

**MINUTES
CITY OF CANANDAIGUA
PLANNING COMMISSION**

April 12, 2023

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

ABSENT: Commissioner Bonnie Dorschel

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 March 8, 2023 Meeting Minutes. Commissioner Turchetti moved to approve the minutes as corrected. Commissioner Manley 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)**

Marcy Noble, of ReMax Revolution, presented the application via Zoom. The border was inadvertently left off the sign that was previously approved. To remedy this, they are seeking approval for the modification.

Commissioner Van Deusen asked if the new sign is the same size. Ms. Noble said yes. The original sign board was wrapped with the new design.

Commissioner Manley believes the sign is fine without the border.

Chairman Taylor said the border is a defining characteristic and makes it compatible with others in the area. It is rather stark looking without it. He noted that the ground sign for the ReMax location in Geneva has the appearance of a border.

Commissioner Van Deusen agreed. The sign looks better with a border.

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

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

Commissioner Manley seconded the motion, which failed to carry with a vote (3-3).

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

Chairman Taylor expressed concern that the design is not what was originally approved. Commissioner Van Deusen agreed. She said it would set a bad precedent.

Mr. Brown mentioned the email Ms. Noble sent that explained when the graphic was submitted to the sign maker, they did not realize that the border was part of the design. He suggested they follow up with the sign maker regarding the error.

Chairman Taylor asked for an alternate motion.

Commissioner Turchetti moved that the Planning Commission Table the application to allow the applicant to contact the sign maker for a resolution.

Commissioner Van Deusen 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 02 (Public Hearing) Application #23-016A: 90 Jefferson Avenue, SOUTH OF TRACKS LLC, requesting a Special Use Permit necessary to operate a Short-Term Rental.

Michael Fiorentino, property owner and business owner, shared a Power-Point presentation to demonstrate that the application meets the 12 standards for short-term rentals and is consistent with the objectives of the city’s comprehensive plan. The home is not his primary residence; however, he has received a variance from the Zoning Board of Appeals to this requirement.

Mr. Fiorentino feels a short-term rental is compatible with adjacent properties, because the street is comprised mostly of multi-family rental properties. It is near Residential-Office and Mixed-Use zone districts. He has support of most of his neighbors and has received 25 signatures from area businesses showing support. No one has expressed opposition.

He described the property as a four-bedroom house with five beds. He is seeking approval for a maximum of ten guests and four vehicles. Trash removal will be handled using the two trash receptacles supplied by the city. There are four additional totes available in the rear of the property.

Chairman Taylor opened the Public Hearing.

Stefania Campagna, of 59 Jefferson Avenue, spoke in support of the application. Mr. Fiorentino has been a good neighbor. He is committed to thoroughly vetting all guests, which would help to minimize the number of sex-offenders in the neighborhood. This provides a level of safety that long-term rentals do not offer. Short-term rentals also support local restaurants, which is consistent with the comprehensive plan.

Chairman Taylor asked if there was anyone else from the public wishing to speak to the application. No one came forward. Mr. Brown said no written comments were received. Chairman Taylor closed the Public Hearing.

Commissioner Hitchcock believes every neighborhood is different. In this case, he believes a short-term rental will have no significant impact on the character of the neighborhood due to the number of multi-family homes nearby. However, he feels ten guests and four vehicles is excessive for this property.

Chairman Taylor believes the dynamics of a family living in a neighborhood are very different than guests staying in a short-term rental.

Commissioner Turchetti believes the applicant presented a good case for a short-term rental at his property. His only concern is the permanence of a Special Use Permit because it would carry forward to any future owners.

Commissioner Manley referred to the 12 standards that are used to determine if a property is suitable for a short-term rental. He finds the first one, that deals with compatibility in the neighborhood, to be the most challenging. He struggles to see a lodging business as compatible with a residential neighborhood. The presence of several multi-family homes nearby, is not relevant to compatibility.

Commissioner Van Deusen agreed that there is a difference between long-term and short-term tenants. For long-term tenants, the property is their home.

Commissioner Van Deusen disagrees that safety in the neighborhood would be improved. The vetting that is done with short-term rentals does not necessarily improve safety. Criminal background checks are typically not part of the vetting process. She also disagrees that short-term rentals increase business to local restaurants. Often guests in short-term rentals will eat in because they have access to a full kitchen.

Commissioner Van Deusen had other concerns. She questioned the signatures obtained in support of the application. Signatures provided by tenants, not property owners, would be more appropriate. She also has an issue with trust. When the application was originally submitted last October, it was stated that the property was the applicant's primary residence.

