

**MINUTES
CITY OF CANANDAIGUA
PLANNING COMMISSION**

January 11, 2023

PRESENT: Chairman Stanley Taylor Commissioner Bonnie Dorschel
 Vice Chairman Anne Beyer Commissioner James Hitchcock
 Commissioner Lindsay Van Deusen Commissioner Richard Manley
 Commissioner Guy Turchetti

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

CALL TO ORDER

Mr. Richard Brown, Director of Development and Planning, called to order the Organizational Meeting of the City Planning Commission at 7:00 P.M.

2023 ORGANIZATIONAL MEETING

Mr. Brown opened the 2023 Organizational Meeting of the Planning Commission and asked for nominations for Chairperson.

Commissioner Manley nominated Commissioner Taylor. Commissioner Turchetti seconded the motion, which was carried by a voice vote (6-0).

Chairman Taylor asked for nominations for Vice Chairperson. Commissioner Hitchcock nominated Commissioner Beyer. Commissioner Dorschel seconded the motion, which was carried by a voice vote (6-0).

The regular meeting schedule was established for the second Wednesday of each month at 7:00 P.M. The Chairperson is authorized to call Special Meetings as needed.

Chairman Taylor asked if there was any other business. Hearing none, he adjourned the Organizational Meeting.

CALL TO ORDER

Chairman Taylor called to order the Regular Meeting of the City Planning Commission at 7:15 P.M.

APPROVAL OF MINUTES:

Chairman Taylor asked if anyone had any additions or corrections to the December 14, 2022 Meeting Minutes. Commissioner Van Deusen moved to approve the minutes as submitted. Commissioner Manley seconded the motion, which carried by unanimous voice vote (7-0).

REVIEW OF APPLICATIONS

ITEM 01 (Public Hearing) Application #22-226: 205 Lakeshore Drive, CANANDAIGUA FINGER LAKES RESORT, for a Minor Subdivision to make minor property line adjustments. (Applicant seeks to renew approval granted on July 13, 2022)

The applicant was not present. Mr. Brown presented the application on behalf of the co-applicant, the City of Canandaigua. There are no changes proposed. The renewal is largely an administrative action.

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.

Chairman Taylor asked if there were any 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 condition:

- 1. Preliminary approval is waived.

Commissioner Manley seconded the motion, which carried with a vote (7-0).

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

ITEM 02 Application #22-352: 178 Parrish Street. ERIC WENDORFF for a Special Use Permit to operate a Short-Term Rental from within his residence. (Tabled from December 14, 2022)

Application withdrawn.

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

ITEM 03 Application #22-356: 65 Gibson Street, MEGAN CRAVER, for Historic Alteration to replace side entry. (Tabled from December 14, 2022)

Commissioner Van Deusen made a motion to lift the application from the table. Commissioner Dorschel seconded the motion, which carried with a voice vote (7-0).

Andrew Buisch, of FLX Home Solutions, was the contractor for the project. He presented the application via Zoom. He was hired by the applicant to replace an unsafe, rotting porch. He applied for a building permit, which was issued, and the work was completed. Upon inspection, the Building Inspector questioned some of the noticeable changes that were made, which are visible from the street. The stair on the streetside has been removed. Vinyl and composite materials were used, and the colors have not been matched. Mr. Buisch stated that the applicant is planning to paint portions of the porch, when weather permits.

Chairman Taylor asked specifically which parts are to be painted. Mr. Buisch described the two posts that connect to the porch roof. Chairman Taylor said the brackets installed at the top of the columns should also be painted to match.

Chairman Taylor inquired about the material of the railings. Mr. Buisch said they are vinyl.

Commissioner Turchetti asked if the columns are original. Mr. Buisch was unsure. Mr. Brown stated that they appear different, but would be less noticeable if painted to match the house.

Chairman Taylor said the new porch is not simply a replacement, as described in the building permit application. The appearance is noticeably different. Mr. Buisch acknowledged the difference, stating a miscommunication with the Building Inspector. The original porch had significant deterioration. Their intent was to replace the porch with materials to prevent re-rotting and bring it up to code.

Vice Chair Beyer informed Mr. Buisch that a replacement with the same design and overall appearance, would not require Planning Commission approval.

Chairman Taylor noticed that the lattice has been replaced with a vertical vinyl material. He said the lattice is an important part of the original design and should be returned.

Commissioner Manley is not concerned about the slight changes made to the porch, other than the color. He would like to see all but the gray Trex material painted to resemble the original porch as closely as possible.

Commissioner Van Deusen agreed.

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 conditions:

1. All white parts shall be painted to resemble the original porch.
2. Lattice shall be installed to resemble the original porch.

Commissioner Turchetti seconded the motion, which carried with a vote (7-0).

