

# *Town of Canandaigua*

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*Established 1789*

The following resolution was acted upon by the Canandaigua Town Board on October 29, 2020:

## **RESOLUTION NO. 2020 – 228: AUTHORIZATION FOR TOWN MANAGER TO ENTER INTO AN OPTION TO PURCHASE LAND FOR THE PURPOSES OF TOWN PARK / PUBLIC ACCESS TO LAKE**

**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 makeup 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 Citizen’s 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 485 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 craft launch, trails, and fishing access; and

**WHEREAS**, the Town Manager has been communicating with the landowner who is willing to enter into an option arrangement with the Town of Canandaigua giving the Town the option of purchasing the land at a later date as detailed per the terms of the option; and

**WHEREAS**, the Town Manager has been communicating with other community organizations about the possibility of funding options to help with any future potential purchase; and

**WHEREAS**, the Town Manager has provided a common list of questions and answers to help explain the potential option to acquire this land; and

**WHEREAS**, the Town Board understands this resolution does not bind the Town in any way to complete the proposed land acquisition or purchase; and

**WHEREAS**, the Town Board understands other factors such as traffic will need to be considered in planning for any possible use of the land, if any or if the land is acquired by the Town; and

**WHEREAS**, the Town Board understands any action to move forward with the land acquisition would take place by resolution to be considered in a public meeting; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua does hereby authorize the Town Manager to execute the document entitled 'Option to Purchase' consisting of approximately 4 acres, including approximately 485 feet of Canandaigua Lake shoreline, including all or part of the parcels identified as Tax ID # 113.13-2.61.000, Tax ID# 113.13-2-62.000, and Tax ID# 113.13-2-63.000; and

**BE IT FURTHER RESOLVED**, the Town Board does hereby authorize the Town Manager to expend \$250.00 to be paid to RSM West Lake Road, LLC in order to enter into the Option to Purchase to be paid from the 2020 Town of Canandaigua budget AA100.7110.200 Parks Capital Improvement; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Manager to sign the Option to Purchase agreement and provide a copy of said Option to Purchase to the seller; and

**BE IT FURTHER RESOLVED**, the Town Board directs that a public hearing be established to be held in conjunction with any future action to acquire the land, such as the Option to Purchase is executed by the Buyer (Town of Canandaigua), and that any action to purchase the land associated with the Option to Purchase agreement be subject to permissive referendum; and

**BE IT FINALLY RESOLVED**, the Town Board directs the Town Clerk to provide a copy of this resolution to the Town Manager.

Motion made by Councilman Fennelly, seconded by Councilman Davis

Councilman Simpson stated that the Parks and Recreation Committee members are in full support of this resolution.

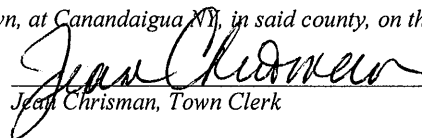
5 Ayes: Davis, Dworaczyk, Fennelly, Menikotz, Simpson

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 October 29, 2020.*

SEAL

*Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on the February 9, 2021.*

  
Jean Chrisman, Town Clerk