

VILLAGE OF PITTSFORD

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Village of Pittsford Board of Trustees Special Meeting June 25, 2024, 6:00 PM

Tentative Agenda

Board Member - Conflict of Interest Disclosure & Open Meeting Compliance Certification

Pledge of Allegiance

Public Comment

Department Reports

- Treasurer's / Village Clerk Report

Meeting Items

1. Public Hearing 6 PM – local law extending the moratorium on short-term rentals
2. Special Permit: 19 State Street

*The next Scheduled Meeting is July 16, 2024, and is Subject to Change Without Notice**

Village Board Meeting

Department Report

Treasurers / Village Clerk Report

- Bill Pay

TREASURER'S REPORT

*Submitted by
Dorothea Ciccarelli*

6/25/2024

- **Vouchers for approval – Abstract #28**

General Fund (#711 - #719):	\$ 49,936.4
Sewer Fund (#711, #719)	<u>\$ 206.30</u>

Total Vouchers for Approval: \$50,142.84

Vouchers for approval – Abstract #2

General Fund (#711 - #729):	\$ 17,075.05
Sewer Fund (#715 - #728)	<u>\$ 2,512.96</u>

Total Vouchers for Approval: \$19,588.01

Village Board Meeting

Meeting Items Agenda Item 1

Public Hearing 6:00 pm

Local Law Extending the Moratorium on Short-Term Rentals

SEQRA Designation required: Yes or No

**NOTICE OF PUBLIC HEARING
VILLAGE OF PITTSFORD**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on Tuesday, June 25, 2024, at 6:00 p.m. at 21 North Main Street, Pittsford, New York, to consider an extension of the Moratorium for Short-Term Rentals.

A copy of the proposed local law is on file in the Office of the Village Clerk, where interested parties may request between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday or on the Village website www.villageofpittsford.com.

Village of Pittsford
Board of Trustees
Dorothea M. Ciccarelli, Secretary

**Local Law No. ____ of 2024 of the Village of Pittsford, State of New York
Imposing an Extension of the Moratorium on the Short-Term Rental of Non-Owner
Occupied Residential Properties in the Village of Pittsford.**

**Be It Hereby Enacted By The Village Board Of The Village Of Pittsford, New York
As Follows:**

Section 1. Title

This Local Law shall be referred to as a “Local Law Imposing an Extension of the Moratorium on the Short-Term Rental of Non-Owner Occupied Residential Properties in the Village of Pittsford”. The initial Moratorium on the Short-Term Rental of Non-Owner Occupied Residential Properties in the Village of Pittsford was duly adopted by the Board of Trustees on July 11, 2023 and filed with the New York Secretary of State on August 8, 2023. An Extension of that Moratorium was duly adopted by the Board of Trustees on November 14, 2023 and filed with the New York Secretary of State on December 27, 2023, extending the moratorium to July 7, 2024.

Section 2. Purpose, and Intent of this Extension

Pursuant to the statutory powers vested in the Village of Pittsford to regulate and control land use in the Village of Pittsford and to protect the health, safety and welfare of its residents, the Village Board of the Village of Pittsford hereby declares an additional two (2) month moratorium on the short-term rental of non-owner occupied residences in the Village of Pittsford, which moratorium will expire on September 8, 2024.

Whereas, the Board of Trustees appointed a committee to report and make recommendations to the Board of Trustees regarding the types of controls, if any, that should be applied to short-term rentals in the Village of Pittsford; and

Whereas, such Committee worked diligently since its appointment on June 13, 2023 to prepare such reports; and

Whereas, the Committee Filed its report with the Board of Trustees on February 13, 2024; and

Whereas, the current moratorium expires on the 8th day of July, 2024; and

Whereas, should the Board of Trustees decide that it wishes to enact a Local Law proposing controls on short-term rentals in the Village of Pittsford, there is insufficient time between June 11, 2024 and July 8, 2024 to draft such Local Law, to send that Local Law to public hearing, and to adopt that Local Law.

Section 3. Definitions

As used in this section, the following terms will have the meanings as indicated:

Short-Term Rental – One or more dwelling units as that term is defined in §210-41.1 of the Code of the Village of Pittsford, and excluding Bed and Breakfasts, for which rent is received by the owner, directly or indirectly in exchange for residential occupancy for periods of not less than one (1) night and not more than thirty (30) consecutive days to the same occupant.

Non-Owner Occupancy – Any dwelling unit in which the owner does not reside for at least six (6) months and one (1) day per year such that the dwelling unit is not that owner's domicile.

