

VILLAGE OF PITTSFORD

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Village of Pittsford Board of Trustees Short-Term Rental Workshop June 10, 2024, 4:00 PM

Tentative Agenda

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

Workshop Items

1. Continuing Discussion Short-Term Rental Parameters
2. Review of Draft Chapter 155 Local Law

Next Scheduled Regular Meeting is June 11, 2024, and is Subject to Change Without Notice

Local Law No. _____ of the year 2024
of the Village of Pittsford, County of Monroe
Adding Chapter 155
to the Code of the Village of Pittsford

WHEREAS, the Board of Trustees of the Village of Pittsford (hereinafter “Board of Trustees”) has determined that it is in the best interest of the residents of the Village of Pittsford to regulate the short-term rental of residential properties in the Village of Pittsford; and

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

WHEREAS, the aforementioned committee filed its report with the Board of Trustees on the ___ day of _____, 2024; and

WHEREAS, the Board of Trustees has decided to enact a local law for the purpose of regulating the short-term rental of residential properties in the Village of Pittsford, now

BE IT RESOLVED, that the Village of Pittsford Board of Trustees hereby adds Chapter 155 to the Code of the Village of Pittsford as follows:

Chapter 155
RESIDENTIAL RENTAL PROPERTY, SHORT-TERM

155-1. Legislative intent.

The Board of Trustees of the Village of Pittsford hereby finds that it is in the public interest to control the short-term rental of residential dwellings and require the registration and permitting of such short-term rentals to protect public health, welfare and safety, preserve the character and integrity of residential neighborhoods, ensure that the value of housing is tied to its use for residential purposes while helping to maintain the affordability of both residential home ownership and rentals, to promote economic stability, to protect the stock of residential dwellings, to maintain the historic character of the Village, to regulate and minimize the impacts of the increased traffic, noise, trash and similar land use impacts which are sometimes associated with a short-term rental of residential dwellings, and provide Village residents with the use of their private property for short-term rentals on a limited basis to generate additional income and to provide reasonable rental options to those who want to visit and enjoy the Village on a short-term basis.

155-2. Definitions.

Dwelling Unit – see definition of dwelling units contained in Pittsford Village Code Section 210-41.1.

Dwelling Unit, Upper Floor – a dwelling unit, as defined in Pittsford Village Code Section 210-41.1 located on any floor other than the ground floor in a multi-story building.

Dwelling Unit, First Floor – a dwelling unit, as defined in Pittsford Village Code Section 210-41.1 located on the first floor of any multi-story building.

Family – see definition in Pittsford Village Code Section 210-41.1.

Hosted – the onsite residential presence of the owner of the subject residential dwelling during the duration of the rental period.

Owner – the record owner of real property as recorded in the Clerk’s Office, County of Monroe, State of New York.

Owner Occupied Single-Family Dwelling – a single-family dwelling which the record owner maintains as the owner’s actual residence for 184 days or more per calendar year.

Short-Term Rental – the rental of a single family dwelling to persons in exchange for a fee or compensation whether monetary or otherwise for a period of less than thirty (30) days, including but not limited to rentals provided by such companies as Airbnb and Vrbo. Month-to-month tenancies are not considered short-term rentals.

Single Family Dwelling – see Pittsford Village Code Section 210-41.1, Dwelling, Single Family.

155-3. Residential Property Permit.

All dwellings utilized for short-term rental shall comply with the requirements of Chapter 154 of the Code of the Village of Pittsford.

155-4. Regulations and Controls.

A. Except as otherwise provided in this section, the short-term rental of any dwelling unit as defined in Section 210-41.1 of the Code of the Village of Pittsford shall be strictly prohibited.

B. The short-term rental of hosted single-family dwellings is permitted.

C. The short-term rental of unhosted, owner-occupied single-family dwellings shall be limited to _____ (60 or 90?) days per calendar year for each such dwelling.

D. Special Permits

1. A special permit from the Planning Board is required for the short-term unhosted rental of a single family dwelling or the short-term unhosted rental of any upper floor dwelling unit as more fully set forth in subparagraph 155-4.D.3

2. Only the owner of a single-family dwelling or an upper floor dwelling unit as limited by the foregoing paragraph may apply for a short-term rental special permit.

