



a town for a lifetime **IRONDEQUOIT** *New York*

WORKSHOP MEETING

October 7, 2024

4:00 PM

AGENDA

10/04/24 2:02pm

PLEDGE OF ALLEGIANCE

ROLL CALL

DEPARTMENT HEAD UPDATES

REVIEW OF AGENDA ITEMS FOR THE OCTOBER 15, 2024, RTB MEETING

Upcoming Meetings:

Next Town Board Meeting Monday, October 15, 2024 @ 7:00pm

2025 Town of Irondequoit Budget Workshops and Hearing Dates:

October 7th, 2024	@ 4:00pm	Tentative Budget
October 15th, 2024	@ 5:30pm	1st Budget Workshop
October 16th, 2024	@ 5:30pm	2nd Budget Workshop
October 21st, 2024	@ 5:30pm	Special Meeting to adopt Preliminary Budget Meeting
November 7th, 2024	@ 7:35pm	Public Hearing
November 18th, 2024	@ 4:00pm	Special Meeting to adopt 2025 Budget



a town for a lifetime **IRONDEQUOIT** *New York*

REGULAR TOWN BOARD MEETING

October 15, 2024

7:00 PM

AGENDA

10/04/2024 10:52AM

PLEDGE OF ALLEGIANCE

ROLL CALL

SUPERVISOR'S REMARKS & ANOUNCEMENTS

PUBLIC INPUT

FINANCIAL REPORT

APPROVAL OF MINUTES

September 12, 2024 Workshop Board Meeting

September 17, 2024 Regular Town Board Meeting

ITEM(S) FOR BOARD ACTION:

Public Hearings:

7:35 PM

10PH2024-1 On the Matter of Approving an application for the Rezoning 2305 Portland Avenue From R-6 Residential District to C-Business District

10PH-1 **Resolution** Regarding State Environmental Quality Review Act Compliance in the Matter of Rezoning 2305 Portland Avenue from R-6 Residential District to C-Business District

10PH-2 **Resolution** Approving an application on the matter of Rezoning 2305 Portland Avenue From R-6 Residential District to C-Business District

Appointments

10A2024-1 Resolution Authorizing the Permanent Appointment of a Code Compliance Coordinator

10A2024-2 Resolution Authorizing the Provisional Appointment of a Recreation Supervisor

Community Development

10A2024-3 Resolution Calling for a Public Hearing on the Matter of Granting a Conditional Special Use Permit for 55 and 61 Waldo Avenue in an R-2 Residential District

10A2024-4 Resolution Adopting Local Law to Establish a six-month extension of the current moratorium on short-term rentals

10A2024-5 Resolution Calling for a Public Hearing on the results of the Short-term Rental Survey

10A2024-6 Resolution Appointing a Conservation Board Chairperson

10A2024-7 Resolution Calling for a Public Hearing on the Letter of Intent to Apply for the Restore NY NYS Grant Program

Comptroller:

10A2024-8 Resolution Authorizing the calling of a Public Hearing concerning the 2025 Preliminary Budget

Public Works

10A2024-9 Resolution Authorizing the Purchase of One (1) 24' Enclosed Trailer to be used by the Department of Public Works

10A2024-10 Resolution Authorizing the Supervisor to enter into an Intermunicipal Agreement with Point Pleasant Fire District

NEXT WORKSHOP MEETING: November 12, 2024 @ 4 P.M.

NEXT REGULAR TOWN BOARD MEETING: November 19, 2024 @ 7 P.M.

2025 TOWN OF IRONDEQUOIT BUDGET WORKSHOPS AND HEARING DATES:

- Tentative Budget presented on October 7th at 4pm
- 1st Budget Workshop on October 15th at TBD
- 2nd Budget Workshop on October 16th at 5:30pm
- Special Meeting on October 21st at 4pm to adopt Preliminary Budget
- Public Hearing for the Budget on November 7th at 7:35pm
- Special Meeting on November 18th at 4pm to adopt the 2025 Budget

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD
REGARDING STATE ENVIRONMENTAL QUALITY REVIEW ACT COMPLIANCE
IN THE MATTER OF REZONING 2305 PORTLAND AVENUE FROM R-6
RESIDENTIAL DISTRICT TO C-BUSINESS DISTRICT.**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024, at 7:00 p.m. local time, there were

PRESENT:

Andrae' Evans

Ann Cunningham

Grant Malone

John Perticone

Peter Wehner

Town Supervisor

Town Board Member

Town Board Member

Town Board Member

Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, Krumsieg Architecture, acting as agent for Samuel Battaglia, Battatini's Catering, has submitted an application for the rezoning 2305 Portland Avenue in the R-6 Residential District to C-Business District (the "Application"); and

WHEREAS, rezoning the portion of the property is an Unlisted Action under SEQRA; and

WHEREAS, the Town Board has received and reviewed the Short Environmental Assessment Form ("EAF") with respect to the rezoning and has considered the potential environmental impacts of rezoning the Property pursuant to the requirements of SEQRA and found that the proposed action will not result in any significant adverse environmental impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts a Negative Declaration for the Application in the form attached hereto as **Attachment A** and made a part hereof and determines that no Environmental Impact Statement is required.

AND BE IT FURTHER RESOLVED, that the Town Supervisor shall file the Negative Declaration along with this Resolution with the Town Clerk and forward these documents to any person who requests a copy, and maintain the EAF and Negative Declaration in a file regularly accessible to the public.

AND BE IT FURTHER RESOLVED, that the requirements of 6 NYCRR 617 have been met.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to
vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

Project:

2305 Portland Avenue

Date:

10.15.2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Please see attached.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Irondequoit Town Board	10.15.2024
Name of Lead Agency	Date
Andrae Evans	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Town of Irondequoit Town Board

Dated: October 15, 2024

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Irondequoit Town Board has reviewed the application to rezone 2305 Portland Avenue submitted by Krumsieg Architecture, acting as agent for Samuel Battaglia, Battatini's Catering. The Town Board, in an uncoordinated review, has determined that the proposed action will not have a significant adverse environmental impact and that a draft environmental impact statement will not be prepared.

