

ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE MINUTES
TUESDAY, AUGUST 15, 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
Sim Covington, Jr.
Erich Dittmar

Other Councilmembers Present: Ellen Polimeni
Thomas Lyon
Steve Uebbing
Dan Unrath
Mayor Palumbo

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

Chair White opened the meeting and welcomed members represent and reviewed the agenda items.

She welcomed, Watershed Program Manager Kevin Olvany of the Canandaigua Lake Watershed Council who presented on the Sucker Brook Flooding and Joint City/Town Meeting. Mr. Olvany reviewed, the flood event on July 9th, he reviewed that stormwater model results that were completed in 2007. He reviewed the history of sucker brook and the watershed projects, as the main storm water conduit for the City of Canandaigua. He reviewed the draft floodplain maps of the areas as well as reviewed potential for additional FEMA Hazard mitigation projects. Reviewing the geography of the storm path, recorded at the Canandaigua Airport was a total of 5.8 inches of rainfall, with 4 of those total inches falling in under an hour. Chair White thanked Mr. Olvany for his presentation. Mr. Goodwin said that the presentation will be available online on the City's website for future review for residents. Mayor Palumbo discussed passing the resolution to work with the Town on this issue and this will be an ongoing issue. Chair White City Council and Town Board joint meeting has been scheduled for September 20th at 6 p.m., Town Hall. She welcomed members of the public who came to speak. Marsh Seager, 140 Howell Street, asked on the maps that Mr. Olvany reviewed and asked if there could be any widening of these areas. Mr. Olvany said they are reviewing all potential as Mr. Goodwin said that it means removing homes from the floodplain and Mr. Olvany agreed, it would be a difficult option. Mr. James Octerski, 141 Park Ave, thanked Mr. Olvany for his presentation. He advocated for more public information. He asked about the role of resiliency is that's tied to converting land use from permeable surface to hard surface in the Sucker Brook watershed versus storage. Mr. Olvany agreed that a storage is, is one aspect of it and believes there may be ways to improve it. He explained that the Towns of Gorham and Canandaigua as well as the City of Canandaigua all adopted what are called enhanced phosphorus treatment standards, which requires bigger stormwater systems to handle and treat the stormwater runoff and they are required to meet what's called the peak development flow rate as it was before the development was put in place. Mr. Ernie Marioni, West Avenue discussed issues from the flooding. Peter Mulvany, Bates Str, was not affective by flood but has 160 feet of frontage. He thanked Mr. Olvany for his presentation and he explained that more communication on efforts on what has been done by area officials should be known by the public and encourages more communication outreach. Chair White thanked Mr. Olvany again for his efforts.

Chair White reviewed the second item, Updated Fee Schedule Towing Fees. Mr. Goodwin reviewed, at the June 6th Finance Committee, the City Manager and Chief of Police recommended updating the fee schedule for towing which has remained unchanged for 12 years as towing companies requested that the fee be adjusted to account for increased cost and to be in line with Ontario County and the City of Geneva. The fee schedule update was not adopted and recently the towing companies requested to speak with the City Council about the rates. Tom Lay, owner of Farmington Service. He explained that it has been since 2007 for these fees have been increased and reviewed his cost details with Councilmembers present. When his firm is called out after hours, they are not meeting expenses based on the fees he is paid. He explained once they complete our job of removing the vehicle, they have to deal with insurance companies, family members, depending on the circumstances. They send certified letters, perform state searches for owners and send certified letters to both lien holder, the owner. These are all fees that are not in the current contract, that are something above and beyond what we are paid for. Overall, the basic expenses have doubled since 2007. Chair White asked the proposal is. Mr. Lay said to use the County rates as Ontario County has adopted. Mr. Goodwin showed the rates from Ontario County that they are looking to have Council adopt. Mayor Palumbo asked about the rates and Mr. Lay confirmed that the City has not changed the rates as Ontario County has gone up twice. Mayor Palumbo supports increasing the fees, although is not a voting member. Councilmember Dittmar said that he is in favor of making the change. Councilmember Lyon asked about the fee schedule. Mr. Goodwin said that the City adopts the fee schedule annually. Mr. Lay said that they are trying to do a five-year schedule with the County and hoping the same can be done for the City. Councilmember Uebbing said that he would support these changes when they come before Council. Councilmember Dittmar motioned to adopt the new rates, seconded by Councilmember Covington, unanimously passed and carried on to full Council.