3. The number of special permits available to be issued by the Planning Board shall be limited to the following number in the following districts:

<u>Name of District</u>	<u>No. of Special Permits</u>
LDR	0
NDR	0
R-5	0
LOR	2
VGB	2
VCB	0
TDD, Dwelling Unit, Upper Floor	Unlimited
TDD, Dwelling Unit, First Floor	0
MU-OF	0
MU-EC, Dwelling Unit, Upper Floor	Unlimited
MU-EC, Dwelling Unit, First Floor	0
OS	0

4. Owners seeking to utilize a dwelling unit as a short-term rental property as limited by the preceding subparagraph must submit a special use permit application to the Planning Board including an application fee as required by the Board of Trustees containing the following information:

(a) The name, address, email, and phone number where the owner of the dwelling or accessory dwelling unit can be reached on a twenty-four-hour basis.

(b) The name, address, email, and phone number where the local agent of the owner of the dwelling unit can be reached on a twenty-four-hour basis, if different from the owner(s).

(c) A copy of the current Monroe County hotel occupancy tax certificate.

(d) Proof of \$1,000,000 liability and personal injury coverage provided by the short-term rental platform. Alternatively, if the short-term rental platform does not provide sufficient insurance coverage, proof of the following insurance coverage must be provided:

(i) A rider on a homeowner's policy that expressly covers short-term rentals and provides a minimum of \$1,000,000 liability and personal injury coverage; or

(ii) A commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of \$1,000,000 liability and personal injury coverage.

(e) Signatures of all the dwelling owners and, if applicable, their authorized local agent.

(f) As a prerequisite to the granting of the special use permit or renewing the special use permit, the Code Enforcement Officer must be allowed access to the dwelling or accessory dwelling unit for the purpose of verifying compliance with the provisions

of any and all applicable codes. After the Code Enforcement Officer certifies that the property is in compliance, the application will be forwarded to the Planning Board.

(g) A visual depiction of the site, including driveways and parking areas. This may include sketches, photos, or plans. It is not necessary for this visual depiction to be prepared by a professional surveyor or engineer.

(h) A short narrative describing the owner's(s') good faith expectation of the use of the unhosted short-term rental. This must include the anticipated rental nights per year, number of lodgers expected, and whether the short-term rental will be owner-occupied at any point during the period for which the special use permit is granted.

5. Unhosted short-term rental special use permits are limited to two per legal owner(s), regardless of the number of properties owned.

6. Any special use permit issued under this section shall be in effect for one (1) year from the date of the signed Planning Board approval letter. The special use permit shall require renewal by the Planning Board no later than each anniversary of such issuance. The owner(s) of the dwelling must request the renewal in writing by submitting a renewal request application to the Code Enforcement Officer at least ninety (90) days prior to such anniversary. Failure to do so may result in the lapse of the special use permit. Within thirty (30) days after receipt of a renewal request by the Code Enforcement Office, the Code Enforcement Officer shall also include any violations of the Village Code or any other applicable code at the dwelling. The Planning Board shall have the discretion to amend the special use permit or deny renewal for good cause shown, which may include but is not limited to considerations of open violations as noted by the Code Enforcement Officer at the dwelling as well as considerations of noise, disorderly conduct, or public safety at the dwelling and whether there has been a public nuisance resulting from the specially permitted short-term rentals. For the purpose of this Chapter, the term "public nuisance" shall mean noise, light, traffic, and/or odors which under the time, place, and manner in which they occur would annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

7. In addition to the required application fee, an annual fee, due upon each annual renewal of the special use permit, must be paid to the Village in an amount to be set by resolution of the Board of Trustees. The failure to pay the required fees shall be a violation of this section.

8. If the ownership of a specially permitted dwelling used as an unhosted short-term rental changes, the new owner(s) must inform the Code Enforcement Officer, in writing, of the ownership change before continuing to use the dwelling as a short-term rental. The name(s), address(es), phone number(s) and email address(es) of the new owner(s), along with that of their duly authorized agent(s), must be promptly provided to the Code Enforcement Officer. The new owner(s) may apply for renewal at the expiration of the current special use permit.

9. One off-road parking space, not located on the lot's lawn or vegetated area must be provided for each bedroom in the dwelling.

10. All applications referred to the Planning Board for a non-owner occupied, unhosted single family dwelling short-term rental special permit shall be subject to a public hearing

held by the Planning Board, as more fully set forth in Article 31 of the Zoning Code of the Village of Pittsford.

11. Special Permit Conditions.

(a) All special use permits issued pursuant to this section are subject to the following standard conditions:

(i) The owner shall, by written agreement with the renter, limit the number of overnight occupants and their vehicles to the number approved in the special use permit application.

(ii) The owner shall demonstrate consistent efforts to ensure that the occupants of the property do not create a public nuisance as defined in subparagraph 155-4.D.6. The use of illegal drugs or controlled substances by occupants is prohibited. The owner shall promptly respond to any complaints of violations of this section by any occupants of the subject property or by any third parties.

