

**VICTOR TOWN BOARD MEETING
MONDAY, APRIL 25, 2016
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

REGULAR MEETING STARTS AT 6:30 PM

PUBLIC HEARINGS start at 6:30 PM

Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.

- A. JOINT PUBLIC HEARING – TO CONSIDER THE PETITION TO ANNEX TOWN OF VICTOR TERRITORY TO THE VILLAGE OF VICTOR, NEW YORK

- B. PUBLIC HEARING - LOCAL LAW NO. ___ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-19B ENTITLED “R-1 DISTRICT REGULATIONS” TO ALLOW SHORT-TERM VACATION HOME RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-___ ENTITLED “SHORT-TERM VACATION HOME RENTALS” IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

8) BUSINESS

- A. AUBURN HILLS, SECTION 2A, CORK ROAD IMPROVEMENTS - ACCEPTANCE OF DEDICATION (Debra Denz)

- B. AUBURN HILLS SECTION 2A, CORK ROAD IMPROVEMENTS, LETTER OF CREDIT, RELEASE 2 (FINAL) (Debra Denz)

- C. MEADOW VIEW SUBDIVISION, ESCROW, RELEASE 1 (Debra Denz)

- D. THE FAIRWAYS, PHASE 2, LETTER OF CREDIT, RELEASE 1 (Debra Denz)

- E. ACKNOWLEDGEMENT OF THE APPOINTMENT OF ERIC LINKE TO THE POSITION OF PART-TIME MOTOR EQUIPMENT OPERATOR FOR THE TRANSFER STATION/RECYCLE DEPARTMENT (Tina Kolaczyk)

- F. ACCEPTANCE OF THE RESIGNATION OF TABATHA CHASTANG (Tina Kolaczyk)

- G. AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN A JOINT APPLICATION FOR AN ARMY CORPS OF ENGINEERS PERMIT FOR STREAM MITIGATION IN FISHERS PARK (Katie Evans)

- H. APPROVE AND AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF VICTOR AND THE TOWN OF VICTOR REGARDING THE MAPLE AVENUE RECONSTRUCTION PROJECT IN THE VILLAGE OF VICTOR (Jack Marren)

- I. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 235 HIGH STREET (Jack Marren)
- J. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – LEHIGH CROSSING (Jack Marren)
- K. CONFIRMING RESOLUTION FOR THE ADDITION OF A LIGHT POLE TO THE COBBLESTONE CREEK LIGHTING DISTRICT (Jack Marren)
- L. AFTER PUBLIC HEARING - ADOPT LOCAL LAW NO. _____-2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 DISTRICT REGULATIONS" TO ALLOW SHORT-TERM VACATION HOME RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-37 ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN (Jack Marren)



PH-A

NOTICE OF JOINT PUBLIC HEARING ON PETITION TO ANNEX TOWN OF VICTOR TERRITORY TO THE VILLAGE OF VICTOR, NEW YORK

TOWN SUPERVISOR
742-5020

TOWN CLERK
TAX COLLECTOR
742-5080

TOWN COURT
924-5775
924-5262

ASSESSOR
742-5010

ECONOMIC
DEVELOPMENT
742-5073

FINANCE
742-5025

HIGHWAY
924-3323

HISTORIAN
742-5065

PARKS & RECREATION
742-0140

BUILDING
742-5035

PLANNING / ZONING
742-5040

PLEASE TAKE NOTICE, pursuant to General Municipal Law § 704, that a petition by Lynaugh Rd. Properties LLC for annexation to the Village of Victor, New York (the "Village"), of certain territory adjoining said Village has been received by the Town Board of the Town of Victor, New York (the "Town"), and the Board of Trustees of the Village. The property is located solely in the Town, and is more particularly described as follows:

Tax map #16.00-1-46.00, also identified as 995 County Road 9, consisting of approximately 2.2 acres and a portion of #16.18-3-1.200, also identified as 188 Church Street, said portion consisting of approximately 5,774 square feet, located on the east side of Church Street where it intersects with Hillcrest Drive at or about the boundary of the Village and the Town.

