

**MINUTES
CITY OF CANANDAIGUA
PLANNING COMMISSION
January 8, 2019**

PRESENT: Chairman Torsten Rhode Commissioner Adrienne Kantz
 Vice Chairman Stanley Taylor Commissioner Lindsay Pennise
 Commissioner Jeff Ayers Commissioner Guy Turchetti
 Commissioner Anne Beyer

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

CALL TO ORDER

Chairman Rhode called to order the Regular Meeting of the City Planning Commission at 7:05 P.M.

APPROVAL OF MINUTES:

Chairman Rhode asked if anyone had any additions or corrections to the December 11, 2018 Meeting Minutes. Commissioner Taylor moved to approve the minutes as written. Commissioner Pennise seconded the motion, which carried by unanimous voice vote (7-0).

REVIEW OF APPLICATIONS

ITEM 1 Application #18-316B: 215 South Main Street, BON AMI, for a Historic Alteration to install an awning sign and replace storefront windows.

Georges Vindigni, the business owner, represented the application. He said they have changed their minds regarding the windows and now intend to keep the frames silver, so this is not an "alteration". The signage will be similar to what was presented previously, with the name on a black & white striped awning. There would be gooseneck lights above, similar to what they had at *Il Posto*.

Commissioner Taylor confirmed that the awning will be fixed and will have fabric on the sides.

Chairman Rhode confirmed that the light fixtures will be black and located above the awning. There will not be lighting under the awning.

Chairman Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

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

1. The windows frames will remain silver in color.
2. There will be three, black, gooseneck light fixtures installed above the awning.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 2 **Application #18-343: 355 North Main Street, ROBERT MARCHENESE, Historic Alteration to install vinyl siding and replacement windows. (Tabled from December 11, 2018)**

Commissioner Ayers moved to lift the item from the table. Commissioner Turchetti seconded the motion, which carried with a unanimous voice vote (7-0).

No one was present to represent the application.

Chairman Rhode said that he had received correspondence from the applicant indicating that he was pursuing the option of restoring the original windows. He said that he had found the original storm windows in the basement and would be using these.

Mr. Brown said that he had not received a formal withdrawal of the application. In accordance with local law, the board must act on the application or it would be approved by default.

Chairman Rhode noted that if the application were denied, the owner could make a new application.

Commissioner Ayers moved that the Planning Commission **Deny** the application as submitted. Commissioner Pennise seconded the motion, which carried with a unanimous voice vote (7-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 3 Application #18-356: 169 South Main Street, DAVID GENECCO, Historic Alteration to reroof covered, exterior stairway. (Requesting amendment from approval granted on December 11, 2018)

Anthony Tripodi, contractor for the owner, represented the application. He explained that the metal roofing approved at the last meeting would not work in this application. It would not be practical to seal the multiple transitions between the flat and sloped areas. He said that he has been in the roofing business for more than 30 years and has managed this property for many years. Over the years they have tried many alternatives, but in his professional opinion, rubber roofing is the only practical alternative to make this roof watertight.

Commissioner Pennise asked if a combination of shingles on the slopes and rubber on the flats might be possible. Mr. Tripodi said that, again, the many areas of transition are a problem

Commissioner Taylor asked if rubber roofing could be acquired in colors other than black. He has seen many colors available, such as beige, which he thought might look better. Mr. Tripodi said rubber is only available in black or white. Other roofing, such as PVC, might be available in other colors, but that is not an appropriate material for this application.

Commissioner Ayers said he did not have a problem with the black color.

Chairman Rhode questioned if colors like beige might be problematic, as they would not match the building exactly and then might look even worse. He said that he was still concerned with the industrial appearance. He does not believe visible rubber roofing is historically appropriate and he does not want to see more rubber roofing downtown. However, he understands that this is a unique circumstance.

Commissioner Taylor moved that the Planning Commission Approve the application as submitted and presented, making the finding that while this application is not historically appropriate, these are unique circumstances, with a feature that is not original to the building and a roof line that has four transitions in its slope, making other roofing options impractical.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 4 Application #18-364: 30 South Main Street, FINGER LAKES RADIO GROUP, for Historic Alteration to display a 15 SF projecting sign from existing bracket.

Alan Bishop, from Finger Lakes Radio Group, represented the application. He said they had recently moved into the storefront and would like to install a sign from the existing bracket. The sign would be the same size as the previous sign. No new lighting is proposed.

Commissioner Ayers noted that the previous sign was far less than 15 SF. Mr. Brown said that 15 SF was the maximum allowed by code. He would confirm the size of the previous sign (Note: This was determined to be 6 SF)

Commissioner Kantz confirmed that the material would be the same as the previous sign (wood).

Chairperson Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Beyer moved that the Planning Commission Approve the application as submitted and presented. Commissioner Pennise seconded the motion, which carried with a unanimous voice vote (7-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 5 Application #18-365: 264 Saltonstall Street, HUNGRY BEAR FARMS, for Architectural Review to install a 100 SF wall sign.

Dean Carpenter, father of the business owner, represented the application. He said his son was out of town and unable to attend the meeting.

Chairman Rhode confirmed that the sign was mounted to the building and that there would not be lighting on the sign.

Commissioner Pennise said that the sign appeared large and asked if it was within the size requirements. Mr. Brown said that the sign was less than 15% of the façade as required.

