

**MINUTES  
CITY OF CANANDAIGUA  
PLANNING COMMISSION**

**July 14, 2020**

PRESENT:           Chairman Torsten Rhode                   Commissioner Guy Turchetti  
                  Vice Chairman Stanley Taylor           Commissioner Thomas Lyon  
                  Commissioner Jeff Ayers  
                  Commissioner Anne Beyer

ABSENT:           Commissioner Lindsay Henehan

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

**CALL TO ORDER**

Chairman Rhode called to order the meeting of the City Planning Commission at 7:00 P.M.  
(The meeting was held remotely via the Zoom online platform.)

**APPROVAL OF MINUTES:**

Chairman Rhode asked if anyone had any additions or corrections to the June 9, 2020 Regular Meeting Minutes. Vice Chairman Taylor moved to approve the minutes as submitted. Commissioner Turchetti seconded the motion, which carried by unanimous voice vote (6-0).

**REVIEW OF APPLICATIONS**

**ITEM 1           Application #20-135: 170 Mill Street, CANANDAIGUA RECORD EXCHANGE,  
Historic Alteration to install a 22 SF wall sign and display a 6 SF portable sign.**

Jon Cooley presented the application. He has repurposed an existing wooden wall sign with vinyl lettering and would like to display a portable sign as well.

Vice Chairman Taylor asked for the proposed location of the portable sign. Mr. Cooley said it will be displayed outside the entrance door, facing Mill Street.

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

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

1. The portable sign shall be displayed in front of the store on Mill Street, and not on Main Street.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES

Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 2 (Public Hearing) Application #20-154: 37 Thompson Lane, COTTAGES @ CANANDAIGUA, PHASE 2, Subdivision, Site Plan Review, and Architectural Review to create 27 single-family lots with supporting infrastructure. (Planned Unit Development approved by Canandaigua City Council on March 19, 2015.)**

Andrew Spencer of BME Associates presented the application. Jerry Watkins, of BWR of Greece LLC, was also present. The current application is generally consistent with the preliminary site plan that was approved by the City Council on February 11, 2015. However, the lot layout for Phase 2 was modified from the original approval and has been reduced to 27 lots, instead of the originally approved 29 lots. This will decrease the impervious area.

They are proposing to remove twelve of the cottage units on the north end of the subdivision and replace them with 10 single-family style homes. This change allows the lots located along the northern property limit to connect directly to Thompson Lane, eliminating two of the previously proposed road stubs. The change results in approximately 0.12 acres less impervious surface than the preliminary design and all utilities were adjusted to support this reconfiguration.

Other revisions include lifting Thompson Lane approximately three feet at the western edge of the property. This will allow for more balanced grading. On-street parking was changed to perpendicular style parking on the roadway. The west portion of the site that connects The Hammocks and The Cottages was originally proposed to be an asphalt drive with a crash gate. That will be changed to a gravel-based paver system with holes. Grass will be planted over this system. This will be for emergency vehicle access only.

The project intent is to include two alternative unit entry options: 1) A courtyard entry cluster configuration with front door access through a common courtyard and walkway, and with two-car garages in the rear of the home; and 2) A more traditional primary entry door/garage in the front of the home, with the rear of the unit containing a porch or deck with typical exposure to a common open space area.

Street trees and landscape plantings are planned. Lighting will include street lighting at roadway intersections, as well as individual post-top lanterns in the front yard of each home.

Chairman Rhode opened the Public Hearing.

Michael Serenka, of Thompson Lane commented about the survey work that has been done recently around the pond. He asked how the grading proposed for the west side will affect those living on that side. Mr. Spencer explained the purpose of the survey is to make sure the work done in Phase One would handle the anticipated quantities to be held in the pond and drainage system. There should be no effect to any of the existing homes with this revision. The roadway is being lifted three feet to reduce the amount of cut that is required on the north property line.

Mr. Serenka said he thought a nature trail was proposed on the 2014 plan and he asked if it is included in the current plan. Mr. Watkins said he doesn't know of any nature trail proposed. Mr. Spencer said there is a trail at the Hammocks that connects to the property. Mr. Serenka requested that the new plans be published on the City's website. Mr. Brown agreed.