PLEASE TAKE FURTHER NOTICE THAT on April 25, 2016 at 6:30 PM, at the Victor Town Hall, 85 East Main Street, Victor, New York, a joint hearing will be held by the aforesaid Town Board and Board of Trustees of the Village regarding said petition.

PLEASE TAKE FURTHER NOTICE THAT the members of the aforesaid governing Boards of the Town and Village will meet at the time and place above-specified and all persons interested in the matter may be heard. Any and all written comments, including objections, support or otherwise, shall be directed to the Town of Victor Planning and Zoning Department at 85 East Main Street, Victor, NY by 12:00 pm (Noon) on May 2, 2016, and said comments may also be directed to the Town of Victor Planning and Zoning Department by email at Planning@town-victor-ny.us. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Date: March 29, 2016

Debra J. Denz, Town Clerk

PH-B

NOTICE OF PUBLIC HEARING
LOCAL LAW NO. ____ -2016 TO AMEND THE VICTOR TOWN CODE AT
CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1
DISTRICT REGULATIONS" TO ALLOW SHORT-TERM VACATION HOME
RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-
37 ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO
ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM
VACATION HOME RENTALS IN THE TOWN

PLEASE TAKE NOTICE that a Local Law has been introduced to the Town Board of the Town of Victor, New York, on March 14, 2016, designated as Local Law No. ____ - 2016 to amend the Victor Town Code at Chapter 211 entitled "Zoning" Section 211-19B entitled "R-1 District Regulations" to allow Short-Term Vacation Home Rentals as a specially permitted use and to create a new Section 211-37 entitled "Short-Term Vacation Home Rentals" in order to establish provisions to provide for and regulate the use of Short-Term Vacation Home Rentals in the Town.

PLEASE TAKE FURTHER NOTICE that said Local Law No. ____ - 2016 is on file in the Victor Town Clerk's Office located at the Victor Town Hall, 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours. This Notice is being provided pursuant to Section 20 of the New York State Municipal Home Rule Law.

PLEASE TAKE FURTHER NOTICE that a Public Hearing upon said Local Law has been scheduled for the 25th day of April, 2016 at 7:30 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk, 85 East Main Street, Victor, New York 14564, on or before 4:30 p.m. on the 25th day of April, 2016. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Date: April 4, 2016

Debra J. Denz, Town Clerk

LOCAL LAW NO. ___-2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 DISTRICT REGULATIONS" TO ALLOW SHORT-TERM VACATION HOME RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-37 ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

BE IT ENACTED, by the Town Board of the Town of Victor, Ontario County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ___-2016. The purpose of this local law is to amend the Victor Town Code by amending Section 211-19B entitled "R-1 District Regulations" to allow Short-Term Vacation Home Rentals as a specially permitted use and to create a new Section 211-37 entitled "Short-Term Vacation Home Rentals" in order to establish provisions to provide for and regulate the use of Short-Term Vacation Home Rentals in the Town.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Victor Town Code should be updated in order to establish regulations regarding the use of residential properties as Short-Term Vacation Home Rentals within the Town.

Section IV. Amendment.

Chapter 211 entitled "Zoning" Section 211-19B entitled "R-1 District Regulations" shall be amended to add a new subsection (5) as follows:

(5) Short-Term Vacation Home Rentals, subject to the requirements of Chapter 211-37.

Chapter 211 entitled "Zoning" Section 211-37 entitled "Short-Term Vacation Home Rentals" shall be created and read as follows:

A. Legislative Intent.

The purpose of this Chapter is to control and regulate the use of Short-Term Vacation Home Rental within the Town in order to address and prevent excessive noise, disorderly conduct, accumulation of refuse, and other nuisances that may be created by such uses. The provisions of this Chapter are intended to preserve the health, character, safety, and general welfare of residential neighborhoods where such uses may exist.

