

VILLAGE OF PITTSFORD

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Village Hall ca 1855 (remodeled 1937)

Village of Pittsford Board of Trustees Meeting February 9, 2021 6:30 PM

Tentative Agenda

Board Member - Conflict of Interest Disclosure

Department Reports

1. Building Inspector Report
2. DPW Report
3. Village Attorney
4. Treasurer's / Village Clerk Report
5. Minutes

Meeting Items

1. Review of Open Meetings Law
2. Approval for Scott Harter to issue RFP for the Sewer Maintenance & review of the restoration plan for Rand Creek at 44 Rand Place
3. Special Permit Application – Neutral Ground Coffeehouse
4. Non-Municipal Permit – Jembetat Gallery
5. State Street Bridge Closing

Member Items

Mayor Corby

- Proposed Local Law - Short-Term Retail Businesses

Executive Session

Village Board Meeting

Department Reports

Building Inspector Report

Village Board Meeting

Department Reports

DPW Report

Village Board Meeting

Department Reports

Village Attorney

Village Board Meeting

Department Report

Treasurers / Village Clerk Report

- Bill Pay

Village Board Meeting

Department Reports

Minutes

- Village Board Budget Meeting 1/6/2021
- Village Board Regular Meeting 1/12/2021
- Village Board Budget Meeting 1/20/21
- Village Board Regular Meeting 1/26/2021
- Village Board Budget Meeting 2/3/2021

Village Board Meeting

Meeting Items
Agenda Item 1

Review of Open Meetings Law

Village Board Meeting

Meeting Items
Agenda Item 2

Approval for Scott Harter to issue RFP for the sewer maintenance & review of the restoration plan for Rand Creek at 44 Rand Place

Village Board Meeting

Meeting Items
Agenda Item 3

Special Permit Application – Neutral Ground
Coffeehouse

APPLICATION TO THE BOARD OF TRUSTEES

SPECIAL PERMIT

VILLAGE OF PITTSFORD

21 NORTH MAIN STREET

PITTSFORD, N.Y. 14534

This application addresses Restaurants and Carry-Out uses in B-1, B- 1A, B-2, B-4 and M-1 Zoning Districts.

Date: 11/22/21

Fee: \$250.00

Property Address: 50 State St Bldg R, Pittsford NY

Tax Account Number: 128-54-9561 Zoning District: MU-EC ¹⁴⁵³⁴

Owner's Address: 180 Canalview Blvd Telephone: 585 794 3053
Suite 600, Rochester NY 14623