Chairman Rhode asked if there was anyone else wishing to speak. Hearing none, he closed the Public Hearing.

Chairman Rhode had a few questions for the applicant. Will the change in the elevation of the road along the north side result in any change in storm water run-off that would affect either the residents or the existing storm water pollution prevention plan? Mr. Spencer answered no, the storm system will work as was designed previously.

Vice Chairman Taylor asked if there any comments from the Fire Department or the Department of Public Works. Mr. Brown explained that there were not any significant changes, and everything was found to be acceptable to both departments.

Vice Chairman Taylor questioned if the Tree Advisory Board had reviewed the current landscape plan. He noted that a variety of trees are indicated between The Hammocks and The Cottages. Chairman Rhode did not see anything in the plan that the Tree Advisory Board would typically reject. Mr. Brown reminded everyone that the public street trees will be coordinated with the City arborist.

Commissioner Ayers questioned a line on the sketch plan. Mr. Spencer clarified that it is a federal wetland limit line. It is the reason the northeast corner was never developed, and left as green space.

The issue of plowing was addressed by Commissioner Ayers. Mr. Watkins stated that the HOA is responsible for plowing the roads and clearing walkways. The new paver system into The Hammocks would also be plowed.

Lighting was addressed by Chairman Rhode. He questioned why LED lights were not proposed. Mr. Spencer explained that they wanted to use the same lights as in Phase One.

Chairman Rhode mentioned detectable warning plates for sidewalks. Does the City require these? Mr. Brown believes that is an ADA requirement. Chairman Rhode recommends that they be made of steel or concrete.

It was noted that the SEQR was completed by City Council with the rezoning and approval of the Sketch Plan. Chairman Rhode affirmed that the changes do not create an unidentified, adverse impact.

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

Vice Chairman Taylor moved that the Planning Commission Approve the application as submitted and presented.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 3 (Public Hearing) Application #20-167: 1 Lafayette Avenue, GREENFRONT RESTAURANT Special Use Permit, Site Plan Review to establish a 12-seat, outdoor dining area on the adjacent property.**

Robert Johnston and Nicole Moore presented the application. Due to the pandemic, they are limited to 50 percent capacity inside the restaurant. They wish to provide additional outdoor dining by setting up an area on the adjacent property. The owner of this property has signed off on the use.

Chairman Rhode opened the Public Hearing.

Ellen Polimeni, owner of the property in question, spoke in support of the Special Use Permit.

Chairman Rhode asked if there was any one else wishing to speak. No one came forward, so the Public Hearing was closed.

Vice Chairman Taylor asked if the permit would be temporary. Mr. Johnston would prefer an open-ended Special Use Permit due to the unpredictability of the pandemic. The submitted site plan requests seating for twelve, but he would like to be able to adjust that as needed. There is enough spacing for more, while still maintaining the six-foot social distancing guideline.

The orange fencing behind the building is a concern for Commissioner Ayers. He would prefer something more aesthetically pleasing. Mr. Johnston explained that the fence is strictly for safety near the construction area at the adjacent Side Car Restaurant. The fence needs to be portable to allow access to the dumpsters. Instead of the orange fencing, he agreed to park one of the restaurant's vans in this area to block the area that is under construction.

Chairman Rhode said that if the site plan configuration were to be changed significantly at a later date, he would like to see the applicant return to the Planning Commission for approval of those changes. Commissioner Lyon suggested striking the request for 12-person seating, and simply limiting the outdoor dining within the area defined.

Chairman Rhode 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 with the following condition:

1. Applicant shall return to the Planning Commission for any proposed changes to the site plan.

Vice Chair Taylor seconded the motion, which carried with a vote (6-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 4**      **(Public Hearing) Application #20-045 1 Midlakes Drive, LEGION HEIGHTS, Special Use Permit, Site Plan Review, Architectural Review, and Subdivision to divide existing 39 lots into 41 townhouse lots with supporting infrastructure. (Amendment to plan approved in 1988.) (Tabled on March 10, 2020)**

Fred Shelley, of BME Associates, presented the application. Accompanying him was Blago Gorevski of Ryan Homes. The current proposal is for approval of 41 townhomes within the remaining lands on the overall Legion Heights Section 2 parcel, which is 14.28 acres. The 41 lots proposed are wholly within the 39 vacant lots and do not infringe on the HOA-owned open space.