Name of Action: Application to Rezone 2305 Portland Avenue.

Location of Action: Tax ID: 076.16-1-26 (the "Property")

SEQRA Status: Unlisted

Lead Agency: Not applicable, uncoordinated review

Description of Action: The Property is currently zoned R-6 Residential. The Applicant would like to rezone the parcel that is currently zoned R-6 Residential to C-Business which will allow for the Applicant for the proposed use of a take-out catering business.

Reasons Supporting this Determination: No large significant adverse environmental impacts associated with the Action were identified in the Short Environmental Assessment Form and the Town Board has considered the criteria for determining significance identified in 6 NYCRR §617.7.

The requirements of SEQRA and 6 NYCRR Part 617 have been met.

For Further information Please Contact:
Michelle Nichols
Planning and Zoning Coordinator
1280 Titus Avenue, Rochester, NY 14617
(585) 336-6017

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD ADOPTING
A RESOLUTION APPROVING AN APPLICATION ON THE MATTER OF REZONING
2305 PORTLAND AVENUE FROM R-6 RESIDENTIAL DISTRICT TO C-BUSINESS
DISTRICT**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024, at 7:00 p.m. local time, there were

PRESENT:

Andraé Evans

Town Supervisor

Ann Cunningham

Town Board Member

Grant Malone

Town Board Member

John Perticone

Town Board Member

Peter Wehner

Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, Krumsieg Architecture, acting as agent for Samuel Battaglia, Battatini's Catering, has submitted an application for the rezoning 2305 Portland Avenue in the R-6 Residential District to C-Business District (the "Application"); and

WHEREAS, the location and boundaries of the subject parcel are described on the Warranty Deed with Lien Covenant, dated May 17, 2024, attached hereto as **Attachment A**; and

WHEREAS, the Application was reviewed and discussed at the Town Planning Board meeting held on September 30, 2024 and the Town Planning Board issued a report on the rezoning to the Town Board recommending a Positive Referral with the following comments: 1. Concern with proposed parking on front lawn. 2. Parking requirements for the C-Business District will require a variance. 3. Screening on south and west needs to be adequate for adjoining residents. 4. Recommends the application comes back to the Planning Board regarding the proposed change of use. 5. Difference of uses between the R-6 Residential & C-Business Districts is minimal as previous businesses were permitted. The Positive Referral is attached hereto as **Attachment B**; and

WHEREAS, the Application was referred to the Monroe County Planning and Development Department pursuant to the requirement of New York State Town Law § 264 and New York General Municipal Law § 239-m, and comments are still pending under Referral No: IR240020; and

WHEREAS, a public hearing was held by the Town Board, pursuant to Section 235-99 of the

Irondequoit Town Code and Section 20 of the New York State Municipal Home Rule Law on October 15, 2024 at 7:3Xpm during which the facts in support of the requested rezoning were presented and where public input was received and thereafter the public hearing was closed; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulation, the rezoning is classified as an Unlisted action, the Town Board conducted an uncoordinated review, and, by separate Town Board resolution of even date herewith, has issued a negative declaration; and

NOW THEREFORE BE IT RESOLVED, that the requested rezoning is hereby approved.

AND BE IT FURTHER RESOLVED, that the Town Board hereby adopts said Local Law _____ of 2024, amending the Official Zoning Map of the Town of Irondequoit to rezone 2305 Portland Avenue, and a copy of which is attached hereto as Attachment A and made a part hereof, and the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Irondequoit, and to give due notice of the adoptions of said Local Law to the New York Secretary of State.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____



a town for a lifetime IRONDEQUOIT *New York*

TO: The Honorable Town Board

FROM: Michelle Nichols, Planning & Zoning

DATE: October 1, 2024

SUBJECT: **2305 Portland Avenue - Rezoning Application**

At a Planning Board meeting on Monday, September 30, 2024, the Planning Board reviewed the Application request by Krumsieg Architecture, acting as agent for Samuel Battaglia, Battatini's Catering regarding a rezoning application to rezone 2305 Portland Avenue in the R-6 Residential District to C- Business District for the future use of a take-out catering business.

On Motion by Board Member Bernard Blocchi, Seconded by Board Member Allan Richards; Motion Carried. *The Planning Board offered a Positive Referral with the following discussion and/or recommendations:*

1. *Concern with proposed parking on front lawn.*
2. *Parking requirements for the C-Business District will require a variance.*
3. *Screening on south and west needs to be adequate for adjoining residents.*
4. *Recommends the application comes back to the Planning Board regarding the proposed change of use.*
5. *Difference of use between the R-6 Residential & C-Business uses is minimal as previous businesses were permitted.*

BOARD MEMBER	VOTE
BLOCCHI	Aye
BURDICK	Aye
CATERINO	Aye
HAEFNER	Absent
HUBER	Aye
RICHARDS	Aye
ROSSO	Aye
YANOSH	Aye

WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE, made the 17th day of May, 2024,

BETWEEN

ENTELL VENTURES, LLC, a New York limited liability company with a principal mailing address of 560 List Avenue, Rochester, New York 14617,

Grantor,

and

SAMUEL BATTAGLIA, an individual residing at 526 Wimbledon Road, Rochester, New York 14617,

Grantee,

WITNESSETH that the Grantor, in consideration of ONE DOLLAR (\$1.00) lawful money of the United States, and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its heirs or successors, and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, BEING PART OF LOT NO. 31, TOWNSHIP 14, RANGE 7, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF PORTLAND AVENUE AT THE SOUTHEAST CORNER OF PREMISES NOW OR FORMERLY OWNED BY ATLANTIC RICHFIELD, SAID POINT BEING 88 FEET SOUTH OF THE INTERSECTION OF THE SOUTH LINE OF TITUS AVENUE WITH THE WEST LINE OF PORTLAND AVENUE; THENCE ALONG SAID ATLANTIC RICHFIELD PREMISES, NOW OR FORMERLY, THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 88° 05' 48" WEST 101.00 FEET TO A POINT; (2) NORTH 1°30'00" EAST 16 FEET TO A POINT; AND (3) NORTH 88° 05' 48" WEST 30.0 FEET TO A POINT; THENCE (4) SOUTH 1° 30' 00" WEST ALONG THE WEST LINE OF THE FORMER WILLARD HEWLETT PREMISES 92.0 FEET TO AN IRON PIPE; THENCE (5) SOUTH 88° 05' 48" EAST ALONG THE SOUTH LINE OF SAID HEWLETT PREMISES 131.00 FEET TO AN IRON PIPE IN THE WESTERLY LINE OF PORTLAND AVENUE; THENCE (6) NORTH 1° 30' 00" EAST ALONG THE WESTERLY LINE OF PORTLAND AVENUE 76.00 FEET TO THE PLACE OF BEGINNING.

