

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
(585) 394-1120
Fax: (585) 394-9476

Established 1789

The following resolution was acted upon by the Canandaigua Town Board on December 21, 2020.

RESOLUTION NO. 2020 – 267: AUTHORIZATION FOR TOWN MANAGER TO EXECUTE PURCHASE OFFER FOR LAND ACQUISITION FOR THE PURPOSES OF TOWN PARK / PUBLIC ACCESS TO LAKE; TOWN BOARD SEQOR INTENT TO DECLARE LEAD AGENCY

(NOTE TO JEAN – this is for the Tichenor Pt Drive Property – Not RSM) (RSM Public Hearing Does NOT have a resolution attached to it)

WHEREAS, the Town Board of the Town of Canandaigua (herein after referred to as ‘Town Board’) is aware of goals that often arise relating to planning for the Town of Canandaigua including the Town’s Comprehensive Planning efforts to provide more public access to Canandaigua Lake; and

WHEREAS, the Town Board is aware of a need and desire and has participated in many efforts to protect Canandaigua Lake, which also serves as source water, through the preservation of natural resources, natural vegetation protection, natural resource protection, sensible lakefront development, and water quality improvement projects; and

WHEREAS, the Town Board is aware of feedback from the community over the past seventeen years that supports additional public access to Canandaigua Lake; and

WHEREAS, residents of the Town of Canandaigua were surveyed as part of the adopted 2003 Comprehensive Plan during which the question was asked, “Which features define the distinctive character of the town?” and 72.0% responded ‘Lakefront’ (2003 Comprehensive Plan, Appendix C, page 5); and

WHEREAS, the same survey expressed the following results (2003 Comprehensive Plan, Appendix C, page 5-9):

22. Important things the Town should provide to improve residential area where I live:

14.3% sidewalks; 14.3% trails; 12.5% parks; 28.7% sewer and water; 08.1% streetlights;
41.4% wider shoulders on roads for walking and biking

26. Should the Town develop public lakefront access?

61.5% yes 38.5% no

The make up of the yes included: 45.6% trails; 41.2% boating; 47.8% fishing; 36.8% small craft launch; 74.2% swimming; 67.0% picnicking; and

WHEREAS, in 2011 the Town adopted an update to the Comprehensive Plan which also referenced the desire of increased public access to Canandaigua Lake:

“Approximately, 1.4% of the shoreline parcels provide public access. Due to the limited public access to the lake, keep the town-owned land well maintained is import to the community.” (2011 Comprehensive Plan Update, page 10)

“Another recent and pressing issue pertains to public access to the lake.” (2011 Comprehensive Plan Update, page 30)

Recreation Goals and Recommended Action Steps (2011 Comprehensive Plan, page 35)

“Goal 1. Improve and expand the Town’s recreational resources to meet the needs of the community in accordance with the goals set forth in the adopted Town of Canandaigua Parks and Recreation Master Plan and Trails Master Plan.”

Recommended Action Steps:

“1. Continue to maintain, improve, and invest in the appearance functionality, and safety of town-owned recreational properties.”

“2. Identify opportunity to increase the amount of public accessible waterfront areas, whether through purchase or other acquisitions.” ; and

WHEREAS, in 2014 the Town Board created the Citizens’ Implementation Committee (CIC) to fully implement the goals of the Comprehensive Plan Update from 2011, and the CIC recommended a series of new goals that were adopted by the Town Board in December 2015 including (Implementation Plan Comprehensive Plan Update, 2017, page 22):

“Goal 10: Improve and expand the Town’s recreational resources to meet the needs of the community in accordance with the goals set forth in the adopted Town of Canandaigua Parks and Recreation Master Plan and Trails Master Plan”

2. Identify opportunities to increase the amount of publicly accessible waterfront areas, whether through purchase or other acquisitions. ; and

WHEREAS, in 2018 the Town Board, working with the Parks and Recreation Committee, adopted a ten-year parks and recreation plan for the years 2018 through 2028 that includes many references to public access to Canandaigua Lake including: “There is, however, additional demand by residents of the Town for water access including boat launching, and swimming. There is very limited shoreline available along Canandaigua Lake and what is available is quite expensive. Opportunities to acquire Lake frontage that can be useful for such activities should be pursued vigorously if an agreeable space for such acquisition can be found.” (Town of Canandaigua Parks and Recreation Master Plan 2018-2028, page 52); and

