

ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, SEPTEMBER 19, 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
Doug Merrill

Other Councilmembers Present: Thomas Lyon
Ellen Polimeni
Mayor Palumbo
Dan Unrath, via Zoom

City Staff Present: John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager, via Zoom
David Hoh, Corporation Counsel

Chair White opened the meeting, thanked those for coming. She moved into the first agenda item, Clean Energy Community Campaign Presentation. The intent of a Community Campaign is to with partner with the Climate Solutions Accelerator and volunteers organize a structured campaign to encourage the adoption of clean heating and cooling technologies (e.g., ground- and air- source heat pump systems and heat pump water heaters) as well as energy efficiency retrofits to homes, businesses, and community institutions. This program will give the City credits as both a Clean Energy Community and Climate Smart Community. Brett Peters from Climate Solutions Accelerator presented to the Committee. Chair White thanked him for his presentation and thinks his presentation will be very helpful to the community.

Chair White reviewed the update on Climate Smart Communities. Shawna Bonshak, Assistant City Manager, presented a brief update on the City's Climate Smart Communities Program and how the City is confident that it will gain Silver Certification upon submission during the next application cycle. She reviewed the extensive application progress that has an overall goal for the City has a whole to reduce their energy consumption. Chair White reviewed that this effort is apart of the Climate Smart Committee that began several years ago in Canandaigua. She asked why this distinction is important to the City and Ms. Bonshak explained to help with grants and it fosters the goal of having a sustainable community, where we are considered one of the leaders for in the State. Mr. Goodwin explained that there are two tracks available, one is the Clean Energy Community and the other is the Climate Smart, which is what we have chosen. Chair White asked when the Climate Smart meets next and it will be in October.

Chair White moved onto the Summary of 2023 Summer Recreation Programs. Heather Pogue, Recreation Supervisor, provided a brief summary of the programs and events that took place thus far in 2023. Chair White requested this review and she has been concerned about the lack of lifeguards at Kershaw Park. Mrs. Pogue presented and reviewed her programs to date. Mr. Goodwin noted that the Town of Canandaigua had traditionally partnered with the City for the day camp program at Onanda, this did not happen this year. We did not charge the Town participants any different from the City

residents, while the Town did charge differently for City residents to attend their program. The Mayor asked about the wheel chair accessibility status for Kershaw. Mrs. Pogue said that she will follow up as there were some issues with the company. Mr. Goodwin reviewed the lifeguards, and while they were fully staffed, there were high school students and college students. The City is always looking for additional lifeguards who can work. They acknowledge the goal of keeping the park open longer is ideal. Chair White thanked her for her report.

Chair White closed the meeting.

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

Other Councilmembers Present: Thomas Lyon
Ellen Polimeni
Mayor Palumbo
Dan Unrath, via Zoom

City Staff Present: John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager, via Zoom
David Hoh, Corporation Counsel
Rick Brown, Director of Planning

Chair Dittmar opened the meeting, welcomed members present and reviewed the first agenda item, updates to Permitted Shed Size. 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. Rick Brown, Director of Planning reviewed the Zoning Board's recommendation to Council. Councilmember Merrill congratulated Mr. Brown on 25 years of service to the City and asked if they are seeing the use of sheds as single car garages, since the size requirement is similar. Mr. Brown said that no, this is specifically for a storage structure use, however many of the area homes do not have garages. Councilmember White motioned to accept the recommendation and move to full Council. Seconded by Councilmember Covington. Unanimously passed and carried.

Chair Dittmar reviewed the second agenda item, 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. Mr. Brown reviewed the recommendations to amend the ordinance to require enclosures regardless of the zoning district. Councilmember Merrill requested that screening definitions be included to ensure compliance. David Hou said that current code references screening and reviewed the definition. Councilmember Polimeni asked how many dumpsters would be affected and Mr. Brown said that there are a few owners that would need to be contacted once the change is made. Councilmember White motioned to approve to update the ordinance, seconded by seconded by Councilmember Covington. Unanimously passed and carried.

Chair Dittmar reviewed the details continuing with Muar House Lease - Twisted Rail. At the September 5th Finance Committee meeting complaints regarding the noise level of the music performances that take