Section 4. Scope of Controls

During the effective period of this Local Law, no non-owner occupied dwelling unit which is not used for short-term rental purposes as of the effective date of this Local Law shall thereafter be used as a short-term rental.

Section 5. Term

The moratorium extension imposed by this Local Law shall be in effect for a period of two (2) months from July 8, 2024.

The Board of Trustees of the Village of Pittsford may terminate said moratorium prior to its expiration.

Section 6. Penalties for Offenses

It shall be a violation of this Local Law to offer or use a non-owner occupied dwelling unit for short-term rental as provided in Section 4 hereinabove. Any person, whether property owner or tenant, who violates this Local Law shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.

Conviction of a first violation of the provisions of this Local Law shall be punishable by a fine of not more than \$150.00. The conviction of a second violation shall be punishable by a fine of not less than \$150.00 and not more than \$300.00. Conviction of a third violation of this Local Law and any violations thereafter shall be punishable by a fine of not less than \$300.00 and not more than \$500.00.

The penalties for violations of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code, the New York State Uniform Fire Prevention and Building Code, and the State Energy Conservation Construction Code.

The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting an appropriate legal action or proceeding to prevent an unlawful short-term rental of property in violation of this Local Law including without limitation civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of dwelling units.

Section 7. Administrative Relief from Moratorium

The use of dwelling units which are subject to this moratorium may be exempted from the provisions of this Local Law subject to the standards and requirements herein.

An exemption from this moratorium may be granted by the Board of Trustees by a showing by the applicant of the following:

A. The imposition of the controls of this moratorium has caused an unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Trustees that without such exemption from this moratorium:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
3. That the requested exemption, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

B. A showing satisfactory to the Board of Trustees that a proposed one-time short-term rental is being utilized for the purpose of providing accommodations to out of town visitors who are visiting the Village of Pittsford or the surrounding area for the purpose of a special event including but not limited to athletic competitions, festivals, entertainment events, etc.

C. Proof that the purchase contract for the purchase of a dwelling unit to be used solely for a short-term rental was entered into prior to the effective date of the moratorium enacted by this Local Law.

Section 8. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 9. Effective Date

This Local Law shall take effect upon its adoption by the Village Board of the Village of Pittsford and the filing thereof with the New York State Secretary of State, whichever is later.

DO NOT COPY

Village Board Meeting

Meeting Items
Agenda Item 2

Special Permit: 19 State Street

SEQRA Designation required: Yes or No

APPLICATION TO THE BOARD OF TRUSTEES
SPECIAL PERMIT
VILLAGE OF PITTSFORD
21 NORTH MAIN STREET PITTSFORD, N.Y. 14534

Date: June 17, 2024

Fee: \$250.00

Property Address: 19 State St. 2nd Floor Suite, Pittsford NY 14543

Tax Account Number: N/A Zoning District: VCB

Owner's Address: [REDACTED] Telephone: [REDACTED]

Applicant: Victoria Fontaine Telephone: [REDACTED]

Applicant's Address: [REDACTED]

Applicant is: Owner Lessee/Tenant Agent Other

If Other, Explain: _____

1. Provide a description of the activity that is planned for this location:

EvenFlow Aesthetics is a spa. We offer non-surgical aesthetic services including anti-wrinkle/ anti-aging treatments, skin-care products, and non-surgical/non-prescription weight loss management.

2. Describe how the proposed activity will affect existing parking:

The proposed activity will not affect existing parking. We have 4 parking spots in the back for EvenFlow Aesthetics. No additional parking is required.

3. Describe how trash/refuse will be handled for the proposed activity:

Trash will be taken out in the designated trash/refuse location in the back of the building. Our business does not require spacial trash/refuse services.

4. Proposed Hours of Operation: M-F 9am-6pm, Saturday 10am-4pm, Sunday 10am-3pm

Owner's Statement: I am the owner of the above property and I have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Applicant's Name-Printed: _____

Signature: _____ Date: _____

Applicant's Statement: I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Signature: _____ Date: June 17, 2024

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

SEQUENCE:

1. This application will place you on the next available Board of Trustee meeting agenda.
2. The application will be forwarded to the Planning Board and that Board will provide formal recommendations back to the Board of Trustees.
3. The applicant will be notified by the Village Clerk as to the date that the application will be placed on the Board of Trustee's meeting agenda for final disposition. The date is dependent upon providing the required notification for a Public Hearing.
4. The \$250.00 fee will be required with the filing of this application.
5. The applicant is encouraged to attach any additional information (drawings, layouts, seating plans, etc.) that will supplement this application.