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

ITEM 04 Application #22-362: 175 Bristol Street, JEFF ZANOWICK, for Historic Alteration to construct a detached garage. (Tabled from December 14, 2022)

Commissioner Van Deusen made a motion to lift the application from the table. Commissioner Turchetti seconded the motion, which carried with a vote (7-0).

Jeff Zanowick presented the application. He is proposing LP Smart siding, vertical panels, painted to match the siding of the home, aluminum trim and gutters, an asphalt shingle roof, vinyl windows and steel doors. He pointed out the existing vinyl siding that was previously approved for the rear of the home.

Commissioner Van Deusen inquired about lighting. Mr. Zanowick said there is none proposed at this time.

Commissioner Manley said the design, materials and colors are suitable and appropriate. It mimics the barn next door.

Vice Chair Beyer said it blends in nicely.

Chairman Taylor noted that the windows and man door are not very visible.

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 Hitchcock seconded the motion, which carried with a vote (7-0).

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

Chairman Taylor resumed chairmanship of the meeting.

ITEM 05 Application #22-365: 104 Gibson Street, GRANT CUSHING, Historic Alteration to construct two additions and modify attached garage. (Tabled from December 14, 2022)

Commissioner Dorschel moved to lift the application from the table. Commissioner Hitchcock seconded the motion, which carried with a vote (7-0).

Grant Cushing presented the application. The new proposal includes details designed to mimic the main entrance and dormers. They have added a cupola on top of the garage and included some sconce lighting. The entryway will mimic the architectural elements of the front door

Commissioner Van Deusen noted the vertical lines in the trim around the front door and proposed garage entry door. She asked if the garage trim will include this same detail. Mr. Cushing said yes.

Chairman Taylor asked if the garage door will be wooden. Mr. Cushing said yes.

Commissioner Manley is not in favor of the proposed design of the garage door. He feels a more traditional look with square panes of glass would be more suitable.

Commissioner Van Deusen is also not in favor of the window design for the garage door and the entry door appears larger than the garage door. Mr. Cushing said the entry door is raised to allow for a six-inch stoop, so it will appear higher.

Chairman Taylor questioned the design of the new entry door. It has an appearance of a main door. It is not typical to have more than one main door on a house. Mr. Cushing pointed out the difference. There is no porch or walkway, as there is with the front door.

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 trim on the garage shall match the trim on the front door.
2. Applicant shall return with proposed modifications to the garage door.

Commissioner Dorschel seconded the motion, which carried with a vote (7-0).

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

ITEM 06 (Public Hearing) Application #22-349A: 40 Bristol Street, MARCUS FRANZ, for a Special Use Permit to operate a Short-Term Rental from existing apartments.

Marcus Franz presented the application. He has recently purchased this three-unit home, which is immediately adjacent to a commercial zone district. Surrounding the property are a commercial office building, a ten-room boarding house, a parking lot, and Peacemaker Brewing Company. As a short-term rental, the property will be compatible with the city’s comprehensive plan. He has applied for and received a variance from the owner-occupancy requirement for short-term rentals in residential zone districts.

He was originally seeking a maximum occupancy of 6 for each of the three-bedroom units, and 2 for the one-bedroom unit. He would like to amend that by requesting a maximum of 8 for each of the three-bedroom units.

Chairman Taylor opened the Public Hearing. Mr. Brown said that no written comments have been received.

Dave Poteet, of 120 Park Street, came forward via Zoom. He asked if there is a maximum occupancy for the entire home. Mr. Brown said the applicant is seeking approval for 18. Mr. Poteet asked who would be monitoring the property. Mr. Franz said he is planning to contract with Premier Properties to oversee the property, but he would also provide a strong oversight.

Chairman Taylor closed the Public Hearing.

Commissioner Van Deusen noted the difference between this application for a short-term rental and others. This property is wedged between commercial properties with a street separating it from other residences. She does not see a potential for any negative effect on the neighbors.

Chairman Taylor agreed. However, he does have a concern about the request for an increase in maximum occupancy. He feels the original application requesting 6 guests for each of the three-bedroom units is more appropriate.

Commissioners Dorschel and Turchetti agreed.

Commissioner Manley compared it to 31 Bristol Street, which was recently approved to operate a short-term rental. They each abut a commercial zone district and have received a variance for not being the owner’s primary residence.

Vice Chair Beyer said it is consistent with other approvals adjacent to commercial zone districts.

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

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

1. The maximum occupancy is 6 for each of the three-bedroom units, and 2 for the one-bedroom unit.

Commissioner Manley seconded the motion, which carried with a vote (7-0).

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

ITEM 07 (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.

James Cretekos, of BME Associates presented the application., With him was a representative from the applicant, Fred Rainaldi. 267 South Main Street is the former Tom’s Mobil gas station, which is owned by the City of Canandaigua. 11 Saltonstall is the beer drive-through; this structure would be demolished and the lots would be consolidated.