(iii) The owner, upon notification that occupants of the property have created a public nuisance or otherwise violated provisions of this section, shall promptly use best efforts to prevent a recurrence of such conduct.

(iv) The owner shall post a copy of the special use permit and a copy of these standard conditions set forth in this section and any other conditions imposed by the Village, in a conspicuous place within the subject property.

(v) The subject property shall, at all times, regardless of whether the property is occupied, be in compliance with the Village Code and the New York State Uniform Fire Prevention and Building Code, and any other applicable laws and codes.

(vi) All occupants of the subject property shall observe quiet hours, which shall be between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:00 p.m. and 7:00 a.m., Friday and Saturday. Excessive noise and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others shall constitute a violation of this section and may be grounds for revocation of the special use permit. **(NEED TO MATCH UP WITH CHAPTER 133)**

(vii) Call response availability. The owner and agent(s), and second emergency contact person shall be personally available by telephone on a twenty-four-hour basis to respond to calls or complaints regarding the condition or operation of the subject property. There must be a response to calls or complaints within one (1) hour of the initial call to the owner and agent(s). The owner shall maintain a record of each caller or complainant, details of the call or complaint, the date, and time of each call or complaint, details of the owner's response and corrective action, and any other documentation associated with such call or complaint and shall provide such records to the Village upon demand, and/or as part of any revocation hearing or application for renewal of the special use permit.

(b) The Planning Board shall have the authority to impose such additional conditions related to the short-term rental use of the subject property as may be deemed necessary to achieve the objectives of this chapter.

E. Any single-family dwelling or dwelling unit currently used for the purpose of short-term rentals which use is prohibited by the requirements and prohibitions of this section, shall be entitled to continue such use for a period of two (2) years from the date of the filing of this Local Law with the Secretary of State.

F. The owner of a single-family dwelling or a single-family dwelling unit permitted to be used as a short-term rental, shall be permitted to have only one (1) lease or rental agreement for each short-term rental period.

155-5. General Notification Requirements.

Each short-term rental shall have a clearly visible and legible notice posted within the property on or adjacent to the interior of the front door, containing the following information:

A. The name of the owner, agent(s), and secondary emergency contact individual, and a telephone number at which each such individual may be reached on a twenty-four-hour basis;

B. The maximum number of occupants permitted to stay in the short-term rental as set forth in the property's Chapter 154 Rental Permit;

C. The maximum number of vehicles allowed to be parked on the subject property as set forth in the property's Chapter 154 Rental Permit;

D. Quiet hours shall be between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:00 p.m. and 7:00 a.m. Friday and Saturday, and that excessive noise and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other shall be a violation of this section.

E. Rules for the disposal of refuse, including but not limited to the refuse pickup day.

F. Notification that occupants may be cited and fined for creating a disturbance or for violating other provisions of this section or the Village Code; and

G. Notification that failure to conform to the parking and occupancy requirements of the subject property is a violation of this section.

155-6. Penalties for violations.

A. The first violation of this chapter within an eighteen-month period by the owner(s) and/or tenant(s) shall be punishable by a fine of not less than \$500 nor more than \$1,500.

B. The second violation of this chapter for the same property within an eighteen-month period shall be punishable by a fine of not less than \$1,000 nor more than \$2,500.

C. The third violation of this chapter for the same property within an eighteen-month period shall be punishable by a fine of not less than \$1,500 nor more than \$5,000.

D. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply.

E. A violation existing at the premises as referred to here and above shall be a violation by the owner(s).

F. Each day upon which a violation of this chapter occurs, shall be considered a separate additional violation.

155-7. Revocation of Special Permit.

A. In the event that a special use permit grantee has violated any of the terms and conditions of such permit, the special use permit shall be subject to revocation as set forth hereinafter.

B. The Planning Board shall hold a public hearing to consider whether or not the special use permit grantee has violated the terms and conditions of said special use permit. Said public hearing shall be held only after the permit grantee has been notified in writing by first-class mail by the Building Inspector or Code Enforcement Office of said violations and has failed to correct said violations within the time period established by the Building Inspector or Code Enforcement Office. Notice of violations shall be served at least ten (10) days before said public hearing, a legal notice shall be published in a newspaper of general circulation in the Village. Written notice of the public hearing shall be served upon the special use permit grantee in the same manner as the notice of violations, as provided hereinabove.

155-8. Hardship Appeal.