Vice Chair Beyer believes the neighborhood has a different socio-economic feel, but it is still a neighborhood. She observed families out in the yard and children playing. She is also concerned about the permanence of a special use permit, as it would stay with the property.

Chairman Taylor expressed the following five concerns:

- Special use permits carry forward with the property.

- Parking is inadequate; jockeying vehicles in a single-lane driveway is not practical.
- Safety in the neighborhood, particularly for children.
- Proposed use is extensive, similar to a lodging facility.
- Cohesiveness of the neighborhood.

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

Mr. Fiorentino added that he intends to rent out the property from Memorial Day to Labor Day only. He pointed out that currently, only 1% of the rentals in the city have been approved as short-term.

Chairman Taylor called for a motion.

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

1. Maximum occupancy of 10 guests.
2. No more than 3 vehicles in the driveway.

Commissioner Hitchcock seconded the motion, which failed to carry with a vote (2-4).

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

Chairman Taylor asked for an alternate motion.

Commissioner Manley moved that the Planning Commission Deny the application.

Vice Chair Beyer seconded the motion, which carried with a vote (4-2).

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

ITEM 03 (Public Hearing) Application #23-017A: 239 Ontario Street, SOUTH OF TRACKS LLC, requesting a Special Use Permit necessary to operate a Short-Term Rental.

Michael Fiorentino, property owner and business owner, presented the application. He submitted a Power-Point presentation to demonstrate that the twelve standards for short-term rentals have been met and the application is consistent with the objectives of the city's comprehensive plan.

The property is zoned Residential-Office. Nearby properties include multi-family homes, a large apartment complex, businesses, and other mixed uses. He is seeking approval for a maximum of eight guests and four vehicles. He has received a variance from the Zoning Board of Appeals to the primary residence requirement.

Chairman Taylor opened the Public Hearing.

Stefania Campagna spoke in favor of the application. She reiterated some of her comments from the previous application for 90 Jefferson Avenue. She questioned why the applicant could not be issued a special use permit with a restriction to prevent it from being transferred to a new owner. Mr. Brown explained that special use permits are designed to carry forward with the property. The Planning Commission has no authority to change this.

Chairman Taylor asked if there was anyone else wishing to speak. No one came forward. Mr. Brown said no written comments were received. Chairman Taylor closed the Public Hearing.

Commissioner Manley acknowledged that this property is within a Residential-Office zone district. There is a mixed use behind the property and a railroad in front. It has less of a neighborhood feel.

Vice Chair Beyer agreed there is a different feel to the neighborhood than the applicant's property at 90 Jefferson Avenue, due to the nearby businesses and the amount of traffic on the street.

Commissioner Turchetti believes a short-term rental is compatible with this neighborhood.

Commissioner Hitchcock agreed it is an appropriate use of the property.

Commissioner Van Deusen agreed, noting that it is a different setting. She inquired about the proposed arrangement for accommodating the requested number of guests. Mr. Fiorentino said if approved, there would be a minimum of a double bed in each of the four bedrooms, for a maximum of eight guests.

Chairman Taylor has no issue with the applicant's proposed use of the property. However, he still has a concern about parking. Ontario Pathways is not available for overflow parking. He feels the Planning Commission has become lax in regards to parking for short-term rentals. There need to be dedicated parking spaces for all vehicles.

Mr. Fiorentino replied, stating the mouth of the driveway is double wide and the driveway will easily accommodate five or six vehicles. However, he is only asking for three.

Commissioner Hitchcock suggested that guests may also be a family, or at least well acquainted with one another. He feels jockeying cars, when necessary, is unlikely to be an issue.

Vice Chair Beyer agreed and pointed out that it would be less practical if the guests are not related or even acquainted, such as a property with two short-term rentals and a shared driveway.

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. Maximum of 8 guests.

- 2. Maximum of 3 vehicles in driveway.

Commissioner Turchetti 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	NO

ITEM 04 (Public Hearing) Application #23-035: 243 Gorham Street, FACTORY 243, for Final Site Plan Review for Phase 2 of a Planned Unit Development: the redevelopment of five existing buildings to create 43 residential units and 6,000 SF of commercial space. (Preliminary approval granted on March 08, 2023)

Don Lasher, of Capstone Development, presented the application. He is seeking final approval for Phase 2 of the project, which will be very similar to Phase 1. The proposal includes the creation of 43 apartments within existing buildings, and one commercial building for daytime use.

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

Mr. Brown stated that the Fire Department and the Department of Public Works have both reviewed the project and have no significant concerns.

