall be removed and the site shall be restored to lawn.

Commissioner Manley seconded the motion, which carried with a vote (6-0).

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

ITEM 03 (Public Hearing) Application #23-079: 129 South Main Street, MIKE YARGER, requesting a Special Use Permit necessary to operate a Short-Term Rental within the nine existing apartments.

Mike Yarger presented the application via Zoom. The property has a total of 9 residential units. There is one 3-bedroom., one two-bedroom., one one-bedroom. and the rest are studios.

He is proposing to convert units from long-term to short-term rentals as the leases expire. The maximum occupancy would be 2 persons per bedroom/studio.

All current tenants use municipal lots for parking. Any short-term rental guests would receive

notification of the requirement to avoid parking under the pavilion on Friday evenings, during the Farmer's market season, to avoid towing fees.

Chairman Taylor opened the Public Hearing. No one came forward. Mr. Brown said no written comments were received.

Chairman Taylor closed the Public Hearing.

Vice Chair Beyer asked for confirmation that the maximum occupancy would be based on two people per bedroom or studio. Mr. Yarger confirmed. This equates to a maximum of 24 guests for all units.

Chairman Taylor inquired about trash removal. Mr. Yarger said he plans to continue using the current refuse service.

Chairman Taylor asked if long term tenants would be given the option of renewing their lease. Mr. Yarger said yes. He is aware of three tenants with leases expiring soon, that do not plan to renew, so those units would become the first short-term rentals.

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

Commissioner Van Deusen moved that the Planning Commission **Approve** the application as submitted and presented.

Commissioner Turchetti seconded the motion, which carried with a vote (6-0).

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

ITEM 04 **(Public Hearing) Application #23-087: 39 Eastern Boulevard (Parkway Plaza), KEYSTONE NOVELTIES, for Site Plan Review and Architectural Review to install a seasonal tent.**

Alex Mutzabaugh, Field Operations Manager, presented the application via Zoom. They would like to set up a tent to conduct parking lot sales of New York State licensed sparklers. The sale event is scheduled to run from June 22nd to July 5th.

Chairman Taylor informed the applicant that it may become necessary to choose an alternate location in the future. As new tenants move in to the plaza, available space within the parking bays may be scarce.

Chairman Taylor opened the Public Hearing. No one came forward. Mr. Brown said no written comments were received.

Chairman Taylor closed the Public Hearing.

Chairman Taylor noted that the tent was set up in the wrong location last year. It should have been placed one parking bay further to the East. Mr. Mutzabaugh reminded everyone that they were approved to use the tent that was previously set up by the flower vendor. It was already in place.

Commissioner Van Deusen inquired about the dates, including set up and tear down. Mr. Mutzabaugh said the tent would be set up on or after June 18th, and would be removed no later than July 8th.

Commissioner Van Deusen questioned the distance between the location of the storage unit and the tent. Mr. Mutzabaugh explained that NYS code requires a minimum of 20 feet separation.

Commissioner Van Deusen is concerned that the location of the tent would create blind spots for pedestrians and vehicles. She believes the tent should be centered within the parking bay, and the storage unit placed in one of the perpendicular parking spaces near the grass area.

Mr. Mutzabaugh said they are proposing a smaller tent, 20' x 40'.

Chairman Taylor believes it would be best to center the tent within the parking bay, in a north to south orientation.

Commissioner Van Deusen inquired about any additional signage at the road. Mr. Mutzabaugh said the only signs proposed are the two signs fixed to the tent.

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

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

1. The 20' x 40' tent shall be white and oriented north to south.
2. There shall be no more than two signs displayed.
3. There shall be no generator or port-o-john on site.
4. The tent shall be centered over the parking bay, one bay east from last year's location.
5. The storage unit shall be placed in a perpendicular parking space adjacent to the grass area.
6. The skirting of the tent shall be red, white or blue, or any combination of those colors, with no advertising.
7. The approval is effective for one year only.

Commissioner Manley seconded the motion, which carried with a vote (6-0).

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

ITEM 05 Application #23-096: 183 Parrish Street, 183 PARRISH LLC, for Architectural Review, to install signage.

Paul Dudley represented the applicant. Two signs are proposed. One is to be at the street, and the other is a directional directory sign, further within the site. Each will have a metal base cabinet set on a concrete slab.

Chairman Taylor asked about lighting. Mr. Dudley said both signs are to be made of internally illuminated lettering.

Commissioner Manley questioned the number of tenants on each sign. Mr. Dudley explained that there are four anchor tenants. These will be displayed on the main sign at the entrance. The directional sign will accommodate eight tenants, giving them the option of splitting the spaces at a later date.

Commissioner Van Deusen asked about the hours of lighting. Mr. Dudley said they are proposing for the signs to be lit during operational hours, 6 a.m. to 9 p.m.

Commissioner Van Deusen inquired about landscaping around the signs. Mr. Dudley said the landlord may add landscaping, but it will be minimal to avoid crowding the signs.

Commissioner Van Deusen asked about the material. Mr. Dudley said they are proposing brown aluminum. It has a sophisticated look and matches the décor at the street.

Commissioner Manley likes the design.

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 condition:

1. The sign may be lit from 6 p.m. to 9 p.m.

Commissioner Dorschel seconded the motion, which carried with a vote (6-0).

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

ITEM 06 Application #23-088: 85 Eastern Boulevard (Parkway Plaza), OUTDOOR LIVING SOLUTIONS, for Architectural Review to install signage.

Ken Welty, business owner, presented the application. He is proposing a wall sign for the new business. The landlord is requiring a raceway, which will be painted beige, to match the rest of the plaza. A portion of the sign is to be lit with internally illuminated letters, and the remaining will have halo lighting.