B. Definitions.

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

LOCAL CONTACT PERSON - The Owner, or an agent of the Owner, which may include a property manager, who resides in Ontario County or a county contiguous thereto, who has access to the subject property, and who shall be available to promptly respond to Occupant, neighborhood, or Town questions or complaints, and who is authorized by the Owner to take remedial action and respond to any violation of this Chapter.

OCCUPANTS – The person(s) renting the Short –Term Vacation Home Rental. For purposes of this Chapter, Occupants includes their guests and any sub-lessees.

OWNER - The person(s) or entity that holds legal and/or equitable title to the Short-Term Vacation Home Rental. For purposes of this Chapter, the Owner includes Local Contact Person.

SHORT-TERM VACATION HOME RENTAL - One or more Dwellings, as that term is defined in Section 211-12, and excluding Bed and Breakfasts, that are rented:

- (1) For the purpose of overnight lodging for periods of not less than one night and not more than thirty (30) consecutive days to the same Occupants for the same Dwelling; and
- (2) Where the total days the Dwelling is rented to all Occupants in one calendar year exceeds thirty (30) cumulative days.

Ongoing month-to-month tenancies are excluded from the provisions of this Chapter.

C. Short-Term Vacation Home Rental Requirements.

Short-Term Vacation Home Rentals shall be prohibited unless a Special Use Permit is issued by the Planning Board as provided for herein. A separate Special Use Permit shall be required for each Short-Term Vacation Home Rental. The Special Use Permit requirements of this Chapter are in addition to any business license, hotel/motel tax registration or any other permit or licensing requirements that may be required under state or county law.

D. Application for Special Use Permit.

(1) Application Information. An application for a Special Use Permit shall be made to the Planning Board, and shall be subject to public notice and hearing, pursuant to Section 211-9C(2). Special Use Permit applications shall contain the following information:

- (a) The name, address, telephone number, emergency telephone number, and email address of the Owner;
- (b) The name, address, telephone number, emergency telephone number, and email address of the Local Contact Person;
- (c) The number of bedrooms and approximate square footage in the property and the maximum number of overnight Occupants;
- (d) The procedure and plan for the disposal of refuse by Occupants;

(e) An acknowledgment that the subject property meets all local building code and Uniform Code requirements;

(f) A diagram and/or photograph of the property showing and indicating the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight Occupants;

(g) If the application is for the renewal of a Special Use Permit, the record of all calls or complaints made in the preceding five years, as set forth in Section 211-3737G(g).

(h) An acknowledgment that the Owner and Local Contact Person have read and are familiar with the regulations contained in this Chapter; and

(i) A certification of the accuracy of the information submitted and an agreement to comply with any and all conditions of the Special Use Permit.

(2) Pre-Existing Short-Term Vacation Home Rentals. Notwithstanding any other provision of this Chapter, Short-Term Vacation Home Rentals already in existence at the effective date of this Chapter shall be required to file an application for a Special Use Permit within sixty (60) days of the effective date of this Chapter.

(3) Inspection. In evaluating an application for a Special Use Permit, the subject property shall be inspected by the Town Code Enforcement Officer to determine maximum parking capacity for the property and to verify compliance with provisions of this Chapter and the New York State Uniform Fire Prevention and Building Code. Upon an application for renewal of a Special Use Permit the subject property shall be re-inspected to ensure continued compliance with this Chapter.

(4) Public Hearing Notification. The Town shall notify all property owners within 1000 feet of the subject property, in writing, that the subject property is being proposed as a Short-Term Vacation Home Rental. This notification shall clearly state the following information:

(a) The name of the Owner and Local Contact Person for the property and a telephone number at which that party may be reached on a twenty-four (24) hour basis;

(b) The maximum number of Occupants allowed to stay overnight in the Dwelling; and

(c) The maximum number of vehicles allowed to be parked on-site on the property overnight.