Chairman Taylor read the Tree Advisory Board comments into record. They see no red flags, but strongly recommend a higher percentage of native species be used to support the insects and birds of the area. They also discourage volcano mulching at the base of trees and indicated the proper way to mulch, for the health of the trees.

Chairman Taylor inquired about the colors proposed for the buildings. Mr. Lasher said they will be similar to Phase 1 and will remain somewhat neutral.

Commissioner Manley approves of the design.

Vice Chair Beyer agreed. Phase 1 has been successful and she anticipates that Phase 2 will be also. Commissioner Hitchcock agreed.

Commissioner Turchetti is thrilled with the project. As a neighbor, he is pleased with the results of the first phase.

Chairman Taylor inquired about signage. Mr. Lasher said they will return for approval of a ground sign at a later date.

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.

Commissioner Hitchcock 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 05 Application #23-037A: 86 South Main Street, RESILIENCE BAKERY, Historic Alteration to install a sign.

Ian MacDonald, of Historic Sign Restorations, presented the application. Paul Piorkowski, business owner, was also present.

Mr. MacDonald said the color of the façade and skirting around the windows will be painted in black and an ivory-cream color. The larger lettering in the sign will be made up of stud-mounted maroon letters in a subdued, satin finish. The smaller lettering will be painted the same color, but flush-mounted.

Mr. Piorkowski said he is proposing to paint the door as well. He has chosen the color, Moon Mist Blue.

Commissioner Van Deusen asked if the blue would be used on anything other than the door. Mr. Piorkowski answered no.

Mr. Brown asked for clarification on the colors for the columns. Mr. Piorkowski said they will be painted black with ivory-cream detail to match the rest of the façade.

Mr. Brown mentioned the existing lighting. Mr. Piorkowski said he intends to use the existing two lights that are currently mounted on the façade. Chairman Taylor pointed out the style of lighting. They are spot lights, not the gooseneck fixtures that are typically used on Main Street.

Commissioner Hitchcock inquired about the proposed hours of lighting. Mr. Piorkowski is unsure, but stated his intended hours of operation will be 7 a.m. to 7 p.m.

Commissioner Van Deusen is okay with later hours for the lighting. Commissioner Hitchcock agreed and suggested 10 p.m.

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

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

1. Sign lighting shall be turned off by 10 p.m.

Commissioner Van Deusen 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 06 Application #23-047: 176 Eastern Boulevard, DUNKIN', Architectural Review to replace signage

Scott and Mary Stanton, of Dasco Signs, presented the application via Zoom. The applicant is replacing all the signage to reflect their new branding. All the existing signs will actually be made considerably smaller, including the removal of the coffee cup icon. The 22-foot-high pole sign will be replaced with a 16-foot pylon. There is one significant additional sign, on the east face of the building that is to be externally illuminated with three downward lights.

Chairman Taylor confirmed that the three light fixtures are not existing; they will be newly installed.

Vice Chair Beyer expressed concern about potential fading left after removing larger signs. Mr. Stanton said they plan to install new siding, which will prevent ghosting from old signage.

Commissioner Beyer inquired about the new signage on the tower portions of the building. Mr. Stanton described a white background with internally illuminated channel lettering.

Chairman Taylor confirmed that the existing awnings and pole sign are to be removed.

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.

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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 07 Application #23-050: Pier #1, Boathouse #12, PAUL SMITH, Historic Alteration to construct a six-foot addition and install new siding.

Paul Smith presented the application. He followed the guidelines and code requirements to renovate and extend his boathouse to 30 feet, but did not realize the work required Planning Commission approval. The

extension is flush with the neighbor to the west and well within the neighbor to the east. He added a 6 x 6 cut-out deck. The six-foot extension is for the boatwell enclosure, but the roof extends the full width to cover the deck.

Mr. Smith described the exterior renovations. Painted Hardiboard siding covers the front. Heavy gauge, powder coated, steel trim was installed around the windows and door. Textured, corrugated steel siding was installed on both sides.

Chairman Taylor inquired about the back door. Mr. Smith said the man door was existing, but he added a roll-up door where there was previously just a tarp.

Commissioner Van Deusen asked if new windows were installed. Mr. Smith said no; the existing windows remain.

Chairman Taylor approves of the architectural shingles on the roof.

Commissioner Van Deusen said the work is an improvement.

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).

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

ITEM 08 Application #23-053: 32 Coach Street, TODD HENDERSON, Historic Alteration to construct a fence around the property.

Todd Henderson presented the application. He has had a problem with illegal parking on his property, as well as people crossing through when parking at the municipal lot and walking south to Peacemaker Brewery. He is proposing a split rail fence to discourage this. The fence would run along portions of the north and south property lines. He would like the option of installing either a split rail or privacy fence along the eastern property line.