WHEREAS, during 2019 and 2020 the Town of Canandaigua began the process to update the Town’s Comprehensive Plan including another community survey in which 73.5% of the respondents said Canandaigua Lake was a reason those choose to live in the Town (2020 survey results, Q9, page 17) which included comments referencing a lack of public access to the lake and limited wading spaces; and

WHEREAS, the same 2019 / 2020 survey asked the question (Q12) “What is missing within the Town?” to which 81.12% of the respondents stated Lake Access was either greatly needed or somewhat needed and 73.2% of the respondents stated More Parkland was either greatly needed or somewhat needed (2020 survey results, Q12, page 30); and

WHEREAS, the Town Manager has identified an opportunity to acquire nearly 400 feet of lakefront on Canandaigua Lake that could be used for the purposes of Town of Canandaigua Park lands including public

access to Canandaigua Lake, natural views, picnicking, and with limited improvements small non-motorized craft launch, swim area, and fishing access; and

WHEREAS, the Town Manager has been communicating with representatives of the sellers who are willing to enter into a purchase arrangement with the Town of Canandaigua; and

WHEREAS, the Town Board wishes to hear from the public about the possible land acquisition for the purposes of a town park; and

WHEREAS, the Town Board determines the proposed action of acquisition of real property is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

WHEREAS, the Town Board intends to identify itself as the lead agency in this action; and

WHEREAS, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1 and intends to adopt a negative declaration pursuant to the New York State Environmental Quality Review Act (“SEQRA”) associated with the acquisition of the proposed land; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua does hereby direct the Town Manager on behalf of the Town of Canandaigua to execute the document purchase and sale contract as revised during the Town Board meeting on December 21, 2020 for 4351 Tichenor Point Drive, Ontario County, Town of Canandaigua also known as Tax Map No.126.16-1-1.100 including all buildings and improvements; and

BE IT FURTHER RESOLVED, the Town Board directs that a public hearing be established to be held on January 11, 2021 at 6:00 p.m. via zoom video conferencing for the purposes of hearing from anyone who wishes to be heard regarding the acquisition of this property by the Town of Canandaigua for the purposes of a public park and access to Canandaigua Lake; and

BE IT FURTHER RESOLVED, the Town Board acknowledges the purchase price shall be determined by averaging two appraisals per the terms detailed in the purchase offer with an estimated price range of not less than five million three hundred seventy-five thousand dollars and not greater than seven million dollars; and

BE IT FURTHER RESOLVED, the Town Board directs the purchase offer is being executed subject to permissive referendum and directs the Town Clerk to publish such notice effective December 22, 2020; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Manager to as soon as possible once the offer is fully executed to hire an appraiser to conduct the appraisal on behalf of the Town of Canandaigua pursuant to the purchase and sale contract; and

BE IT FURTHER RESOLVED, the Town Board acknowledges the intent to declare this action as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Manager to coordinate the proposed action informing all agencies of the Town Board’s intent to declare itself as lead agency with the Town of Canandaigua’s Planning Board, Zoning Board of Appeals, Environmental Conservation Board,

Agricultural Advisory Committee, Parks and Recreation Committee, and Citizen's Implementation Committee; and

BE IT FURTHER RESOLVED, the Town Manager is directed to receive comments from agencies for at least thirty days through January 22, 2021 and provide such comments, if any, to the Town Board for consideration of further action at a Town Board meeting to be held on January 29, 2021 via Zoom videoconferencing and/or at the Town Hall located at 5440 Route 5&20 West, Canandaigua; and

BE IT FURTHER RESOLVED, the Town Manager and Town Attorney are directed to work with the Town's Bond Counsel to prepare the necessary documents in anticipation of bonding the purchase price for the acquisition of the land associated with this action; and

BE IT FINALLY RESOLVED, the Town Board directs the Town Clerk to provide a copy of this resolution to the Town Manager, Bond Counsel, and the Town Attorney.

Motion made by Councilman Fennelly, seconded by Councilwoman Dworaczyk

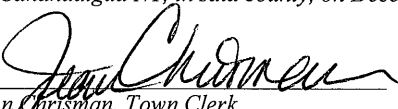
5 Ayes: Davis, Dworaczyk, Fennelly, Menikotz, Simpson

STATE OF NEW YORK}
County of Ontario}
Town of Canandaigua}

I DO HEREBY CERTIFY that I have compared the preceding with the original thereof, on file and on record in the Town Clerk's office, and that the same is a correct copy and transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board held at Canandaigua, New York, on December 21, 2020.

SEAL

Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on December 22, 2020


Jean Chrisman, Town Clerk