Applicant: Marianne Warfle Telephone: 585 944 3438

Applicant's Address: 50 Charlotte St #213 Rochester NY 14607

Applicant is: Owner Lessee/Tenant Agent Other

If Other, Explain: _____

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

See attached, a floor plan will be
dropped off Monday 1/25/21

VILLAGE OF PITTSFORD
MAY 26 21 AM 7:45

DOLCE CUPCAKES KITCHEN

BACK COUNTER

FRONT COUNTER

POS

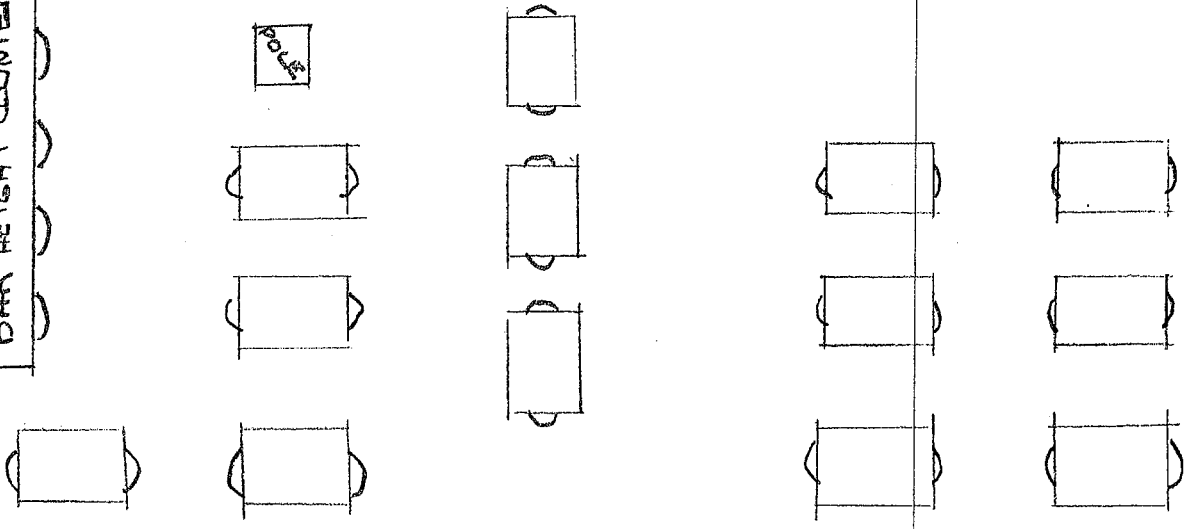
FIXINGS
DRAIN
COOLER

DOLCE
RETAIL
PREP AREA

BATHROOM

BAR HEIGHT COUNTER

POLE



FRONT PORCH

NEUTRAL GROUND COFFEEHOUSE

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

see attached

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

see attached

4. Proposed Hours of Operation: *see attached*

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: Richard C. Fox

Signature: *Charlie Fox*
Charlie Fox / Jan 22, 2021 11:05 EST

Date: Jan 22, 2021

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

Signature: *Maurice Dwyer* Date: 1/22/21

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.

PROVIDE A DESCRIPTION OF THE ACTIVITY THAT IS PLANNED FOR THIS LOCATION:

Neutral Ground Coffee House, LLC will be located in the retail space of Dolce Cupcakery, featuring coffee, espresso drinks, smoothies and bake goods prepared by Dolce and other local licensed bakers. Seating will be available for approx. 28 people with a walk up counter for ordering/ goods display and a pre-order phone app for pick up orders. With permit approval the building exterior will be repaired, painted and gutters added, and the interior will feature a warm inspiring theme. Neutral Ground will employ between 4-12 people depending on the season and success, and the space will also be available for use in the evenings for special events such as book clubs, classes and business meetings.

DESCRIBE HOW THE PROPOSED ACTIVITY WILL AFFECT EXISTING PARKING:

Neutral Ground's main demographic of patrons will be people that come to enjoy the canal and retail shopping/dining in the area and would like to grab coffee or a treat. We would encourage cars to park behind our location which is currently underutilized, and with the small footprint of the shop we are very encouraged that ample parking is available.

DESCRIBE HOW TRASH/REFUSE WILL BE HANDLED FOR THIS PROPERTY:

Trash will be placed daily in the secure dumpsters at Northfield Common included in CAMS.

PROPOSED HOURS OF OPERATION

7 am - 3 pm Monday through Friday
9 am - 3 pm Saturday and Sunday

Village Board Meeting

Meeting Items
Agenda Item 4

Non-Municipal Use Permit – Jembetat Gallery



Village of Pittsford Non-Municipal Use Permit Application

Organization: Jembetar Gallery Inc.

Event and Description: Benches along the River Center
BENCHES ALONG THE CAUSEWAY.

Event Date(s): MARCH 1/21 - 2/28/22

Event Location: 12 Schoen / PC Pittsford NY

Parking Location: Schoen PC

Estimated Guest Count: -

Organization Contact: Robert Amant

Telephone: 455 6524

E-mail: Jembetar@gmail.com

Date Request Received: _____

Date Reviewed: _____ Approved

Denied

Standard Conditions

- 1) If the request for the Non-municipal Permit was received without the required 45-day notice, the Board of Trustees will need to vote to waive the requirement for the permit.
- 2) The applicant will provide the Village of Pittsford with a certificate of liability insurance, naming the Village of Pittsford as additionally insured, on a primary and non-contributory basis. The certificate must reflect a single limit of liability for personal injury and property damage in the amount of \$1,000,000.00. The certificate must also name the event being covered.
- 3) The applicant will notify, in writing, the Monroe County Sheriff's Office, the Pittsford Volunteer Fire Department, the Pittsford Volunteer Ambulance and the Town of Pittsford Fire Marshal to notify them of the event and all of the details.