The revised building footprints include a two-car garage, as well as a two-car driveway for each home. Therefore, there are a total of four off-street spaces for residents and their guests. Also included are 23 additional, on-street parking spaces throughout the site. This includes eight spaces to the north of the Oneida Road intersection with Midlakes Drive.

The current plans for this project are consistent with the original approved plans with regard to access road alignment and location of connection points to Midlakes Drive, proposed sidewalks, grading, and drainage with discharge into the existing storm water management area, and landscaping improvements. Site lighting will include building mounted residential fixtures, consistent with the intent of the lighting for the existing townhomes.

Chairman Rhode opened the Public Hearing.

Richard Bradley, President of the Legion Heights Home Owners' Association (HOA), had previously submitted an email and was present to speak. The HOA is pleased that the Calvert model will be the exclusive townhome to be built on the property. They appreciate that the characteristics, that represent a compatible aesthetic to the current neighborhood, will be maintained.

The HOA would like to have the existing retention pond dedicated to the City. He asked if all gutters and downspouts from the proposed townhomes would discharge into the storm water sewer system directly, and not have splash pads used for any structure. Mr. Shelley answered no, and explained that the New York State Storm Water Regulations require a certain volume of run-off to be infiltrated into the site soil. The run-off from the roads and driveways will be directed into a catch basin within the roadways. The rear yards and side yards will maintain a minimum of a 2% slope within the swales which is adequate to convey storm water flows across the surface.

Mr. Bradley had one final question regarding the eight parking spaces proposed for the west side of Midlakes Drive. Would the HOA be charged for these additional spaces? Mr. Shelley explained that any negotiations would need to be made with the developer, Mr. Affronti.

Donald Rensberger of Midlakes Drive also submitted some concerns in writing and was present to address them. He feels the use of splash blocks is not desirable and would prefer a direct connection to the storm sewer. Within the past three years, additional French drains and drainage pipes have been required to mitigate water seepage into existing basements and water pooling in lawn areas.

The depth of the water to be retained in the pond, and where it is discharged, is another concern of Mr. Rensberger. Mr. Shelley explained that it discharges to the west, underneath the railroad. There will be a four-foot deep pretreatment pool and the remainder is six to eight feet deep. Mr. Rensberger is concerned with safety near the pond. Mr. Shelley said the DEC discourages fences. However, a one-on-four slide slope is the approved option that they have chosen for safety.

Bill Quinn, of Midlakes Drive, is also concerned about drainage issues. He believes the type of soil in this area will not drain well. He asked if decks or covered porches would be included in the design. Mr. Shelley explained that decks are not included and covered porches are optional. Neither would encroach on any common areas owned by the HOA.

Mary Miller, of Midlakes Drive asked if any storm treatment systems in the open grassy area are being proposed. Mr. Shelley answered no.

Ms. Miller also expressed concern about safety near the retention pond. She would like it to be enclosed. Commissioner Beyer agrees.

John Stocker, of Midlakes Drive, sent an email concerning emergency vehicle maneuverability, off-street parking, potential new environmental impact changes and proposed elevations for the new units.

Chairman Rhode asked if there were any other comments or concerns. No one came forward, so the Public Hearing was closed.

Chairman Rhode asked for confirmation from Mr. Bradley that some of the existing homes have problems with water in basements, as they currently drain off into the vacant property where the new development is proposed. Mr. Bradley confirmed that there was a significant drainage issue on the east side with water coming from the American Legion property. The HOA had to install additional drainage to alleviate the problem.

Vice Chairman Taylor is also concerned about drainage issues. He believes the downspouts and sump pumps should be connected directly to the storm sewer system.

Mr. Gorevski said the new townhomes should not experience water penetration issues in basements. Current drainage systems are better designed and waterproofing methods have improved significantly since the current units were built.