Chair White moved onto the Ontario County Arts, Culture and Recreation Grant. Mr. Goodwin reviewed the details, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19.” The County extended their submission deadline to 8/16 and Wood Library reached out the City for a Resolution of Support for their application. Wood Library is requesting \$10,000 to support The Reading Garden project. After some resident feedback, Councilmember Uebbing requested further discussion regarding City Staff’s original grant application proposal to pave park paths. Councilmember Polimeni asked about the other grants, the grants are due Friday and require a resolution. Mr. Goodwin said that the County will accept a draft resolution. Councilmember Lyon excused himself from the meeting, as part of the reviewing committee for the County on the grant, could not be present for the discussion. Councilmember Dittmar motioned to approve the grant, seconded by Councilmember Covington, unanimously passed and carried. Mr. Goodwin reviewed the Fuller family’s grant for Roseland Waterpark adding a mini-golf course in front of the waterpark. Mike Yarger said that he doesn’t believe tax payer funds should be given to support this effort. Councilmember Polimeni said that it is the ability to put together a proposal, not a proposal itself. Mr. Goodwin said that they are asking for municipal support and if it is awarded by the County, the municipality are in support of it. Mayor Palumbo spoke to the Fuller family and reviewed that the area previously was a miniature golf course as well as batting cages and would be good for the City to have back. No motion was made in support. Mr. Goodwin reviewed the City’s application, to pave the parks, so people of all mobilities are able to use the parks year-round. The paved areas could be plowed. The Lakefront parks is not apart of the application, it would just be fore Baker Park. Chair White said that he is opposed to paving the Lakefront Park but just considering Baker. There was no discussion on paving and no motion of support for the City’s grant.

Chair White moved to close the meeting.

Ordinance Committee: Erich Dittmar, Chair
Sim Covington, Jr.
Karen White

Other Councilmembers Present: Ellen Polimeni
Thomas Lyon
Steve Uebbing
Dan Unrath
Mayor Palumbo

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

Chair Dittmar opened the meeting and reviewed the agenda.

He moved to the first time; Parking on Howell Street near Sonnenberg Parking is currently restricted along the north side of Howell from Park Street to Charlotte Street. Due to parking complaints from Howell Street residents, City Staff recommended changing the current parking restriction by restricting parking on the south side instead. The Ordinance Committee discussed the matter and recommended allowing parking on both sides of the street and an ordinance was introduced at the last City Council meeting where residents of Howell Street also spoke requesting that the Council reconsider and follow the original recommendation. Councilmember White supports adding parking. She had gone to the area today, but did not witness an issue, she suggested creating one way parking around the Washington Street areas plus to call the police. Police Chief Nielsen was present and said anytime someone is blocking a driveway, Officers will respond and ticket as needed. They Officers do not always know if it is the homeowner that is blocking the driveway. Some one asked about the distance, Chief confirmed that it is five feet. Chair Dittmar asked Chief his opinion, and he said that if there is parking on both sides, emergency vehicles getting down the street when there is parking on both sides could be an issue. Mayor Palumbo said that parking on both sides, it will be very difficult for two-way traffic. He agrees with Chief, it will be hazard. Councilmember Polimeni said two-way parking should not be considered, creates a situation, she thinks parking on the North side is the better option, Councilmember Uebbing said that he agrees with comments made. Chair Dittmar said that he is leaning to parking on the north side. Councilmember White asked about how many spaces they are losing. Mr. Goodwin showed the map of the area and where the proposed changes are taking place. It would be from Park to Charlotte Street, to park on the North side only based on the resident feedback. Eric Frarey, Howell Street spoke and said that he hopes Council will move forward with the changes and reviewed his first-hand experiences on Howell with the parking issues. Marsh Seager, Howell Street spoke and he proposed parking solutions on the grassy area of Sonnenberg Park and said that it seems to be a pickleball person issue. Councilmember Uebbing said that there is ample parking around the park, it's fine for people to walk to the park, he doesn't want to reduce the size of the Park. One side of the street parking, is ideal. Bill Wright, Washington Street, he aggresses with Councilmember Uebbing. It's an event problem, it is a community park. Mr. Goodwin acknowledged the issue and that they will not be permitted again. There will be a small City only pickleball tournament upcoming with no outside funding. Bob Sierma, Howell Street spoke, he is concerned about people blocking drive ways and there is little the police can do to help. Dory Mack, Howell Street asked if the three affected houses will be blocked or not, she isn't in favor of double-sided parking. Russell Francis,