Village Board Meeting

Meeting Items
Agenda Item 5

State Street Bridge Closing

Next Scheduled Meeting – February 23, 2021

*Subject to Change Without Notice

Village Board Meeting

Meeting Items
Agenda Item

Member Items

Mayor Corby

- Proposed Local Law – Short-Term Retail Businesses

Chapter 189

SHORT-TERM RETAIL BUSINESSES

- | | |
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| § 189.1. Purpose and intent. | § 189.11. Place of conducting business. |
| § 189.2. Definitions. | § 189.12. Right of entry; access to books. |
| § 189.3. Exceptions. | § 189.13. Statement of sales and stock payment of tax. |
| § 189.4. Permit required. | § 189.14. Short-term business permit considerations. |
| § 189.5. Permit fee. | § 189.15. Public hearing. |
| § 189.6. Weighing and measuring devices. | § 189.16. Decision. |
| § 189.7. Imposition of tax. | § 189.17. Penalties for offenses. |
| § 189.8. Rate of tax. | |
| § 189.9. Security deposit required. | |
| § 189.10. Application for permit. | |

§ 189.1. Purpose and intent.

The purpose of this chapter is to assist in the government of the Village, the management of its businesses, the preservation of good order together with the peace, health, safety and welfare of its inhabitants by providing for the control and regulation of short-term business uses which may not be in conformity with the underlying zoning of the applicable district but which may, nevertheless, be in the best interests of the Village of Pittsford and the residents thereof. The intent of this section is to establish criteria for short-term business uses that are otherwise incompatible with the zoning code of the Village of Pittsford which may, nonetheless, be desirable on a limited, case-by-case basis under the terms and conditions set forth herein.

§ 189.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SHORT-TERM BUSINESS – One conducted in a store, hotel, house, building, motor vehicle, tent, railroad boxcar or boat or on any street, alley or other place for the sale of goods, wares or merchandise and which is intended to be conducted for a temporary period of time and not permanently. If the place in which the business is conducted is rented or leased for a period of nine months or less, such fact shall be presumptive evidence that the business named or carried on therein is a “transient business”.

§ 189.3. Exceptions.

This chapter shall not apply to door-to-door sales by civic groups, churches, Girl or Boy Scouts, Rotary Clubs, Lion Clubs, Kiwanis and like civic-minded groups. Further, the provisions of this chapter shall not apply to persons who sell Avon products, Tupperware, Mary Kay Cosmetics and like groups that conduct sale of wares in residences with permission of the owner thereof.

§ 189.4. Permit required.

It shall be unlawful for any person, firm or corporation to conduct or operate or permit to be conducted or operated a short-term business within the Village of Pittsford without first obtaining a permit from Board of Trustees of the Village of Pittsford. All permits shall be nontransferable. The short-term business shall exhibit the same at any time upon demand by any officer of the Village designated by the Mayor.

§ 189.5. Permit fee.

The fee for the permit required by this chapter shall be as determined by the Village of Pittsford Board of Trustees.

§ 189.6. Weighing and measuring devices.

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the appropriate official, and if the latter shall find such appliances correct and true, he shall issue his certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. A vendor shall not carry, keep for use or use any such appliances which shall not be correct and true and do not give a record and give the weight and quantity claimed by said vendor.

§ 189.7. Imposition of tax.

Pursuant to the authority granted by § 85-a of the General Municipal Law, a tax is hereby levied upon all persons now conducting or who may hereafter conduct a short-term business within the Village.

§ 189.8. Rate of tax.

The tax imposed pursuant to this chapter herein shall be based upon the gross amount of sales by the short-term business and shall be at the same rate as real property is taxed for the year in the Village; provided, however, that if at the time such tax becomes due and payable the tax rate for the current year of the Village has not been fixed, the same shall be the rate for the immediately prior year.

§ 189.9. Security deposit required.

Any person who obtains a permit to operate a short-term business within the Village shall be required to deposit with the Village Clerk/Treasurer the sum of \$500 in cash as security for the payment of the tax imposed by this chapter. Upon the filing with the Village Clerk/Treasurer of satisfactory proof that the business so making such deposit has discontinued such short-term business, the Village Clerk/Treasurer shall return said cash deposit or so much thereof as shall remain in the Village Clerk/Treasurer's hands after deducting all sums due the Village under the provisions of this

chapter. In the event that reports are not filed, such deposit shall be forfeited, and no further permit shall be issued to the applicant until said reports are filed.

§ 189.10. Application for permit.