Commissioner Taylor noted that a portion of the façade is discolored where licensing signs for the previous building were located. He asked that these be cleaned if possible.

Chairperson Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

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

1. The area where the NYS licensing signs were located shall be cleaned.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 6 (Public Hearing) Application #18-362: 157 South Main Street, DALAI JAVA, Special Use Permit to modify the existing use to add the service of wine, beer, and hard cider.

Karen Bartkowski, the business owner represented the application. She said they intended to continue the coffee shop, but expand the offerings and evening hours. No physical changes are proposed to the building.

Chairman Rhode reminded everyone that the Special Use Permit would run with the property.

Chairman Rhode opened the Public Hearing. Seeing no one, the hearing was closed.

Chairman Rhode confirmed that the change in service would have no significant impact on the current plan to manage solid waste.

Commissioner Turchetti asked if they would be offering local wines and local craft beer. Ms. Bartkowski said they had not yet decided on exactly which wines and beer they would offer.

Commissioner Kantz asked for a clarification on the use permit. Mr. Brown explained that the current zoning distinguishes between types of restaurants. A coffee shop is a form of “carry out restaurant”, whereas a restaurant that serves alcohol would be an “Eating and Drinking Establishment”. This change in offerings therefore, requires a modification to the use permit.

Commissioner Pennise asked about the hours of operation. Ms. Bartkowski said they would not be open later than 10 PM.

Chairman Rhode said that maintaining the coffee shop component is important in defining the character of this operation and ensuring that it fits well with the desired character for downtown Canandaigua. He feels this should be a condition of approval to ensure that a future owner not change that without first returning to the board for a modification to the use permit.

Chairperson Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

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

1. The coffee shop use shall continue.
2. The hours of operation shall not extend beyond 10 PM.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 7 (Public Hearing) Application #18-363: 229 Gibson Street, GREAT RENTALS LLC., Special Use Permit to operate the existing two-family dwelling as a Short-Term Rental.

Trish Christoforo, the property owner residing on Knapp Road in Canandaigua, represented the application. She said they purchased the property to operate it as a short term rental and had been doing so since April of 2018. She provided records indicating that the property had been rented prior to the passage of the legislation. She also submitted a site plan indicating parking areas for more than six cars.

Chairman Rhode provided a brief history of the recent legislation regarding short-term rentals and the amendment that had been made, exempting certain pre-existing rentals from the requirement that the property be the primary residence of the owner. All other requirements apply.

Chairman Rhode opened the Public Hearing. Seeing no one, the hearing was closed.

Chairman Rhode asked about the maximum occupancy of the property. Ms. Christoforo said that one unit is a one-bedroom apartment and is suitable for two adults, possibly with the addition of a young child. The other unit is a three-bedroom apartment and would be suitable for 6 people.

Commissioner Taylor confirmed that the parking indicated on the plan was existing. It was determined that there is parking on site for at least six vehicles, possibly more if the cars were stacked, and that that this is sufficient for the occupancy proposed.

Commissioner Taylor asked if there had been any complaints or known problems with the prior operation of this rental. Mr. Brown said he was not aware of any such problems.

Commissioner Pennise asked how they were able to maintain a registry of their guests and screen for possible underage guests. Ms. Christoforo said that much of this is done through AirBnB. She is given a name and a phone number, but she is able to track the guest's rental history through AirBnB to provide some screening.

Commissioner Kantz asked how the lodging tax was collected. Ms. Christoforo said that she was responsible for paying the lodging tax and is now collecting the necessary forms to do so for 2018.

Commissioner Pennise asked if additional trash collection was necessary. Ms. Christoforo said it was not. Mr. Brown confirmed that the property was subject to the same refuse fee as other two-family rental units in the city.

Commissioner Pennise thanked Ms. Christoforo for coming forward and seeking the proper permits.

Chairperson Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Kantz moved that the Planning Commission Approve the application as submitted and presented. Commissioner Pennise seconded the motion, which carried with a unanimous voice vote (7-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ITEM 8 (Public Hearing) Application #18-366: 254 South Main Street, MEAGAN AND DAVID D'ALLESANDRO, for a Special Use Permit to operate an Eating & Drinking Establishment.

David D'Allesandro, prospective buyer of the property, was present. He said they would like to convert the former Byrne Dairy building into a micro-taproom with a limited menu of food. Obtaining a Special Use Permit is a condition to close on the property.

Chairman Rhode opened the Public Hearing. Seeing no one, the hearing was closed.

Commissioner Taylor said he had no problem with the use, but noted that there a several deficiencies with the site, including broken pavement, nonconforming pole sign, and lack of any decorative landscaping. Mr. D'Allesandro acknowledged this and said their intent was to improve the property.

Chairman Rhode suggested that the applicant be required to return with a proper site plan before opening the business.

Chairperson Rhode asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

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

1. Prior to commencing the use, the applicant shall return with a plan for site improvements and signage.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Voting	YES

ADJOURNMENT:

Commissioner Pennise moved to adjourn the meeting at 8:20. Commissioner Taylor seconded the motion which carried with a unanimous voice vote (7-0).

Richard Brown
Director of Development & Planning

Torsten Rhode
Planning Commission Chairman