§ 210-24.16 **Restaurants.**

A.

Purpose and applicability.

(1)

In accordance with the Village's Comprehensive Plan, it is the official purpose of the Village of Pittsford to protect the residential neighborhoods that are adjacent to its commercial districts. Great care was taken to implement operational controls that allow restaurants within the Village in a manner that protects quality of life for the residents.

(2)

Restaurants are allowed in specified business districts. Accordingly, restaurant uses are subject to the special use permit review process provided in this chapter.

B.

Location restrictions.

(1)

The proposed site shall be located more than 100 feet from any residentially zoned and/or used property or be situated so that it may be demonstrated that existing or proposed features of the site would mitigate any potential adverse effect or nuisance to residential property.

(2)

Where a restaurant is located within 200 linear feet of a residential use or district, the Village Board may impose restrictions to the hours of operation thereof as part of the special use permit issued to ensure the greatest level of compatibility with the adjacent neighborhood.

C.

Operational restrictions. No restaurant shall be permitted that is determined by the reviewing board to:

(1)

Create a hazard to the public, safety and general welfare.

(2)

Alter the character of the neighborhood and/or interfere with residents' normal use of their property (such as causing noise in a location where it can be heard on neighboring residential properties and/or at a time during normal sleeping hours where it would pose a nuisance to existing residents) or be detrimental to the residents thereof through the production noxious or objectionable noise,

odor, glare, refuse, vibrations, unsightliness, contamination or other similar conditions.

(3)

Include fast food service, drive-through facilities, or operate in any manner as a nightclub (a use whose business includes providing entertainment, whether live, recorded or otherwise, to patrons who may be seated or standing and who may or may not be engaged in the consumption of food or beverages).

(4)

Cause a traffic hazard or unsafe conditions for motorists and/or pedestrians and bicyclists that may not be feasibly mitigated.

(5)

Damage sensitive views, landscapes, natural features, or historic features that may not be feasibly mitigated.

(6)

Due to location and/or proximity to residence(s) would result in nuisances and/or excessive negative impacts that may not be feasibly mitigated.

(7)

Fail to provide adequate parking to support the proposed use without causing a parking shortage or other problems for nearby businesses and/or residents.

D.

Additional application requirements.

(1)

A complete copy of any application filed with and license issued by the New York State Liquor Authority shall be provided with any application subject to this chapter.

(2)

A waste management plan shall be required to provide a location that has room to accommodate refuse in accordance with Village Code requirements and that will not pose a public nuisance for neighbors. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.

210-35.4. Special use permit considerations.

The reviewing board shall consider the following when reviewing an application for special use permit and shall include a statement of findings for such considerations in any decision rendered herein:

A.

Conformance with the Pittsford Village Comprehensive Plan and Town and Village Local Waterfront Revitalization Program, where applicable.

B.

Conformance with the district, building, use, and lot requirements of this chapter.

C.

Conformance with all applicable regulations for certain uses, as provided for by Article **24** of this chapter.

D.

Adequacy of off-street parking, access, and trash management.

E.

Adequacy of landscaping and screening.

F.

Compatibility of the proposed use with adjacent properties, uses, and structures, as defined by the potential of the specially permitted use to:

(1)

Create a hazard to the public health, safety and general welfare or create a public nuisance;

(2)

Alter the character of the neighborhood or be detrimental to the residents thereof through the production of noxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;

(3)

Cause significant traffic congestion, create a traffic hazard, or vehicular or pedestrian hazard;

(4)

Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area;

(5)

Impact historic properties;

(6)

Fail to provide adequate parking to support the proposed use without causing a parking shortage or other problems for nearby businesses and/or residents;

(7)

Fail to provide a location and/or property that has room to accommodate refuse in accordance with Village Code requirements and that will not pose a nuisance for neighbors;

(8)

Will not be adequately served by existing and/or proposed water and sanitary sewer systems and other public facilities and services, such as sufficient roadway capacity, police and fire protection, drainage structures, refuse disposal, and schools;

(9)

Create a public nuisance. For the purpose of this subsection, the term "public nuisance" shall mean noise, light, traffic, and/or odors which under the time, place, and manner which they occur would annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities; or

(10)

Otherwise result in an excessive or significant negative impact on the community that cannot be mitigated.

G.

Any other proposed or existing building, use, or site condition that in the opinion of the reviewing board may have an impact on the public health, safety, and general welfare of the community.