Chairman Taylor asked if the façade is to be repainted. Mr. Welty said yes. The landlord has agreed to repair and repaint.

Mr. Welty asked for approval with the option of reducing the sign for cost savings.

Chairman Taylor asked if the sign will be centered on the façade. Mr. Welty confirmed.

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.

Commissioner Turchetti seconded the motion, which carried with a vote (6-0).

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

ITEM 07 **Application #22-120: 228 North Main Street, ROBERT MARVIN, for Historic Alteration to replace concrete wall and fence. (Removal of the wall was approved on June 22, 2022)**

Applicant was not present.

ITEM 08 **Application #22-177: 228 North Main Street, ROBERT MARVIN, for Historic Alteration to replace the roof. (Tabled from June 22, 2022)**

Applicant was not present.

Vice Chair Beyer assumed chairmanship for the next three applications.

ITEM 09 **Application #23-097: 70 Howell Street, GARY SCHLEMME, for Historic Alteration to install a fence in the rear yard.**

Gary Schlemme presented the application. The fence proposed is a 3.5' high, wooden picket. It would extend across the side yard at the rear wall of the house, and then extend further to the rear. It is the same height, material and style of the fences on both sides of his property.

Vice Chair Beyer noted that there is limited visibility.

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

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

Commissioner Manley seconded the motion, which carried with a vote (6-0).

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

ITEM 10 Application #23-102: 20 Eastern Boulevard, MAGUIRE FORD, for Architectural Review to install signage.

The applicant was not present. Mr. Brown described the proposal to remove the existing channel letters, “SHEPARD”, and replace with “MAGUIRE”. The size, color and materials will remain the same.

Vice Chair Beyer expressed a concern for shadowing from the previous sign.

Commissioner Manley said the former sign and the proposed new sign are as alike as they can be.

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

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

Commissioner Manley seconded the motion, which carried with a vote (6-0).

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

ITEM 11 Application #23-104: 136 South Main Street, SYMMETRY BARBERSHOP, for Historic Alteration to install signage.

Ian MacDonald, of Historic Sign Restoration, presented the application. Mikenna Taylor, the business owner, was also present. The proposed signage includes both a dimensional wall sign and a hanging, double-sided icon sign. They will utilize the existing gooseneck light fixtures over the sign board.

Commissioner Van Deusen inquired about the proposed lettering and coloring for the icon sign. Mr. MacDonald explained that they are considering adding lettering to the razor handle. The sign itself will be shades of gray, silver and black.

Chairman Taylor spoke of the historic nature of icon signs. They were often chosen as signage to aid individuals that were unable to read. He is in favor of icon signs for the historic downtown district.

Commissioner Van Deusen inquired about lighting. Mr. Brown noted that three gooseneck lights were previously approved for the building.

Commissioner Manley is in favor of the icon, but prefers the look of no lettering on this sign. Mr. MacDonald said he is not opposed to leaving it off.

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

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

Commissioner Manley seconded the motion, which carried with a vote (6-0).

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

Chairman Taylor resumed chairmanship of the meeting.

ITEM 12 Application #23-107: 470 North Main Street, STASKO LEGACY GROUP, for Architectural Review to install a ground sign.

Mike and Paige Stasko presented the application. They are proposing a double-sided, 12 square foot ground sign with ground lighting. The area around the sign is to be landscaped, with ground lighting on a timer.

The sign is to be centered on the property, perpendicular to the road. The colors proposed are black and white.

Commissioner Van Deusen inquired about the posts. Mr. Stasko said they are proposing a white vinyl post sleeve, or black aluminum. Either would tie in with the existing colors of the building.

Chairman Taylor inquired about the hours for lighting. Mr. Stasko said the business hours are Monday through Friday, 8 a.m. to 5 p.m. They would like the lights to remain on during those hours and a couple additional hours past closing.

Commissioner Van Deusen asked if there is existing signage on the building. Mr. Stasko said no.

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 condition:

1. The sign may be lit from 7 a.m. to 7 p.m.

Commissioner Van Deusen seconded the motion, which carried with a vote (6-0).

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

MISCELLANEOUS

ITEM 01 Status of proposed changes to the Short-Term Rental ordinance.

Mr. Brown updated the commission on the City Council review of the proposed changes to the short-term rental ordinance. A six-month moratorium on short-term rentals in residential zone districts was approved and has taken effect. Residential-Office and Residential-Industrial are excluded. This does not affect any applications that are already in process.

There was not sufficient support for the proposed overlay district. However, there was agreement on changing the definition of primary residence to stipulate that it must be the owner's primary dwelling unit. There was discussion on limiting the number of rental days per year. The exact number is still being debated.

There is support for a two-year renewable, revocable permit that would not transfer to a new owner. The renewal process would be an administrative process, not subject to Planning Commission review.

ITEM 02 Federal Environmental Review, 351 North Street, YMCA

Mr. Brown explained that a Federal environmental review is required for the new YMCA facility to receive federal funding. The state level SEQR that was previously completed is not acceptable.

Chairman Taylor reviewed the submitted documents, noting the similarity to the NYS EAF. No issues were found.

Mr. Brown asked for a motion authorizing the chair person to sign.

Commissioner Turchetti moved that the Planning Commission authorize Chairman Taylor to sign the federal environmental review.

Commissioner Van Deusen seconded the motion which carried with a vote (5-0).

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

ADJOURNMENT

Commissioner Manley moved to adjourn the meeting at 8:45. Commissioner Turchetti seconded the motion, which carried with a unanimous voice vote (6-0).

Richard Brown
Director of Development & Planning

Stanley Taylor
Planning Commission Chairman