

VILLAGE OF PITTSFORD

SETTLED 1789 • INCORPORATED 1827



Village of Pittsford Board of Trustee Special Meeting August 19, 2024, 5:00 PM

Tentative Agenda

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

Pledge of Allegiance

Public Comment

Meeting Items

1. Set a Public Hearing for the Extension of the Moratorium for Short-Term Rentals
2. Continuation of Public Hearing
 - a. Special Permit Application—19 South Main Street

Member Items

Minutes

*The next Regular Scheduled Meeting is September 10, 2024, and is Subject to Change Without Notice**

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.

**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 which expires on September 8, 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 five (5) month moratorium on the short-term rental of non-owner occupied residences in the Village of Pittsford, which moratorium will expire on February 8, 2025.

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 Board of Trustees worked diligently drafting a local law for the purpose of controlling short-term rentals; and

Whereas, the Board of Trustees now has a proposed draft of such legislation available for comment and review; and

Whereas, the adoption of such legislation requires SEQR review as a Type I action and Local Waterfront Consistency review pursuant to Chapter 121 of the Code of the Village of Pittsford; and

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

Whereas, there is insufficient time to do a coordinated SEQR review and a Local Waterfront Consistency review prior to the expiration of the existing moratorium.

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 five (5) months from September 8, 2024, expiring on February 8, 2025.

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.