The development that is proposed is a three-story, 21,750 square foot, mixed-use building. The uses are retail, office and a restaurant. The ZBA has approved Area Variances for the lack of setback and for parking requirements.

Mr. Rainaldi described the architectural design which includes several elements, such as authentic stone, hardi-plank siding, white, weathered shingles, architectural tile and glass.

Chairman Taylor opened the Public Hearing. Mr. Brown said that no written comments have been received. Grant Cushing, of 104 Gibson Street, came forward. He noticed the large amount of glass proposed for the building and asked how the view from the street would be controlled. Mr. Rainaldi explained that the tenants are chosen carefully and they will curate tenants that complement one another.

David Poteet, member of the Tree Advisory Board, inquired about landscaping. He is eager for the Tree Advisory Board to review the landscaping plans for the project and provide feedback.

Chairman Taylor asked if there was anyone else wishing to speak. No one came forward. Chairman Taylor announced that the Public Hearing will remain open to allow for any additional comments or questions at the next meeting.

Chairman Taylor spoke of the three parts to the project. There is a Minor Subdivision, a Site Plan Review and an Architectural Review. The discussion began with the subdivision.

Mr. Cretekos explained that the subdivision is actually a consolidation, combining the two parcels. 267 South Main Street is currently owned by the City of Canandaigua. 11 Saltonstall Street is owned by the applicant. Chairman Taylor confirmed with Mr. Cretekos that the transfer of 267 South Main Street to the applicant is pending review of the project by the Planning Commission.

Chairman Taylor directed the discussion to the Site Plan Review.

Mr. Brown noted that the building is sited at the street with the parking in back, which is consistent with the Comprehensive Plan. The plan removes two curb cuts to prevent additional traffic in and out on Main Street.

The Department of Public Works has not yet submitted a formal response, although the director, Jim Sprague, has reviewed the project and has no significant concerns. He did mention the need for a drain from the dumpster enclosure to the sanitary sewer.

The Fire Department has also not yet submitted a formal response. Mr. Brown inquired about hydrant locations, fire lanes and access. Mr. Cretekos said the fire apparatus access would likely be from Main Street. There is also an existing hydrant on the east side of the back entrance. They have provided 26-foot drive lanes in the parking lot and there is space directly behind the building to serve as a fire access lane, if needed.

Mr. Brown spoke about the development of infrastructure in the New York state right-of-way. He said the City Council and NYS Department of Transportation will address this topic. Mr. Cretekos said they are not proposing any utility work in the right-of-way. Initial contact has been made with NYS DOT for any other concerns regarding the right-of-way and parking on the street.

Chairman Taylor inquired whether the building setback will be in alignment with the other buildings on Main Street. Mr. Cretekos indicated there will a corner portion of the building that is set back further. Mr. Brown added that the majority of the building has a 10-11-foot setback, which is to be created as public sidewalk.

Mr. Brown concluded that the site plan is fairly simple. It is not a large site. The typical issues concerning traffic, erosion control, stormwater management, and lighting are not major concerns for this project. There is to be very little grading and utilities are already in place. There will be one light pole in the center of the

parking lot, which will present no light spill issues.

Chairman Taylor inquired about the involvement of the State Historic Preservation Office. Mr. Cretekos said they will submit the project to SHPO, if warranted.

Chairman Taylor asked about access during the construction phase. Mr. Cretekos mentioned that there will be a dedicated construction access in the back, off Saltonstall Street.

Chairman Taylor inquired about the parking, specifically accessibility and electric vehicle charging stations. Mr. Cretekos said four spaces are proposed with the light pole in between. A dedicated crosswalk will lead to the accessible entrance for the property. Seven charging stations are proposed.

Mr. Brown questioned whether electric vehicle charging spaces would allow for non-electric vehicle parking. Mr. Cretekos explained that it is their intent to provide flexibility. They will utilize technology, in the form of an app, to determine availability, based on need. Mr. Rainaldi explained that when the charging stations are not in use, they can be reallocated into common spaces. Chairman Taylor confirmed that there will be no advertising or videos at the charging stations.

Chairman Taylor asked if there were any additional comments or questions regarding the site plan review. Hearing none, he made the decision to postpone the discussion on the Architectural Review and the NYS Environmental Quality Review for the next meeting. He called for a motion on the application.

Commissioner Turchetti moved that the Planning Commission **Table** the application to allow for further discussion at the next meeting.

Commissioner Hitchcock seconded the motion, which carried with a vote (7-0).

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

Commissioner Hitchcock left the meeting at this time.

ITEM 08 (Public Hearing) Application #22-367: 193 North Main Street, VALERIE PUCHADES, for a **Special Use Permit** to operate a Bed and Breakfast.