SUBJECT to all covenants, easements and restrictions of record affecting said premises, if any.

BEING AND INTENDING to describe the same premises conveyed to Grantor by Warranty Deed dated June 15, 2016, and recorded in the Monroe County Clerk's Office on June 16, 2016 in Liber 11711 of Deeds, page 514.

TAX MAP ID NO.:

076.16-1-26

PROPERTY ADDRESS:

2305 Portland Avenue, Town of Irondequoit, New York 14617

TAX MAILING ADDRESS:

2305 Portland Avenue, Rochester NY 14617

Return to: Samuel Battaglia
526 Wimbledon Rd.
Rochester, NY 14617
ATA

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its heirs or successor and assigns forever.

AND said Grantor covenants as follows:

FIRST, that the Grantee shall quietly enjoy the said premises;

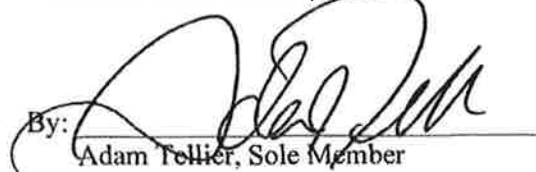
SECOND, that said Grantor will forever WARRANT the title to said premises.

THIRD, that, in Compliance with Sec. 13 of the Lien Law, the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

WHENEVER the sense of this instrument so requires, the words "Grantor" and "Grantee" shall be construed in their plural forms.

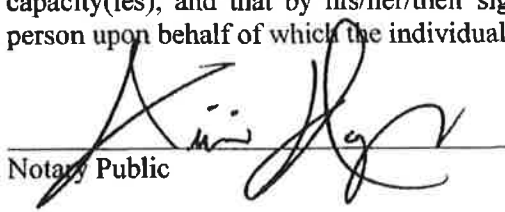
IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first above written.

ENTELL VENTURES, LLC

By: 
Adam Tellier, Sole Member

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

On the 15th day of May, in the year 2024, before me, the undersigned, personally appeared Adam Tellier, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

ALICIA S. HOUGH
NOTARY PUBLIC, STATE OF NEW YORK
Reg. #01HO6354132
Registered in Monroe County
Commission Expires February 13, 2026

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD ADOPTING A
RESOLUTION AUTHORIZING THE PERMANENT APPOINTMENT OF A CODE
COMPLIANCE COORDINATOR**

At a regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York, held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October 2024, at 7:00 p.m. local time, there were.

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, due to a retirement there is a need to appoint a Code Compliance Coordinator; and

WHEREAS, on January 13, 2024, the Code Compliance Coordinator exam was held, and the list was established on May 17, 2024; and

WHEREAS, Lidia Shurn participated in this exam and is immediately reachable on the certified list; and

WHEREAS, the Director of Developmental Services would like to appoint Lidia Shurn to this position; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the permanent appointment of Lidia Shurn to Code Compliance Coordinator to be paid an hourly rate of \$29.66, which shall be drawn from budget codes: 001.3620.100.1100.

This resolution shall take effect November 14th, 2024, the date the position is vacated.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD ADOPTING A
RESOLUTION AUTHORIZING THE PROVISIONAL APPOINTMENT OF A RECREATION
SUPERVISOR**

At a regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York, held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October 2024, at 7:00 p.m. local time, there were.

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, due to a resignation there is a need to appoint a Recreation Supervisor; and

WHEREAS, on October 21, 2023, the Recreation Supervisor exam was held, and the list was established on March 27, 2024; and

WHEREAS, this list has been canvassed and deemed non-mandatory, since less than two people on the list are interested in the position; and

WHEREAS, the Director of Recreation held interviews and would like to appoint Christopher Chavez to this position; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the provisional appointment of Christopher Chavez to Recreation Supervisor to be paid an annual rate of \$51,041.00, which shall be drawn from budget codes: 001.7140.100.1100.7146

This resolution shall take effect upon date of hire.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

Resolution No. 2024- _____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD CALLING FOR A
PUBLIC HEARING ON THE MATTER OF GRANTING
A CONDITIONAL SPECIAL USE PERMIT FOR 55 AND 61 WALDO AVENUE
IN AN R-2 RESIDENTIAL DISTRICT**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024, at 7:00 P.M. local time; there were:

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, upon the matter of request by Costich Engineering, acting as agent for Peace of Christ Parish-St. Ambrose Church, for a Conditional Special Use Permit for the property located at 55 and 61 Waldo Avenue, to operate a nonprofit organization (the “Project”); and

WHEREAS, the property is zoned R-2 Residential and the applicant intends to use the parcel for a nonprofit organization (The Margaret Home); and

WHEREAS, under Town Code §235-8(B)(1)(a), offices and facilities associated with a nonprofit organization in the R-R, R-1, R-2 and R-3 Residential Districts are permitted only if a conditional special use permit is granted by the Town Board; and

WHEREAS, such Conditional Special Use Permit may be approved by the Irondequoit Town Board pursuant to Town Law § 274-b; and

WHEREAS, pursuant to Town Law § 271(14)(a), the Town Board may by resolution provide for the reference of any matter or class of matters to the Planning Board before final action is taken thereon; and

WHEREAS, the proposed action is a Type II action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and accompanying regulations, 6 NYCRR § 617.5(c)(18) (“reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the

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action does not meet or exceeds any of the thresholds in section 617.4”), and therefore the Town Board determines that further environmental review pursuant to SEQRA is not required.