Fire Chief, Frank Magnera submitted an email stating that the project meets the current fire apparatus turning specifications, but mentioned that they will need to maintain access year-round by providing parking, snow removal, etc.

James Sprague, Director of Public Works, submitted a memo stating his recommendations, including having the City take dedication of the water mains, valves and hydrants, and be granted an easement that contains all of these components to allow for maintenance. Mr. Shelley confirmed that the developer does plan to comply with this request.

Chairman Rhode noted that a SEQR Negative Declaration was previously filed in 1988. Upon review, it is apparent that the current proposal is less impervious, with reduced footprints and greater green space. He affirmed that the changes do not create an unidentified, adverse impact.

Vice Chairman Taylor asked for clarification on the developer for this project. Mr. Shelley explained that Mr. Affronti, the owner of the vacant lots, is the developer. Once grading, pavement and storm water management construction have been completed, the individual lots are to be sold to Ryan Homes for construction of the homes.

Front porches are optional on the proposed townhomes. Vice Chairman Taylor is opposed to this. He believes Canandaigua is a walkable community and front porches will encourage people to interact within their neighborhood. He feels it is important to bring people out to the streetscape, similar to other areas of the City.

Chairman Rhode agreed, but noted that the design of the townhomes was already approved in 1988 and would not require Planning Commission approval today, had these minor lot changes been proposed. He also said that the HOA had opposed the previous design, but now supports this current design.

Vice Chairman Taylor inquired about the exterior colors and materials. Mr. Gorevski said the units will be vinyl sided and the homeowner will be allowed to choose the color from a selection of complementary colors. The roofs will have black architectural shingles. Trim and soffits will be vinyl. Fascia will be aluminum. All trim and the overhead garage door will be white.

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

Vice Chairman Taylor moved that the Planning Commission Approve the application as submitted and presented with the following conditions:

1. The recommendations from the memo dated July 8, 2020 by James Sprague of the Department of Public Works shall be implemented.
2. A landscaping plan shall be submitted to the Tree Advisory Board for review.
3. Construction access shall be from North Street only.
4. The Home Owner's Association will not incur any fees for the eight additional parking spaces to be installed on Midlakes Drive.
5. Preliminary approval is waived.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 5      Application #20-177: 314 Eastern Boulevard, SPECTRUM, Architectural Review to install a 43 SF wall sign.**

Thomas Wheeler, of AJ Sign Company, presented the application. They are proposing a standard, channel-letter sign, internally illuminated that is typical to the plaza. They are also seeking approval for a 4 square-foot panel in the multi-tenant ground sign.

Commissioner Ayers inquired as to what hours the sign would be lit. Mr. Wheeler said it would remain consistent with the rest of the plaza.

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

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

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 6      Application #20-178: 77 Eastern Boulevard, SHERWIN WILLIAMS, Architectural Review 60 install a 99 SF wall sign.**

James Peacock, of Premier Sign Systems, presented the application. They are proposing to replace the existing red, channel letters with white, LED channel letters. To contrast the white letters on the tan building and to complete their corporate colors, they also propose to add an unlit, blue background piece.

Chairman Rhode asked if anyone had any additional comments or questions. Hearing none, he called for a motion.

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

Vice Chairman Taylor seconded the motion, which carried with a vote (6-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 7      Application #20-181: 78 Gibson Street, WILLIAM SIMMONS, Historic Alteration, to replace the porch roof.**

William Simmons, the homeowner, presented the application. His existing porch is leaking and is beyond repair. He proposes to remove it and install standard architectural shingles, but copper valleys and half-round gutters will provide historic detailing.

Chairman Rhode asked for confirmation that the entire roof of the wrap-around porch will be replaced. Mr. Simmons said yes.

Commissioner Lyon inquired about the material for the main roof of the house and Chairman Rhode questioned if the slope is sufficient for architectural shingles. Mr. Simmons said the material is slate and he is confident that the contractor is experienced and has made the right decision.

Chairman Rhode asked if anyone had any additional comments or questions. Hearing none, he called for a motion.