Howell Street spoke and echoed many of the comments, is against double-sized parking. He is also concerned about wheelchairs coming down Howell, should double parking be allowed. Ketih Negar, Howell and Washington. There is bus traffic as well. They have to do wide turn and if we change the ordinance that will be a problem for them. Parking on both sides does not make sense. The biggest concern he has is the day camp at the park and the pickleball players, their entrance and exits are an issue. He thinks the best thing does not park signs on the corners would be a good fix, Leanne Bossart, Washington Street, discussed her issues with double sided parking and issues faced with the school bussing for her family. Councilmember Covington motioned to move the parking to the North side of Howell Street and he would like to add painting the spaces. Councilmember White would not second the motion, does not agree with painting the spaces and feels that the suggestions she heard were not that convincing for changing anything. Chair Dittmar requested that it be the whole North side for parking only. Councilmember Polimeni said that I make good sense to make as Councilmember Covington suggested. Mayor Palumbo said that by going to the North side, they are picking up several parking spots, eliminated the driveway issues. Mr. Goodwin showed a map of what Councilmember Covington is suggesting. Councilmember Covington asked Councilmember White while viewing the map if this is something she can agree too, she said that she still feels that residents should have to live with the current circumstances. Chair Dittmar moved to table the discussion and Councilmember Polimeni said that it doesn't preclude Councilmembers from introducing the measure in the future. Mr. Goodwin said that they have heard the discussion, any changes would be amended, require a public hearing and may be enacted 30 days after. Chair Dittmar thanked residents for coming and Mayor Palumbo reminded residents of the upcoming public hearing on these issues in September.

Chair Dittmar moved to table the discussion on Permitted Shed Size, he reviewed of the 20 area variance applications for increases to shed size, in the past ten years, 19 were granted. With that in mind, the Zoning Board of Appeals has recommended that the minimum size of sheds or *Residential Storage Structures* be increased from 165 square feet to 240 square feet, until their next meeting.

Chair Dittmar moved to table the discussion on Dumpster Enclosures, City Code Enforcement has been addressing increased complaints of unscreened dumpsters. The main issue is unscreened dumpsters creating a nuisance to adjacent properties and basic unsightliness for the public. Our current law only requires dumpster enclosures if the property borders a residential parcel. City Staff recommends amending the ordinance to require enclosures regardless of the zoning district, until the next meeting.

Chair Dittmar, moved to Short Term Rentals *Ordinance #2023-005 Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments* was presented to Council at the 8/3 meeting and sent back to Ordinance for further discussion. Rick Brown reviewed, that at last meeting there was the public hearing number of people came forward. He believes the majority of the people that spoke at the hearing were actually people that had short-term rentals, expressed concerns that the proposed law would negatively affect them. That was never the intent. In fact, we've probably had 10 meetings that we talked about this and no one ever suggested taking away rights of people that already had short-term rentals. So, we just made a couple small changes to the text to clarify that statement. David Hou, asked when the renewal would, when a grandfather permit holder would need to be come up for would for renewal? Mr. Brown explained that the way it's written now would be three years from the date of approval. Councilmember White asked for clarification. Mr. Brown said Previously approved short-term rental did not have an expiration. He further explained that, two of the conditions that would apply to the previously approved short-term rentals are one, they would be subject to a three-year renewal. The question that was asked was when would the three years take effect and he said it would be three years from the date of the original approval. He acknowledged that some may go over three, but did not believe that the City has any that are much longer than that. The other condition would be that it can't be transferred

to a different owner. Discussion on the watching the timeframe of the current moratorium and Mr. Brown said that he and City Manager Goodwin along with Corporation Counsel would need to review the details and may have to come back for possible extension. Brendan Marks, who owns a home on Beeman Street spoke and he isn't sure that grandfather of an STR is part of the municipal law and believe that waivers need to be approved on specific conditions. David Hou, disagrees with Mr. Mark's comments. Mr. Marks continued, definition changes, the City website doesn't show the current draft. Mr. Goodwin interjected that it is the correct ordinance on the site. Mr. Marks continued the zones should be amended to say what they allow and suggested that is not the way to handle zoning. He cited other legal issues from other municipalities. He feels that the ordinance is poorly written. Chair Dittmar thanked Mr. Marks for his comments. Chair Dittmar said that putting the ordinance on agenda, draft date of August 7th and asked David Hou if any further comment is needed. Mr. Hou suggested that if there are further questions it can be discussed in Executive Session for attorney client privilege. Councilmember White motioned to move the ordinance on to full Council for their review, Councilmember Covington seconded the motion, motion passed and carried.

Chair Dittmar moved to close the meeting.