NOW, THEREFORE, BE IT RESOLVED, the Town Board shall hold a public hearing on this Conditional Special Use Permit application on **November 19, 2024 @ 7:3X p.m.** at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit.

AND, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board refers the application for a Conditional Special Use Permit for 55 & 61 Waldo Avenue to the Planning Board for its reference and report thereon, which report the Town Board requests to be so provided at or after the public hearing scheduled for November 19, 2024.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____



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IRONDEQUOIT *New York*

PROJECT ADDRESS 55 & 61 Waldo Avenue

TOTAL AREA OF PROJECT SITE 0.578 Acres

TAX ID NO. 107.06-1-32 / 33 / 34 / 38 ZONING DISTRICT R-2

PROPERTY OWNER (Print) St. Ambrose Church of Rochester PHONE (585) 288-5000

ADDRESS 25 Empire Boulevard ZIP CODE 14609

E-MAIL ADDRESS Patrizia.Macera@dor.org FAX NO. _____

APPLICANT (Print) Peace of Christ Parish- St Ambrose church PHONE (585) 288-5000

ADDRESS 25 Empire Boulevard ZIP CODE 14609

E-MAIL ADDRESS Patrizia.Macera@dor.org FAX NO. _____

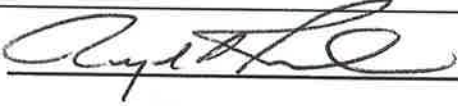
AGENT Costich Engineering, DPC / Ray Raimondi PHONE (585) 458-3020

ADDRESS 217 Lake Avenue ZIP CODE 14608

E-MAIL ADDRESS rRaimondi@costich.com FAX NO. _____

DESCRIPTION OF PROJECT Newly re-subdivided parcel to be sold to non-profit, requiring a Special Use Permit

APPLICANT OR AGENT (PRINTED): Costich Engineering, DPC / Ray Raimondi

APPLICANT OR AGENT (SIGNATURE(S)):  DATE 10/1/2024

(Do Not Write Below This Line/Official Town Staff Use Only)

FEE \$ 500.- P21C279006 DATE APPLICATION RECEIVED: 10-1-2024

Application Meeting/Public Hearing Dates

Application Accepted and Required Referral(s) Issued: Calling: 10-15-2024

Public Hearing Date (Please note: more than one hearing date may be required): 11-12-2024

Planning Board Referral (if required): 10-28-2024

Other Required Dates (if required) _____



Project No. 7528.02

October 1, 2024

Town Board
Town of Irondequoit
1280 Titus Avenue
Rochester, New York 14617

RE: Peace of Christ Parish - St Ambrose Church
Special Use Permit Request
55 & 61 Waldo Avenue
Tax Map No's. 107.06-1-34, 107.06-1-38, 107.06-1-32, 107.06-1-33

Dear Supervisor Evans & Town Board Members:

On behalf of our client, Peace of Christ Parish -St. Ambrose Church, we are submitting a request for a Special Use Permit for the properties located at 55 & 61 Waldo Avenue. As this property was recently approved by your board for re-zoning and re-subdivision into one single parcel. The proposed sale of this property to a nonprofit agency will require a Special Use Permit as listed in the Town code under 235-8B1a.

The intent of the Parish is to sell the new subdivision parcel to an interested non-profit, know as the Margaret Home

We are requesting that this be added to the October 7, 2024, Town Board workshop meeting agenda, and the October 15, 2024, regular Town Board meeting agenda.

To aid in your review attached please find:

- Fifteen (15) Copies of this Letter of Intent.
- Fifteen (15) Copies of the Subdivision Plan.
- Fifteen (15) Copies of the Town Board Application.
- Fifteen (15) Copies of EAF.
- One (1) \$500.00 Town Board Application fee check (Special Use permit fee).

If you should have any further questions or comments, please feel free to contact our office.

Respectfully Submitted,

Raymond Raimondi
COSTICH ENGINEERING, D.P.C.