Commissioner Beyer 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 Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 8**      **Application #20-183: 401 South Main Street, ROCHESTER REGIONAL HEALTH, Architectural Review, to modify wall sign.**

Terry Zappia, of Pierrepont Visual Graphics, presented the application. They are proposing to move the “ROCHESTER REGIONAL HEALTH” signage to a section of wall where there is a smaller “Orthopedic Urgent Care” sign. They would then add a larger and more prominent “ORTHO URGENT CARE” sign. He said that technically, the total sign area is reduced.

Chairman Rhode asked if anyone had any additional comments or questions. Hearing none, he called for a motion.

Vice Chairman Taylor moved that the Planning Commission Approve the application as submitted and presented.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 9**      **Application #20-184: 40 Gibson Street, CAROLINE KIMBER, Historic Alteration, to replace the existing windows.**

Caroline Kimber, the homeowner, presented the application. She has provided pictures to show that the deterioration of the windows is severe. Several of the windows were previously replaced. The current windows have aluminum storms, which will be removed with the replacement windows. They are now proposing Victorian Simulated Divided Lite replacement windows. These provide a historic appearance, with external and internal grids.

Chairman Rhode asked which windows were previously replaced. Ms. Kimber listed the kitchen window, one crank style window on the side of the house, and the upstairs front facing windows.

Chairman Rhode believes it is possible that at least the lower, front-facing windows could be repaired. He recommends saving one of the original windows for historic reference, should a future owner wish to duplicate them.

Vice Chairman Taylor approves of the divided light style that is proposed.

The following findings have been noted:

1. The deterioration of the windows is severe, such that repair is not feasible.
2. Several of the windows were previously replaced with ones of a less historic appearance.
3. The current windows have aluminum storms, which will be removed with replacement windows.
4. The replacement windows will provide a historic appearance, with external and internal grids.

Chairman Rhode asked if anyone had any additional comments or questions. Hearing none, he called for a motion.

Vice Chairman Taylor moved that the Planning Commission Approve the application as submitted and presented.

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

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	NO

**ITEM 10      Application #20-185: 250 Gorham Street, CHOSEN ATHLETICS, Architectural Review to install a ground sign.**

The applicant was not present. She is proposing a 12 square foot ground sign that will be set back 10 feet from the property line.

Chairman Rhode asked if anyone had any additional comments or questions. Hearing none, he called for a motion.

Commissioner Ayers 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 Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**ITEM 11      Application #20-188: 254 South Main Street, FREQUENTEM BREWING CO., Historic Alteration, to replace grass with concrete at the front of the building and to install a fence at the rear of the property.**

David D'Allesandro presented the application. The building is set back from the property line with a grass area in the front of the building. He would like to replace this area with concrete to allow for additional outdoor dining. He is also proposing a fence for safety at a blind corner behind the building. There is a lot of foot and bicycle traffic in that area.

Chairman Rhode asked if the proposed fence would be the same color as the existing fence. Mr. D'Allesandro said it will be stained the same color.

Vice Chairman Taylor approves of the look of the fence and believes it will solve a safety issue. He is not in favor of the concrete patio, however. He believes red, brick pavers would be better fitting. Mr. D'Allesandro said he did consider bricks. However, it would be approximately four times more expensive and require more maintenance.

Chairman Rhode asked if anyone had 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 Beyer seconded the motion, which carried with a vote (6-0).

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Henehan	Absent	
Commissioner Turchetti	Voting	YES
Commissioner Lyon	Voting	YES
Vice Chairman Taylor	Voting	YES
Chairman Rhode	Voting	YES

**MISCELLANEOUS**

Mr. Brown said the Commission needs to set up a time to review the Comprehensive Plan. Chairman Rhode suggested a tentative review at the August meeting, provided the agenda is not too long. Otherwise, a special meeting can be scheduled.

Vice Chairman Taylor would like to discuss the options available for placing an expiration date on subdivisions involving site plan and architectural review. Chairman Rhode agreed and suggested including the topic at a future meeting.

**ADJOURNMENT**

Commissioner Lyon moved to adjourn the meeting at 9:45. Commissioner Beyer seconded the motion, which carried with a unanimous voice vote (6-0).

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Richard Brown  
Director of Development & Planning

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Torsten Rhode  
Planning Commission Chairman