

**PROCEEDINGS OF A SPECIAL MEETING  
OF THE  
VILLAGE BOARD OF TRUSTEES  
May 12, 2011 – 7:00 PM**

**Present**

**Mayor:** Robert C. Corby

**Trustees:** Paula Sherwood  
Tim Galli  
Trip Pierson

**Recording Secretary:** Mayor Corby

Mayor Corby called the meeting to order at 7:00 PM.

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to enter executive session to discuss a matter of attorney/client communications.

**Vote:** Corby–yes, Galli–yes, Sherwood–yes, Pierson– yes. **Motion carried.**

Having taken no action, a **motion** was made by **Trustee Sherwood, seconded by Trustee Galli**, to leave executive session and reenter the regular portion of the meeting.

**Vote:** Corby–yes, Galli–yes, Sherwood–yes, Pierson– yes. **Motion carried.**

**RESOLUTION #5 of 2011**

At a Special Meeting of the Pittsford Village Board held on May 12, 2011 at 7 PM, Trustee Pierson moved the adoption of the following Resolution; Trustee Sherwood seconded the motion:

**WHEREAS**, the Village Board of Trustees has determined that it would be advisable to conduct, in a careful and comprehensive manner, a review of the Zoning Code pertaining to the development in the Village’s R-5 Zoning District and that, as such, certain amendments to the Village of Pittsford Zoning Code are necessary in order to provide a period of time for such an effective and comprehensive review; it is therefore

**RESOLVED**, that the proposed Village of Pittsford Local Law No. 5 of 2011, entitled “Local Law Imposing a Ninety-Day Moratorium on the Review of Applications to Develop or Construct any Improvements in the R-5 District under the Village Code.” be and the same hereby is introduced as set forth below; and it is further

**RESOLVED**, that the Village Board of the Village of Pittsford shall conduct a public hearing, to be held at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York, on the 31<sup>st</sup> day of May, 2011 at 7 p.m., to consider the adoption of the following amendment to the Village of Pittsford Zoning Code, known as Local Law No. 5 of 2011:

“Amend Section 210-19 of the Village of Pittsford Code regarding land uses in the R-5 Zoning District under the Village of Pittsford Code to read as follows:

### Section 1. Title

This Code Section shall be referred to as the “Code Imposing a Ninety-Day Moratorium on the Review of Applications to Develop or Construct any Improvements in the R-5 District under the Village Code.”

### Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Village of Pittsford to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village of Pittsford hereby declares a ninety (90) day moratorium on the governmental review, approval of permits, construction and enlargement of any applications related to development in the Village’s R-5 Zoning District as defined in Section 210-19 of the Village of Pittsford Code, in the Village of Pittsford, and amends such Section to provide for such moratorium.

The Village of Pittsford has recently been made aware of substantial potential discrepancies between the specific development criteria for the R-5 Zoning District and the stated intentions of that District to ensure that development within the R-5 District is compatible with the Village’s distinctive aesthetic and visual character and compatible with the Village’s historic features, materials, scale, and traditional residential character. The Village also perceives that the current development standards in the R-5 Zoning District may be incompatible with the goals of the Village’s Comprehensive Plan to ensure that development must be carefully designed to enhance rather than detract from the Village’s existing character and that new construction must reflect the historic patterns of land use, pedestrian movement, building orientation, site design, and activity of the Village. Although the type of development permitted in the R-5 Zoning District may play an important role in the development of housing stock in the Village, lack of adequate planning to determine the most appropriate development guidelines for such housing could create a negative impact on the orderly development of the Village, thereby impacting the health, safety and welfare of residents.

The Village Board of the Village of Pittsford therefore desires to address, in a careful manner, the approval of permits, construction standards and enlargement of all development within the R-5 Zoning District, rather than on an ad hoc basis, and to adopt zoning and land use regulations to properly regulate the development within the R-5 District.

### Section 3. Scope of Controls

- A. During the effective period of this Local Law:
  - 1. The Village Board of the Village of Pittsford shall not grant any approvals that would allow the construction, addition or enlargement of proposed construction within the R-5 Zoning District.
  - 2. The Village of Pittsford Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would allow the construction, addition or enlargement of

proposed construction within the R-5 Zoning District.

3. The Village of Pittsford Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the construction, addition or enlargement of proposed construction within the R-5 Zoning District.
  4. The Village Architectural Preservation and Review Board shall not make any approval or recommendation regarding any proposed development within the R-5 Zoning District.
  5. The Building Inspector/Code Enforcement Officer of the Village of Pittsford shall not issue any permit that would result in the construction, addition or enlargement of development within the R-5 Zoning District.
- B. The Village Board of the Village of Pittsford reserves the right to direct the Village of Pittsford Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

#### Section 4. No Consideration of New Applications

No new application for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Village of Pittsford while the moratorium imposed by this Local Law is in effect. This moratorium shall apply to applications filed before the effective date of this Local Law.

#### Section 5. Term

The moratorium imposed by this Local Law shall be in effect for a period of ninety (90) days from the effective date of this Local Law.

#### Section 6. Penalties

Any person, firm or corporation that shall construct, place an addition on, or enlarge any structure or improvement in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable Code provisions, rules and regulations of the Village of Pittsford for violations; and
- B. Injunctive relief in favor of the Village of Pittsford to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

## Section 7. 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 8. Hardship

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of the Village of Pittsford in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure. Upon submission of a written application to the Village of Pittsford Clerk by the property owner seeking a variation of this Local Law, the Village Board shall, within thirty (30) days of receipt of said application schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Village of Pittsford. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- C. In reviewing an application for a variation under a claim of unnecessary hardship, the Village Board shall consider the following criteria:
- (1) The extent to which the applicant has, prior to the effective date of this law, received a development permit for the proposed development, such as site plan or subdivision approval, variances, Department of Environmental Conservation permits or similar permits;
  - (2) The extent to which the proposed development would cause significant environmental degradation, adversely impact adjacent natural resource areas, adversely impact the delivery of public services, cause the loss of agricultural land and the effect of

the proposed development on the health, safety and general welfare of the citizens of the Village of Pittsford;

(3) Whether the moratorium will expose the applicant to substantial monetary liability to third persons, or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property; and

(4) The extent to which the actions of the applicant were undertaken in good faith belief that the proposed development would not lead to significant environmental degradation, adverse impact on public services or undue adverse impacts on adjacent natural resource areas.

Section 9. Effective Date

This Code shall take effect immediately upon its adoption by the Village Board of the Village of Pittsford;” and it is further

**RESOLVED**, that the Secretary of the Village Board of Trustees cause to be published in the Village’s official newspaper, a legal notice of public hearing at least five (5) days prior to such public hearing.

The foregoing Resolution having been put to a vote, the following votes were recorded:

Mayor Robert Corby	Aye	<u>      X      </u>	Nay	<u>                    </u>
Trustee Tim Galli	Aye	<u>      X      </u>	Nay	<u>                    </u>
Trustee Paula Sherwood	Aye	<u>      X      </u>	Nay	<u>                    </u>
Trustee Trip Pierson	Aye	<u>      X      </u>	Nay	<u>                    </u>

and upon such vote, this Resolution was declared duly adopted.

**ADJOURNMENT**

There being no further business, Mayor Corby adjourned the meeting at 7:30 P.M.

\_\_\_\_\_  
Robert C. Corby, Recording Secretary