Cc: Patrizia Macera / Peace of Christ Parish

CIVIL ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE

Costich Engineering, DPC • 217 Lake Avenue • Rochester, New York 14608

Office (585) 458-3020 • Fax (585) 458-2731 • www.costich.com

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

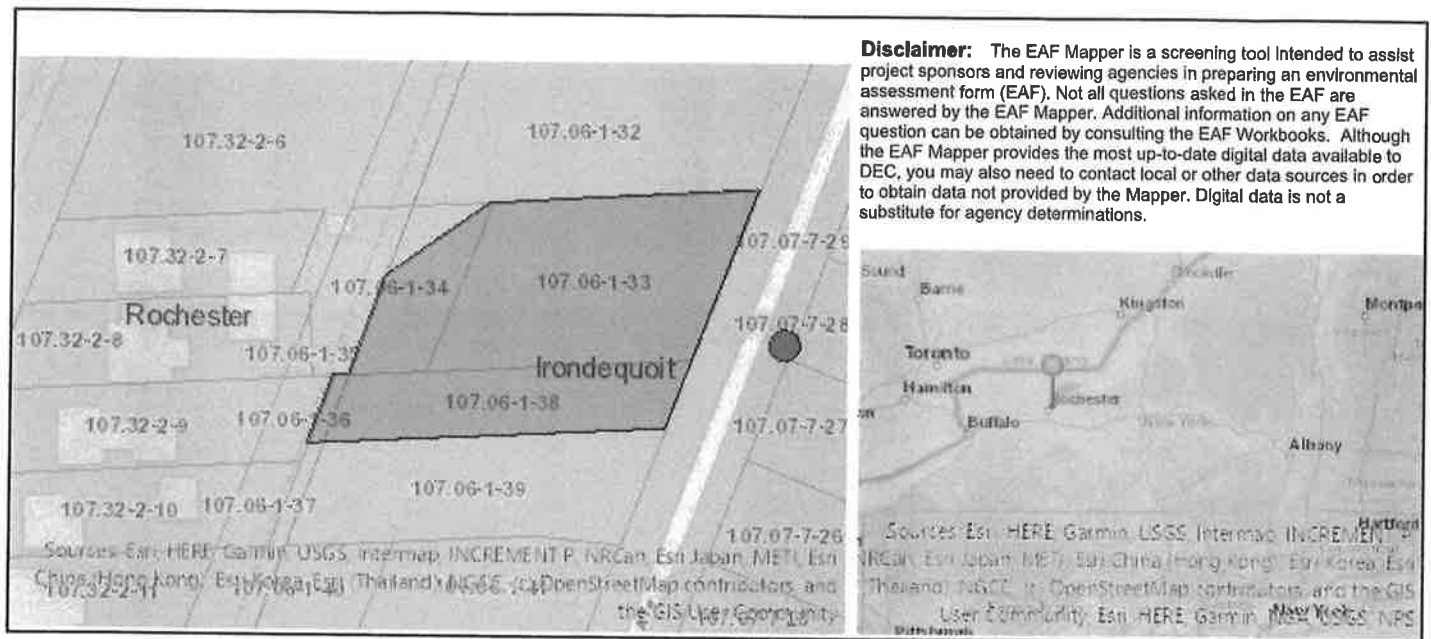
Part 1 – Project and Sponsor Information			
Name of Action or Project: St. Ambrose Convent Subdivision Plan			
Project Location (describe, and attach a location map): 55 & 61 Waldo Ave			
Brief Description of Proposed Action: Special Use permit for use as a non-profit facility, as require under Town code 235-8,B,1a			
Name of Applicant or Sponsor: Costich Engineering as agent for applicant, St. Ambrose / Ray Raimondi PM		Telephone: 585-458-3020 Ext 150	
		E-Mail: rRaimondi@costich.com	
Address: 217 Lake Ave			
City/PO: Rochester		State: New York	Zip Code: 14608
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒
			YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☒
			YES ☐
3. a. Total acreage of the site of the proposed action?		0.58 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.58 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
_____ _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
_____ _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☒	YES ☐
_____ _____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Costich Engineering, DPC as agent / Ray Raimondi</u> Date: <u>10/1/2024</u>		
Signature: <u></u> Title: <u>Project Manager</u>		

EAF Mapper Summary Report

Wednesday, May 15, 2024 10:17 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD ADOPTING
A LOCAL LAW TO ESTABLISH A SIX-MONTH EXTENSION OF THE CURRENT
MORATORIUM ON SHORT TERM RENTALS**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024 at 7:00 p.m. local time, there were

PRESENT:

Andraé Evans

Ann Cunningham

Grant Malone

John Perticone

Peter Wehner

Town Supervisor

Town Board Member

Town Board Member

Town Board Member

Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, at a regular meeting of the Town Board on October 17, 2023, Town Board Member Freeman introduced a proposed change to the Town Code establishing a temporary moratorium on short term rentals within the Town (the “Proposed Law”), a copy of which is attached hereto as **Attachment A**; and

WHEREAS, the Town Board adopted a resolution on October 17, 2023 calling for a public hearing to be held concerning the Proposed Law on November 21, 2023, at 7:38 p.m.; and

WHEREAS, notice of said public hearing was duly published in the *Daily Record*, the official newspaper of the Town, and posted as required by law; and

WHEREAS, the Town Board conducted the public hearing on November 21, 2023, and all interested parties who wished to be heard were heard; and

WHEREAS, the Town Board received written copy of the Proposed Law (Attachment A) via electronic file sharing service and hand delivery at least 10 days before this meeting (excluding Sundays), pursuant to Municipal Home Rule Section 20(4); and

WHEREAS, Town Staff referred the Proposed Law to Monroe County for comment under Referral No: IR23016; and

WHEREAS, the Town Board, after due deliberation, for the reasons described in Resolution No: 2023-324 and Attachment A hereto, found it in the best interest of the Town of Irondequoit to adopt the Proposed Law; and

WHEREAS, the Proposed Law is a “Type II” action under the New York State Environmental Quality Review Act (SEQRA) and pursuant to 6 NYCRR §617.5(c)(30) is exempt from environmental review thereunder.

NOW THEREFORE BE IT RESOLVED, that the Town Board having previously adopted said Local Law 1 of 2024, hereby establishes a six-month extension of the current moratorium on short-term rentals within the Town as more fully described in Attachment A.

AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law, as extended, in the minutes of this meeting and in the Local Law Book of the Town of Irondequoit, and to give due notice of the adoption of the extension of said Local Law to the New York Secretary of State and post the same as required by the Irondequoit Town Code.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

11 ATTACHMENT A 11

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Irondequoit

Local Law No. 1 of the year 2024

A local law to Establish a Moratorium on Short Term Rentals

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Irondequoit

as follows:

[See Attached]

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the (County)(City)(Town)(Village) of Irondequoit was duly passed by the Town Board on Dec. 19, 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20 ☐ ☐, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

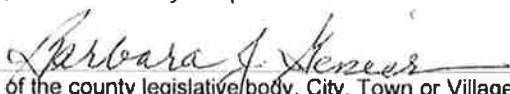
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 1/1/2024

(Seal)

TOWN OF IRONDEQUOIT LOCAL LAW # 1 OF 2024

A "MORATORIUM ON SHORT TERM RENTALS"

Section 1. Enactment, Title, and Definitions.

The Town Board of the Town of Irondequoit does hereby enact the Town of Irondequoit "Moratorium on Short Terms Rentals" local law. This Local Law shall impose a moratorium on short-term rental occupancy within the Town of Irondequoit and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within the Town for any land use activity that includes the establishment or expansion of a short-term rental occupancy use, either in a principal structure or any accessory structure.