E. Application Fee.

An application for a Special Use Permit under this Chapter shall be accompanied by a nonrefundable fee in such amount as the Town Board of the Town of Victor may from time to time establish by resolution.

F. Application Review Process.

The application review process for the issuance of a Special Use Permit under this Chapter shall comply with the considerations and provisions set forth in Chapter 211-9C(2)(a).

G. Conditions.

(1) All Special Use Permits issued pursuant to this Chapter are subject to the following standard conditions:

(a) 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.

(b) The Owner shall use best efforts to ensure that the Occupants of the property do not create Excessive Noises, as defined in Chapter 143, and/or engage in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, or violate provisions of this Chapter. The use of illegal drugs or controlled substances by occupants is prohibited. The Owner shall promptly respond to any complaints of violations of this Chapter by any Occupants of the property.

(c) The Owner, upon notification that Occupants of the property have created Excessive Noises and/or engaged in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, or otherwise violated provisions of this Chapter, shall promptly use best efforts to prevent a recurrence of such conduct.

(d) The Owner shall post a copy of the Special Use Permit and a copy of the standard conditions set forth in this Chapter and any other conditions imposed by the Town, in a conspicuous place within the subject property.

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

(f) All Occupants of the subject property shall observe Quiet Hours, which shall be between the hours of 10 p.m. and 7 a.m., Sunday through Thursday, and 11 p.m. and 7 a.m., Friday and Saturday. Excessive Noises and/or conduct which either annoy, disturb, injures, or endangers the comfort, repose, health, peace or safety of others shall constitute a violation of this Chapter and may be grounds for revocation of the Special Use Permit.

(g) Call Response Availability: The Owner or Local Contact Person shall be personally available by telephone on a twenty-four (24) hour basis to respond to calls or complaints regarding the condition or operation of the property. Failure to respond to calls or complaints in a reasonably timely and appropriate manner shall constitute a violation of this Chapter and may be grounds for revocation of the Special Use Permit. For the purposes of this Chapter, responding in a reasonably timely and appropriate manner means that an initial call shall be responded to within one (1) hour of the initial call, and any corrective action shall commenced within twenty-four (24) hours of the initial call. The Owner shall maintain a record of the 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 Town upon demand, and/or as part of any revocation hearing or application for renewal of the Special Use Permit.

(2) The Planning Board shall have the authority to impose additional conditions related to the use of the subject property as a Short-Term Vacation Home Rental as may be deemed necessary to achieve the objectives of this Chapter.

H. Permit Term.

A Special Use Permit issued under this Chapter shall be valid for one (1) year from the date of issuance, subject to subsequent renewal periods of one (1) to three (3) years, subject to the discretion of the Planning Board based on the history of complaints and violations under this Chapter relating to the subject property during the preceding permit period.

I. Notification Requirements.

Each Short-Term Vacation Home Rental shall have a clearly visible and legible notice posted within the property on or adjacent to the front door, containing the following information:

(1) The name of the Owner and Local Contact Person, and a telephone number at which that party may be reached on a twenty-four (24) hour basis;

(2) The maximum number of Occupants permitted to stay in the property;

(3) The maximum number of vehicles allowed to be parked on the property;

(4) Quiet hours shall be between the hours of 10 p.m. to 7 a.m., Sunday through Thursday, and 11 p.m. to 7 a.m. Friday and Saturday, and that Excessive Noises and/or conduct which either annoy, disturb, injures, or endangers the comfort, repose, health, peace or safety of others shall be a violation of this Chapter.

(5) Rules for the disposal of refuse, including but not limited to the refuse pick-up day.

(6) Notification that an occupant and/or guest may be cited and fined for creating a disturbance or for violating other provisions of this Chapter or the Town Code; and

(7) Notification that failure to conform to the parking and occupancy requirements of the property is a violation of this Chapter.

J. Local Contact Person.

Each Owner shall designate a Local Contact Person for the property.