Commissioner Manley said it would look better if the entire fence was the same style.

Commissioner Van Deusen recommends that the south side fence extend further. Commissioner Hitchcock agreed. It would help to discourage parking on the applicant's property.

Chairman Taylor questioned the reason for choosing a split rail fence. Mr. Henderson said cost was a contributing factor.

Mr. Brown stated that a 25-foot setback is required for a 6-foot privacy fence. Mr. Henderson said he would reduce the height to a 4-foot fence if he decides against the split rail on the east side.

Commissioner Van Deusen likes the look of a split rail fence.

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 Van Deusen 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 09 (Public Hearing) Application #23-056: 123 South Main, SCOTT RIESENBERGER, requesting a Special Use Permit necessary to operate a Carry-Out Restaurant.

Scott Riesenberger presented the application. He will be operating a two-story restaurant and art gallery. He is proposing a supper club type restaurant. He would offer private bookings along with some public events, such as ticketed wine dinners. He has chosen this type of establishment to keep costs down and to avoid limitations that are being experienced from the current labor shortage. He plans to lease the apartment above the space as his home and office.

The art gallery would operate from 10 am to 5 pm daily with grab-and-go lunch available. There would be no eat-in dining for lunch.

Chairman Taylor opened the Public Hearing. Denise Chaapel, Manager of the Business Improvement District was present, via Zoom. She said the BID has not had an opportunity to review the project. Therefore, they are not able to offer an opinion on the application.

Chairman Taylor asked if there was anyone else wishing to speak. No one came forward. Mr. Brown said no written comments were received. Chairman Taylor closed the Public Hearing and opened the discussion to the commissioners.

Commissioner Van Deusen approves of the business model. She supports the art and food combination.

Chairman Taylor asked about the hours of operation. Mr. Riesenberger said he is unsure about Tuesdays and Wednesdays, but he would like to be open Thursday through Saturday from 10 am to 5 pm for the art gallery and grab-and-go lunches. He is uncertain about dinner hours at this time.

Chairman Taylor inquired about plans for trash removal. Mr. Riesenberger said it would remain the same as the previous restaurant. However, he does expect to generate less trash than the previous tenant.

Commissioner Van Deusen asked about parking. Mr. Riesenberger said there is parking available on the street, as well as municipal parking nearby.

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 Hitchcock 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

Vice Chair Beyer assumed chairmanship for the remaining applications.

ITEM 10 (Public Hearing) Application #23-057: 151 South Main, Apartments 1 & 2, GATEWAY GRILLE, INC., requesting a Special Use Permit necessary to operate a Short-Term Rental within the two apartments over the restaurant.

The applicant was not able to be present.

Vice Chair Beyer noted that a Public Hearing was scheduled and would remain open for this application.

Commissioner Manley moved that the Planning Commission Table the application.

Commissioner Hitchcock 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

ITEM 11 Application #23-060: 321 North Main Street, LEE IVERS, Historic Alteration to demolish barn.

The applicant was not present. He requested to postpone review of his application until May.

ITEM 12 **Application #23-067: 29 South Main, TRUAGENT REAL ESTATE, Historic Alteration to install window signage.**

The applicant was not present. Mr. Brown said they wish to add signage in the form of white vinyl lettering on the inside of the front and side windows.

Commissioner Van Deusen said she has no issue with the application.

Commissioner Manley agreed.

Vice Chair Beyer confirmed that the signage is contained within 25% of the glass, as required by ordinance.

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 Turchetti 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	YES
Commissioner Dorschel	Absent	
Vice Chairman Beyer	Voting	YES
Chairman Taylor	Voting	YES

Chairman Taylor resumed chairmanship of the meeting.

MISCELLANEOUS

Mr. Brown said City Council is moving forward with a local law for a moratorium on short-term rentals within residential zone districts. The meeting includes a public hearing and is scheduled for May 4, 2023. The discussion for changes to the short-term rental ordinance has been heard by the City Council Planning Committee and will move to the Ordinance Committee to enact changes on April 18, 2023. If approved, the new ordinance would return to the Planning Commission for review with a public hearing.

Mr. Brown reminded everyone that a second meeting for the Planning Commission has been scheduled for April 26, 2023, due to the recent increase in the number of applications.

ADJOURNMENT

Commissioner Hitchcock moved to adjourn the meeting at 9:50. Commissioner Manley seconded the motion, which carried with a unanimous voice vote (6-0).

Richard Brown
Director of Development & Planning

Stanley Taylor
Planning Commission Chairman