For purposes of this Local Law, the term "short term rentals" as used herein shall mean a residential property that is rented to a visitor for less than 30 days.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Irondequoit to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Irondequoit (the "Town Board") hereby declares a one-year moratorium on applications and proceedings for short term rental use within the Town of Irondequoit (the "Town").

This moratorium will allow time for the Board and Town Staff to review, clarify, and update the Town's need for regulations surrounding short term rentals in the Town. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

The Town Board finds that the moratorium is appropriate because:

1. The residential character of the Town is a source of pride and economic stability for the Town and its residents.
2. The recent trend of existing residential structures being used by owners for the primary purpose of renting to short-term rental occupants has created concern that the residential character and economic base of the Town is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals." Use of land within the Town for short term rentals has resulted.

3. Short term rentals create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing crime, noise, parking congestion, and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner-occupied properties.
4. Unregulated short-term rentals, or short-term rental occupancies as defined in this local law, may be incompatible with residential neighborhoods and zoning districts, and such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of short-term rental occupancy.
5. Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings and required public hearings, further conversions of residential properties and establishment of new short-term rental uses may occur within the Town that may:
 - a) preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Town's Zoning Code, environmental review procedures, and other development regulations;
 - b) Permit significant variations in neighborhoods where the Town may wish to implement changes in the existing Zoning Code and such variations may impede or destroy the integrity of changes which may be proposed; and
 - c) Create conditions, or worsen existing conditions, which the Town Board hereby finds to be detrimental to the public health, safety, and general welfare.

Section 3. Scope of Controls.

During the effective period of this Local Law:

A. The Town Board, the Planning Board, the Zoning Board of Appeals, and Town Staff shall not conduct any review or consider or grant any special permit or other approval that will result in the approval, establishment or construction of any short term residential use within the Town.

B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law and any other applicable law, rule or regulation, that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern, and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised, or Renewal Applications.

No new, revised, or renewal applications for short term rental licenses shall be accepted for filing, review, or consideration, nor shall any such applications be undertaken, reviewed, considered or issued by any board, officer, employee or agent of the Town, except for as specifically set forth in Section 10 of this local law. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of one year from the effective date of this Local Law. This moratorium may be extended, or rescinded or removed, by local law.

During the period of this moratorium the Town shall endeavor to adopt a comprehensive set of regulations for issuance of short-term rental use within the Town.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Irondequoit. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the Monroe County Real Property Tax Service Office and the official New York corporate boundary maps for the Town of Irondequoit.

Section 7. Penalties.

The following provisions shall apply generally, and the violation of this Local Law shall allow and permit enforcement in any one or more of the following manners:

A. When any term, provision, or requirement of this Local Law is violated the Enforcement Officer may issue a written notice of violation to the Applicant (or other Person in violation hereof). The notice of violation shall contain; (i) the name and address of the Person alleged to have violated this Local Law; (ii) the address, when available, or a description of the building, structure or parcel upon which the violation occurred or is occurring; (iii) a brief statement specifying the nature of the violation; (iv) a statement of the fine or penalty that may or could be assessed against any Person to whom the notice of violation is directed; and (v) a clear statement identifying whether the notice commences or may commence a civil or criminal proceeding. The failure to comply with a written notice of violation by correcting the violation is in itself a separate violation of this Local Law and may be further enforced as such. In addition, Executive Law § 382 may be duly enforced separately from any such notice, and both notices may take the form of a single notice which must, in addition to the above, contain the information and be served as required by said § 382.

B. The Enforcement Officer may issue stop work orders for violations of this Local Law. Any Person receiving a stop work order shall be required to halt all clearing, grading,

construction, and any other or related activities, until the Enforcement Officer or a court of competent jurisdiction allows work to re- commence.

C. The Town may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with, restrain by injunction the violation of any provision or requirement of this Local Law, including to prevent, enjoin, correct, enforce, or abate any violation of, or non-conformance with, any provision or requirement of this local law or the terms and conditions set forth in any waiver or approval issued hereunder. In any such proceeding the Town shall not be required to: (i) prove the lack of an adequate remedy at law; or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the Town Council.

D. This Local Law may be enforced civilly or criminally by seeking fines, penalties, and like punishments to deter future violations and sanction offenders. All provisions of New York law and process generally applicable to misdemeanors shall apply to any criminal proceeding brought upon any violations of this Local Law, including for purposes of conferring jurisdiction. The following civil and criminal fines and penalties shall apply to any violation of the requirements or terms of this Local Law:

1. For a first offense, any Person that violates any of the provisions of this Local Law shall be (i) guilty of a violation and subject to a fine of not more than \$500, or (ii) subject to a civil penalty of not more than \$1,000.000 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.
2. For a second offense, being any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any violation of this Local Law, a Person shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,500, or (2) subject to a civil penalty of not more than \$5,000 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.
3. The above fines are in addition to any penalty, fine, or sentence allowed or imposable pursuant to said Executive Law§ 382.

E. Upon any violation of this Local Law by an Applicant or any Person, the Town may, and the Enforcement Officer shall, decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of

compliance, and any similar or other document or approval until the Applicant or Person rectifies and cures such violation.

F. Any Person violating this Local Law may be required to restore land to its prior or undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid. In addition, the Town may commence any one or more civil proceedings in the Town Court, or any other court or tribunal of competent jurisdiction, to recover the costs of such restoration.

G. For purposes of this Local Law the Justice Court of the Town is hereby vested and imbued with jurisdiction to: (i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and (ii) hear and adjudicate allegations relating to the criminal or civil violation of this Local Law and to thereafter, if appropriate, impose any fine, penalty, or sanction.

H. Criminal matters arising in relation to enforcement matters under this local law shall be and be classified as offenses per the following guidelines: (i) first offenses shall be deemed violations; (ii) second offenses shall be deemed unclassified misdemeanors; and (iii) violations of Executive Law§ 382 shall be classified as set forth by New York State in such § 382.