The owner of any dwelling or unit located in the Village of Pittsford shall be entitled to appeal to the Zoning Board of Appeals any decision of the Building Inspector and/or Code Enforcement Office regarding the limitations of this Chapter. The procedure utilized for such an appeal shall be in accordance with Section 7-712-a of the Village Law of the State of New York. In considering and deciding such appeal, the Zoning Board of Appeals shall apply the following standards of review:

A. Appeals from such Decisions of the Building Inspector and/or Code Enforcement Officer regarding the requirements and limitations of Section 154-4.C shall be heard and determined by the Zoning Board of Appeals as an area variance pursuant to Section 7-712-b of the Village Law of the State of New York.

B. Appeals from such Decisions of the Building Inspector and/or Code Enforcement Officer regarding the requirements and limitations of Subsections 155-4.D and 155-4.E of this Chapter shall be heard and determined by the Zoning Board of Appeals as a use variance pursuant to Section 7-712-b of the Village Law of the State of New York.

155-9. Severability.

In the event that one or more of the provisions of this local law or chapter shall be deemed to be unenforceable, the remaining provisions of this local law or chapter shall remain in full force and effect.

Effective Date.

This local law shall take effect immediately upon its adoption by the Board of Trustees of the Village of Pittsford and the filing thereof with the New York Secretary of State.

DRAFT

WESTLAW CLASSIC

McKinney's Consolidated Laws of New York Annotated
Village Law (Refs & Annos)

§ 7-712-a Board of appeals procedure

NY VILLAGE § 7-712-a McKinney's Consolidated Laws of New York Annotated Village Law Effective: July 1, 2003 (Approx. 3 pages)

Proposed Legislation

Effective: July 1, 2003

McKinney's Village Law § 7-712-a

§ 7-712-a Board of appeals procedure

Currentness

1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the village clerk within five business days and shall be a public record.
3. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the village for such assistance as shall be deemed necessary and as shall be authorized by the village board of trustees. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
4. Hearing appeals. Unless otherwise provided by local law, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any local law adopted pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the village.
5. Filing of administrative decision and time of appeal. (a) Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the zoning local law shall be filed in the office of such administrative official within five business days from the day it is rendered, and shall be a public record. Alternately, the village board of trustees may, by resolution, require that such filings instead be made in the village clerk's office.

(b) An appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
6. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local

NOTES OF DECISIONS (69)

Administrative officials
Collateral estoppel
Construction and application
Decisions appealable
Exhaustion of administrative remedies
Filing of decision
Hearings
Jurisdiction
Limitations
Minutes
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Notice
Persons aggrieved
Preemption
Review
Standing
Stay upon appeal
Stenographic record, minutes
Time of appeal
Time of decision
Voting

law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

7. Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the village at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

8. Time of decision. The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the village clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

10. Notice to park commission and county planning board or agency or regional planning council. At least five days before such hearing, the board of appeals shall mail notices thereof to the parties, to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal and to the county planning board or agency or regional planning council as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

11. Compliance with state environmental quality review act. The board of appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.

12. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

13. Voting requirements. (a) Decision of the board. Except as otherwise provided in subdivision twelve of this section, every motion or resolution of a board of appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of section two hundred thirty-nine-m of the general municipal law shall apply.

(b) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by subdivision eight of this section, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision twelve of this section.

Credits

(Added L.1991, c. 692, § 6. Amended L.1992, c. 248, §§ 19 to 23; L.1993, c. 208, §§ 12, 13; L.1996, c. 235, §§ 12, 15; L.1997, c. 458, § 31, eff. July 1, 1998; L.1999, c. 476, § 3, eff. Jan. 1, 2000; L.2002, c. 662, § 8, eff. July 1, 2003.)

McKinney's Consolidated Laws of New York Annotated
Village Law (Refs & Annos)

§ 7-712-b Permitted action by board of appeals

NY VILLAGE § 7-712-b McKinney's Consolidated Laws of New York Annotated Village Law (Approx. 2 pages)

McKinney's Village Law § 7-712-b

§ 7-712-b Permitted action by board of appeals

Currentness

1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which

NOTES OF DECISIONS (269)

- Abuse of discretion, review
- Arbitrary and capricious, review
- Area variance
- Conditions imposed
- Construction with other laws
- Damages
- Discretion of board
- Exemptions
- Factors, area variance
- Hearings
- Jurisdiction
- Moratoriums
- Parking variance
- Pleadings
- Power of board
- Practical difficulties
- Preemption
- Public utilities, use variance
- Purpose
- Reasonable return, unnecessary hardship
- Res judicata
- Review
- Self-created
- Sewer connections
- Unique circumstances, unnecessary hardship
- Unnecessary hardship
- Use variance
- Witness testimony

consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Credits

(Added L.1991, c. 692, § 7, eff. July 1, 1992. Amended L.1992, c. 248, §§ 24 to 27; L.1993, c. 208, § 14.)