place at Twisted Rail, measures that Twisted Rail has taken to attenuate noise and a proposed lease amendment were discussed. Twisted Rail requested to continue to discuss this matter with the City Council. Richard Ross of Twisted Rail spoke and they did not receive notice to appear. Chair Dittmar reviewed the proposed stage plan for Twisted Rail and City Staff has reviewed the plan. Mr. Goodwin reviewed the plan, along with City Staff, he noted that the proposed location is better and the only concern the City has been there will be additional fencing with a gate, and the City just wants to make sure they maintain access. The plan is to enclose the stage and it is a sketch plan right now. Mr. Ross reviewed his sketch plan. The plan will help solve the two main problems, moving the sound towards the back of the property away from the hotel and the echo off the hotel was something no one anticipated at all. By moving the stage to the new location, it will not interfere with the City needing to access their water pumps or any type of crisis. What they are asking for is a fencing around the water pumps to protect them. Mr. Ross also addressed that they have had some issues with bands they have booked this year that they will not be inviting back. They will have a professional sound meter to ensure they are at the right levels or below but changing the stage will help, but the sound meter can face the bands as they play so they are aware of their sound. Mr. Goodwin said that he would like to address some of the misconceptions that have been happening. Mr. Goodwin said that once the hotel's condo association reached out with the problem, he began working with Mr. Ross as well as Mr. Bodi on working through these issues. Both gentlemen have been very accommodating to help work through the different solutions presented from the City to work with the condo association to all party's satisfaction. So, Twisted Rail could still have their music, there was never an intention to stop Twisted Rail from being successful. Chair Dittmar said that he wanted to extend his thanks to Twisted Rail for their work on this issue and hopefully this will be a good situation. Councilmember White asked about the terms of the lease, Mr. Goodwin will follow up with the details on the three-year lease. Mr. Bodi said there have been several three-year lease renewals, which is an automatic renewal, and will be reviewing the music issues continuing forward. David Hou said that adding a Memorandum of Understanding could be put in place without amending the lease. Councilmember Lyon said that he would prefer a more formal agreement. Mayor said that it really needs to be known that we are working with them for the success of all. He said that it is disheartening to see some of the Facebook posts where it looks like the City hasn't been doing their fair share. Mr. Ross said that he is aware and they did turn off comments. They are looking to work with everyone. Chair Dittmar said that he is agreeable to the proposed solution and would like to see how it works. Councilmember Covington said that he agrees as well and needs to see how this play out. Mr. Goodwin agrees. Mr. Ross said that hopefully Council will approve moving the stage so they can get started. Councilmember Covington motioned to approve moving the stage, Councilmember Merrill seconds. Councilmembers Dittmar, Covington and Merrill voted to approve, Councilmember White voted no. Motion carries. Mr. Goodwin noted that they should work with code enforcement about the stage placement and Mr. Ross was agreeable. Mr. Ross brought up the dumpster as they want to make sure that the dumpster isn't visible. Mr. Goodwin said that they will work through the changes and will work with Mr. Goodwin directly. Once everything is on the table, they will work with Code on the COA. Mr. Ross said that as far as amplified music, the lease does not specify being indoors. Mr. Goodwin said that indoor music has not been an issue and it would be permitted inside.

Chair Dittmar reviewed Red Light and Speed Cameras. He reviewed, Red light and speed cameras have been authorized on a limited basis in specific municipalities across New York State. This technology has proven to be a cost-effective way for local governments to help reduce running red lights and speeding in pedestrian-friendly neighborhoods and school zones. Post pandemic, statistics are proving, nationwide, that more people are running red lights with blatant disregard for safety and anecdotally reports from the community is that this is true for Canandaigua. Councilmember Dittmar requested feedback from the committee to discuss tonight as he has learned in order to do anything, Council needs

the help of Senator Helming and Assemblyman Gallahan to sponsor home rule legislation to give the City authority for the cameras. Councilmember Covington said that he is okay with pursuing a conversation on adding the cameras as it is a safety issue. Councilmember White said that she is not in favor, due to the issues with their failure. Police Chief Nielsen spoke on Councilmember White questions on traffic enforcement. Chief Nielsen said that his officers routinely write traffic violations and he acknowledged the issues on Main Street. Chief just wrote a red-light ticket himself yesterday and he said the Officers do routinely write red light tickets. Chief said that as far as red-light enforcement some of the conditions are a variable. Main Street can be difficult due to the median. Marked cars and unmarked cars make a big difference in traffic violations. Chief said that this has been a problem that extends outside of the City. Dr. Merrill asked if this is a good strategic use of time. Chief said that this is a new idea and he would need discussing with potential vendors, working with City to size close to ours and Rochester is the only City he is aware of that had camera. He would want to research other similar locations with similar traffic patterns. Mr. Goodwin noted that State has only authorized bigger cities to have these cameras. NYCOM is currently advocated for red light cameras across the State. Councilmember Polimeni noted that Canandaigua is different from Rochester with the majority of traffic lights on Main Street leading to 5 & 20. Patrick Rhodes, Buffalo Street spoke and he is concerned with the feedback hear is hearing, he has researched the issue with the cameras and to him, it is unconstitutional. He is very concerned with Council moving forward. Mayor asked about the cost. Mr. Goodwin said that this is a research issue, to review the full topic, the constitutionality of the issue and look at all sides before doing anything. Chair Dittmar asked them to look into the issue to continue the discussion.

Councilmember White motioned to adjourn the meeting, seconded by Councilmember Covington, unanimously passed and carried. Meeting adjourned at 9:03 pm.