I. No remedy or penalty specified in this local law shall be the exclusive remedy available to the Town to address any violation of, or non-compliance with, the requirements of this local law. The rights and remedies of the Town are independent of each other and cumulative. The grant of any right or remedy in this Local Law is in addition to, and not in limitation of or in substitution for any other right or remedy of the Town, whether sounding in law, equity, or admiralty. Further, the election by the Town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy, whether relating to enforcement, sentencing, or otherwise.

Section 8. Exemptions and Non-Conforming Uses.

Notwithstanding any provision hereof to the contrary, any short term rental operator that has already been issued all necessary approvals or permits from the Town (the "Town Approvals") may continue such projects and such support activities that are being conducted in the Town as of the effective date of this Local Law, so long as such supporting activities are in all respects being conducted in accordance with all applicable laws and regulations and any conditions of approval, including all Town Approvals. Such limited right to proceed when Town Approvals have been issued shall include the right to apply for and obtain a building permit, so long as the same is or are in conformance with any existing Town Approvals.

Any expansion of a lawful, pre-existing, non-conforming use shall not be grandfathered under this Section and instead shall in all respects be prohibited as contemplated by Section 3 hereof. "Grandfathered" and allowed lawful pre-existing uses neither have nor possess any right to expand such non-conforming use whether above or below ground, and no such right shall be

deemed, construed, or implied to exist.

Section 9. 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 10. Hardship.

The Town Board is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a waiver application of the provisions of this Local Law by persons aggrieved hereby.

No such waiver shall be granted by the Town Board without a showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship.

A. Unnecessary Hardship. In order to prove such unnecessary hardship, the Applicant is required to demonstrate to the Town Council that, with respect to every permitted use under Town land use, each of the following four criteria is satisfied: (i) the Applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) the requested waiver, if granted, will not alter the essential character of the rural, hamlet, or other neighborhood; and (iv) the alleged hardship has not been self-created.

B. Reasonable Rate of Return. In evaluating whether the Applicant can realize a reasonable rate of return, the Town Council must examine whether the entire original or expanded property holdings of the Applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No waiver shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Town Council finds that the Applicant has clearly demonstrated by detailed "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the area of the Town the property is located.

C. Unique Hardship. No waiver shall be granted unless, in addition to satisfying all other applicable provisions of the law and this Law, the Town Council finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

D. Essential Character of the Neighborhood. In making its determination, of whether the proposed development project will alter the essential character of the neighborhood, the Town Council shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential and agricultural character of the Town, (ii) its irreplaceable recreation, historic, and tourism sites, (iii) the extent

of hazard to life, limb or property may result from the proposed development project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (viii) whether the Applicant will engage in the type of development that will result in degradation to the air quality, water quality or scenic or other natural resources of the Town. In order to find that the proposed development project does not alter the essential character of the neighborhood, the Council shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.

E. Self-Created Hardship. The Town Council may find that the Applicant suffers from a self-created hardship in the event that the Council finds that (i) the Applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the Applicant previously divided the property and is left with only a portion which suffers from some unique conditions for which relief is sought and which did not apply to the parcel as a whole; (iii) when the Applicant purchased the property, he or she knew or should have known the property was subject to the land use restrictions; or (iv) that the Applicant transferred or obtained property rights with only a unilateral expectation of development or return on investment, particularly if the development or project envisioned was speculative or of an investment character, and it shall be material to this question to examine the degree to which the investment in land rights or use rights was partial (such as leasing, easements, or licensure) as opposed to in fee (actual acquisition of fee simple title), and whether the anticipated income, profits, or receipts were conditional, contingent, or guaranteed. In the event the Town Council grants a waiver from the provisions of this Local Law to the Applicant, the Applicant shall be required to comply with all provisions of the Town's then applicable land use regulations and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law. Any waiver that is granted shall grant only the minimum waiver that the Town Council deems necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and health, safety, and welfare of the community.

Section 11. Effective Date.

This Local Law shall take effect immediately.

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD
ADOPTING A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE
RESULTS OF THE SHORT-TERM RENTAL SURVEY**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024, at 7:00 p.m. local time, there were

PRESENT:

Andraé Evans
Ann Cunningham
Grant Malone
John Perticone
Peter Wehner

Town Supervisor
Town Board Member
Town Board Member
Town Board Member
Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, at a regular meeting of the Town Board on October 17, 2023, Town Board Member Freeman introduced a proposed change to the Town Code establishing a temporary moratorium on short term rentals within the Town (the “Proposed Law”), a copy of which is attached hereto as **Attachment A**; and

WHEREAS, the Town of Irondequoit, Office of Community Development, was tasked with creating a timeline for multiple avenues of public input relative to short-term rentals within the Town; and

WHEREAS, the Town of Irondequoit, Office of Community Development, in partnership with LaBella Associates furnished an electronic survey to solicit the input of the public relative to short-term rentals within the Town; and

WHEREAS, the Town of Irondequoit, Office of Community Development, wishes to share the results of the electronic survey, as well as allow for further public input.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby schedules a public hearing on the Proposed Law on **November 19, 2024, at 7:3X p.m.** at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING
A RESOLUTION TO APPOINTING A CONSERVATION BOARD CHAIRPERSON**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October 2024, at 7:00 P.M. local time; there were:

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, Krista Greer has tendered her resignation effective September 25, 2024 as the Irondequoit Conservation Board Chairman; and

WHEREAS, Daniel David has served on the Irondequoit Conservation Board since 2020; and

WHEREAS, the Town Board desires to appoint Daniel David as Chairperson of the Irondequoit Conservation Board with a term expiring December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Irondequoit appoints:

Daniel David Conservation Board Chairperson Term Expires: December 31, 2025

AND, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board thanks Krista Greer for her many years of service to the Town.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD
ADOPTING A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE
LETTER OF INTENT TO APPLY FOR THE RESTORE NY NYS GRANT
PROGRAM**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024, at 7:00 p.m. local time, there were

PRESENT:

Andraé Evans

Town Supervisor

Ann Cunningham

Town Board Member

Grant Malone

Town Board Member

John Perticone

Town Board Member

Peter Wehner

Town Board Member

Brown Hutchinson LLP

Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS; the Town of Irondequoit Office of Community Development has identified a grant opportunity through the Restore NY Grant program; and