A short-term business permit application shall include at a minimum the following:

- A. An application form provided by the Village Clerk's office including the name, address and signature of the applicant and property owner.
- B. A letter of intent that explains the general nature of the proposal. This letter shall include the following as applicable:
 - (1) A detailed description of the short-term business operation.
 - (2) The proposed hours of operation.
 - (3) The number of employees at maximum shift.
 - (4) The maximum seating capacity, if any.
 - (5) The timing and manner of any and all anticipated deliveries, if any.
 - (6) A recycling and waste management plan.
 - (7) The nature and type of all equipment required for the operation of the short-term business.
 - (8) The commencement and termination dates for the operation of the proposed short-term business.
 - (9) The plan for the set up and take down of the proposed short-term business.
 - (10) The approximate amount of foot and vehicle traffic expected to be generated by the short-term business.
 - (11) Proposed signage to be erected in connection with the operation of the short-term business.
 - (12) A description of any music or noise that is expected to be generated by the proposed short-term business.
 - (13) The location of any parking anticipated for the proposed short-term business.
 - (14) An explanation of any cooking, lighting, electrical or mechanical equipment that may be required.
- C. A notation of the zoning district in which the proposed use is to be located.
- D. A site plan, survey or such other image as approved by the Board of Trustees denoting the location of the subject property, all structures thereon and the location thereon of the proposed short-term business.
- E. Copies of any other required permits as applicable including Monroe County Health permits, fire inspection certificates, any required temporary activity permits in the Town of Pittsford. Proof of these permits may be made a condition of approval.

- F. A narrative describing how the proposed use will satisfy the short-term business permit considerations as more fully set forth in § 189.14 of this chapter.
- G. Any consultant fees as determined in accordance with the procedure required by § 210-19.5 of this code.

§ 189.11. Place of conducting business.

No person shall conduct a short-term business within the Village at any place other than that identified by the permit issued by the Board of Trustees.

§ 189.12. Right of entry; access to books.

Any officer of the Village designated by the Mayor for such purpose shall have the power and authority to enter any store or building, structure or location in which a short-term business may be carried on at any time during business hours for the purpose of ascertaining the amount of stock or merchandise therein or sales made and shall at all times have access to the books of such short-term business.

§ 189.13. Statement of sales and payment of tax.

Every person conducting such short-term business shall, on Monday of each week, present or mail to the Village Clerk/Treasurer at the Village office a verified statement showing the total sales made during the preceding week and shall pay on Monday of each week, in person or by mail, to the Village Clerk/Treasurer the amount of tax as hereinbefore provided for sales made during said previous week.

§ 189.14. Short-term business permit considerations.

The Board of Trustees shall consider the following when reviewing an application for a short-term business permit and shall include a statement of findings for such considerations in any decision rendered with regard to such application. The Board of Trustees shall consider whether the proposed short-term business shall:

- A. Be in harmony with the general purpose and intent of this chapter, taking into account the location and size of the use, the nature and intensity of the operations involved or conducted in connection with it, and the size of the site with respect to the streets giving access thereto.
- B. Not tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures.
- C. Not create a hazard to health, safety or general welfare.
- D. Not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

- E. Not introduce substantial adverse impacts on the surrounding neighborhood.
- F. Not be detrimental to the flow of traffic, taking into account the duration and times of the activity.
- G. Not adversely impact pedestrian safety.
- H. Not be a nuisance or create offensive odors or noise.

§ 189.15. Public hearing.

A public hearing shall be held by the Board of Trustees prior to issuing a decision on any short-term business use permit application. Such public hearing shall follow the procedure as more fully set forth in Pittsford Village Code § 210-31.

§ 189.16. Decision.

The Board of Trustees may grant, grant with conditions, or deny such application for a short-term business permit. Such short-term business permit shall be for a period of a maximum of nine months.

§ 189.17. Penalties for offenses.

- A. Criminal penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.
- B. Civil penalties; construal.
 - (1) Obedience to the provisions set forth herein may be enforced by criminal information for the penalties herein prescribed as well as by prosecution of the offender as provided in Subsection A of this section or by civil action for a penalty or by civil remedy at law or equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter.
 - (2) Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in or the pendency of a civil action of law or in equity shall be a bar to the other form of proceeding.
 - (3) The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.
- C. Each week during which a violation of any provision of this chapter occurs shall be considered a separate violation of this chapter.