Valerie Puchades presented the application. They have a five-bedroom home and plan to rent a total of four rooms with a maximum of two occupants per room. At full capacity they would have eight guests. They have available space for four additional parking spaces at the end of the driveway, at the back of their property line.

Chairman Taylor asked if any signage is proposed. Ms. Puchades said they are proposing none at this time. They will return at a later date for signage approval.

Chairman Taylor opened the Public Hearing. Mr. Brown said that no written comments have been received.

David Baker, of 197 North Main Street, spoke via Zoom. He is opposed to the application. Adding a potential of eight guests will increase the transient population. This will have a negative impact and change the character of the neighborhood.

Chairman Taylor asked if there was anyone else wishing to speak. No one came forward. Chairman Taylor then closed the Public Hearing.

Commissioner Manley stated that there are several other Bed and Breakfasts in the area. The application seems fairly straightforward.

Commissioner Dorschel asked the number of existing Bed and Breakfasts on North Main Street. Mr. Brown answered; there are at least five.

Chairman Taylor said there does not appear to be adequate room for four additional cars or room to turn around. He would like to see a parking plan. Ms. Puchades described the plan which includes adding gravel and an area for vehicles to turn around and exit the property front-facing.

Commissioner Manley recognized the large back yard that could be converted to allow for additional parking.

Ms. Puchades noted that occupancy for Bed and Breakfasts is typically around 30%.

Commissioner Turchetti recognized the unlikelihood of reaching maximum occupancy. There would rarely be a need to accommodate four vehicles. However, he asked if the applicant would consider limiting the maximum number of vehicles permitted. Ms. Puchades said she would consider reducing the maximum to one car per room.

Commissioner Van Deusen does not have a concern with the parking plan. She feels it is reasonable. Commissioners Dorschel, Manley and Turchetti agree.

Commissioner Dorschel is comfortable with the application since Ms. Puchades is willing to make accommodations as needed for guest parking.

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

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

1. There shall be four guest rooms and the parking shall be limited to an additional four cars.

Commissioner Manley seconded the motion, which carried with a vote (5-1).

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

ITEM 09 (Public Hearing) Application #22-371: 29 Scotland Road, DAVID and CATHLEEN CROSBY, for a Special Use Permit to operate a Short-Term Rental from an apartment within their residence.

David and Cathleen Crosby presented the application. Their property is a 2-family home within a single-family zone district. They live in one half and have rented out the other two-bedroom, one bath unit, long-term, for several years. They now propose to rent this unit short-term. This would provide flexibility to allow family and friends to stay there periodically, while still providing additional income. They are proposing a maximum of six guests and three vehicles. There is a detached garage at the back of the property and also a parking area for 3-4 cars.

Chairman Taylor opened the Public Hearing.

Mr. Brown said three written comments were received. John and Susanne Zamzow, of 28 Scotland Road, Lisa Klaczyk, of 18 Scotland Road, and William and Patricia Mehls, of 33 Scotland Road, each expressed opposition to the use.

William Mehls was present to speak, via Zoom. They share a drive with the applicant. They are not in favor of the application unless specific restrictions are imposed. They feel it is important to have the ability to revoke the Special Use Permit should future problems arise.

Marcus Franz, of 13 Island Lane, came forward. He asked if a Special Use Permit is granted, would that use be transferred to a new owner. Mr. Brown confirmed that the use would remain with the property.

Chairman Taylor then closed the Public Hearing.

Commissioner Dorschel added that other approvals have been adjacent or near commercial zone districts, unlike the area of this application, which is very residential.

Commissioner Manley said Scotland Road is entirely residential. He feels it would set a bad precedent to approve this property for a short-term rental. Commissioners Van Deusen and Turchetti agreed.

Vice Chair Beyer concurred and said that there would be a greater impact to a residential neighborhood than commercial.

Chairman Taylor said no short-term rentals have been approved on the city's side streets off of Main Street. They change the character of the neighborhood.

Commissioner Beyer noted that short-term rentals previously approved in residential neighborhoods are typically owner occupied.

Mr. Brown asked if Mr. and Mrs. Crosby planned to be home when renting. Mr. Crosby said they would likely be present when guests are there, with the exception of a planned vacation or event.

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 Deny the application as submitted and presented.

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

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

MISCELLANEOUS

Mr. Brown reminded the commission of a special meeting scheduled for Wednesday, January 25, 2023, to discuss short-term rental concerns with the Zoning Board of Appeals.

ADJOURNMENT

Commissioner Turchetti moved to adjourn the meeting at 10:40. Commissioner Van Deusen seconded the motion which carried with a unanimous voice vote (6-0).

Richard Brown
Director of Development & Planning

Stanley Taylor
Planning Commission Chairman