WHEREAS; the Town of Irondequoit Office wishes to forward a letter of intent as required by the Restore NY Grant application; and

WHEREAS; the Town of Irondequoit has identified two properties in the Town of Irondequoit as potential opportunities to include in the application. Those locations are 4530 St Paul Blvd (Tax ID #061.11-1-4) and 400 Skyview Center Pkwy (Tax ID #092.05-1-85.2) and

WHEREAS; the Town of Irondequoit will partner with LaBella Associates for the completion and submission of the Restore NY Grant Application; and

NOW THEREFORE BE IT RESOLVED; that the Town Board hereby schedules a public hearing on the Proposed Law on **November 19, 2024, at 7:3X p.m.**

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF THE MINUTES OF A MEETING OF THE TOWN BOARD
ADOPTING A RESOLUTION AUTHORIZING THE CALLING OF A PUBLIC
HEARING CONCERNING THE 2025 PRELIMINARY BUDGET**

At a regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October 2024 at 7:00 p.m. local time, there were

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, a Tentative Budget for 2025 was presented to the Town Board; and

WHEREAS, the Town Board held a series of workshops to discuss and review the Tentative Budget and to propose changes, if necessary; and

WHEREAS, the proposed changes from the workshops were incorporated into the Preliminary Budget; and

WHEREAS, pursuant to Town Law Section 108, the Town Board shall hold a public hearing on the preliminary budget showing such changes, alterations and revisions as shall have been made by the Town Board.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby schedules a public hearing on the 2025 Preliminary Budget on November 7, 2024, at 7:35 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk shall publish notice of the public hearing at least once in the official newspaper of the Town at least five days before the date of the public hearing, and such notice shall state the time when and the place where the public hearing will be held, the purpose thereof, and that a copy of the 2025 Preliminary Budget is available at the office of the Town Clerk where it may be inspected by any interested person during office hours. Such notice shall also specify the proposed salaries of each member of the Town Board and shall be posted on the signboard of the Town not later than five days before the day designated for such hearing.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member _____ and duly put to vote,
which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING A
RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 24' ENCLOSED
TRAILER TO BE USED BY THE DEPARTMENT OF PUBLIC WORKS**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024 at 7:00 P.M. local time; there were:

PRESENT:

Andraé Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member

Brown Hutchinson LLP	Attorney for the Town
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Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, it is necessary for the Department of Public Works to obtain one (1) new 24' Enclosed Trailer; and

WHEREAS, the Town of Irondequoit requested written quotes from three (3) vendors for a new 24' enclosed trailer to haul pipe and equipment for the replacement of sanitary sewer laterals and mains in compliance with General Municipal Law § 103 and Chapter 51 of the Irondequoit Town Code, in order to compute the best value to the Town; and

WHEREAS, the lowest responsible quote was Brooks Trailers in the amount of \$15,432.85; and

WHEREAS, funding for this expense will be available in account SS318120-521550.

NOW THEREFORE BE IT RESOLVED, that the Town Board approves a purchase of one (1) 24' enclosed trailer from Brooks Trailers in the amount of \$15,432.85.

AND, BE IT FURTHER RESOLVED, that the 2024 budget be amended to increase revenue item SS310000-426650 (auction proceeds) and to appropriate funding to expense account SS318120-521550 (equipment-sanitary) in an amount not to exceed \$15,432.85)

AND, BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute any and all documents related to this purchase.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING A
RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
INTERMUNICIPAL AGREEMENT WITH POINT PLEASANT FIRE DISTRICT**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 15th day of October, 2024 at 7:00 P.M. local time; there were:

PRESENT:

Andrae' Evans	Town Supervisor
Ann Cunningham	Town Board Member
Grant Malone	Town Board Member
John Perticone	Town Board Member
Peter Wehner	Town Board Member
Brown Hutchinson, LLP	Attorney for the Town

Town Board Member _____ offered the following resolution and moved its adoption:

WHEREAS, the Town owns and maintains a variety of equipment, facilities, grounds and public infrastructure; and

WHEREAS, the Town repairs and maintains said equipment, facilities, grounds, and infrastructure by use of Town manpower, machinery, and expertise; and

WHEREAS, the Town has the available manpower, machinery, and expertise to provide services to the Point Pleasant Fire District (the "District") for the repair and maintenance of District equipment and infrastructure; and

WHEREAS, the District is desirous of contracting with the Town to repair and maintain District equipment, infrastructure, facilities, and grounds on an as-needed basis, including but not limited to:

1. The repair, maintenance, resurfacing, sweeping, and reconstruction of parking lots, travel lanes, and drive lanes involving no substantial changes to the existing facility; and
2. The extension, repair, and maintenance of utilities and their related infrastructure; and
3. The inspection, repair, and servicing of equipment and vehicles; and
4. The management and maintenance of facilities and grounds including the mowing of fields, trimming of trees, and grounds management.

(the "Cooperative Services"); and

WHEREAS, the Town Board determines that the Cooperative Services are all Type II actions pursuant to 6 NYCRR § 617.5(c)(1) (maintenance or repair involving no substantial changes in

an existing structure or facility); (6) (openings for the purpose of repair or maintenance of existing utility facilities); (8) (maintenance of existing landscaping or natural growth); and (13) (extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list) and therefore no further review is needed pursuant to the New York State Environmental Quality Review Act (6 NYCRR § 617.5(a)); and

WHEREAS, Article 5-G, Section 119-o of the General Municipal Law specifically authorizes municipal corporations and school districts/fire districts to enter into intermunicipal cooperative agreements.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an intermunicipal agreement with the Point Pleasant Fire District to perform the Cooperative Services in such form as approved by the Attorney for the Town.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member _____ and duly put to vote, which resulted as follows:

Town Board Member	Perticone	voting	_____
Town Board Member	Wehner	voting	_____
Town Board Member	Malone	voting	_____
Town Board Member	Cunningham	voting	_____
Town Supervisor	Evans	voting	_____