K. Enforcement; penalties for offenses.

(1) Penalties imposed for offences under this Chapter shall be as set forth in Section 211-11D, in addition to any other penalties for offences which may be available under the Town Code.

(2) In addition to the penalties imposed by Section 211-11D, each subsequent offense after the third offense shall be punishable by a fine of One Thousand dollars (\$1000.00) to One Thousand Three Hundred dollars (\$1300.00) or imprisonment for up to six months, or both.

(3) In addition to the penalties set forth herein, upon the fourth offense within five years, and upon each offense thereafter within the preceding five years, the Special Use Permit may be revoked in accordance with the provisions of Section 211-37L.

(4) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this Chapter, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above. Consequently, the Town Board may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

L. Revocation of Special Use Permit.

(1) Upon the occurrence of the events identified in Section 211-K(3), or upon the occurrence of any conduct which results in the issuance of a misdemeanor or felony complaint against the Owner or any occupant of the subject property, the Town Code Enforcement Officer shall notify the Town Board, Planning Board, and the Owner of the same, in writing, and the Planning Board may, in its discretion, hold a public hearing to determine whether the Special Use Permit should be revoked.

(2) Such public hearing shall be held by the Planning Board no more than thirty (30) days from the date the notification from the Code Enforcement Officer in Section 211-37L(1) is delivered to the Planning Board. Notice of the hearing shall be given to the Owner in person, or by mail to the address given in the application and shall be published once in a newspaper having a circulation within the Town of Victor. Said notice to the Owner and publication shall be not less than ten (10) days before the date of the hearing. Written notice of such public hearing shall also be given, personally or by mail, to property owners within 1000 feet at least ten (10) days before the date set for the public hearing; if such notice is given by mail, the ten (10) day period shall be deemed to commence upon deposit with the United States Postal Service.

(3) At the time and place set for the public hearing, the Planning Board shall take the testimony, under oath, of the Owner and all other persons wishing to be heard, as to why the Special Use Permit should not be revoked, and shall receive into the record any documentary evidence submitted either for or against revocation.

(4) After the public hearing, the Planning Board shall, within thirty (30) days, determine in writing whether or not the Special Use Permit should be revoked, or permitted to continue, either with or without additional conditions, and shall give notice of its determination to the Owner by mail.

(5) A Special Use Permit may be revoked upon any of the following grounds:

(a) Fraud, misrepresentation or false statement contained in the application for the Special Use Permit;

(b) Any failure or refusal to maintain the Dwelling in compliance with the Town Code and the New York State Uniform Fire Prevention and Building Code, and any other applicable laws and codes;

(c) Any violation of this Chapter or any standard or additional conditions of the Special Use Permit; or

(d) Upon the occurrence of any conduct which results in the issuance of a misdemeanor or felony complaint against the Owner or any occupant of the subject property.

(6) If a Special Use Permit is revoked, all uses of the property as a Short-Term Vacation Home Rental shall cease within thirty (30) days of the date of Planning Board's determination revoking said permit. A property for which a Special Use Permit was previously revoked may be subject of a new Special Use Permit no sooner than twelve (12) months after revocation.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Victor which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York: and be it further

RESOLVED, that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Zoning Board of Appeals, Planning Board, Planning and Building Department, and Secretary of State of the State of New York.

8A

AUBURN HILLS, SECTION 2A, CORK ROAD IMPROVEMENTS - ACCEPTANCE OF DEDICATION

WHEREAS Auburn Hills, LLC developer of the Auburn Hills, Section 2A, Cork Road Improvements, has offered to dedicate to the Town of Victor a portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system as set forth in the Town Engineer's letter of April 13, 2016; and

WHEREAS, the Engineer for the Town has indicated by letter dated April 13, 2016, that a portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system are acceptable to be dedicated to the Town; and,

WHEREAS, in lieu of a Maintenance Bond, the Developer has requested that a balance of \$7,612.40 remain in the Genesee Regional Bank Letter of Credit No. 370503 which is the amount recommended by the Town Engineer in a letter dated April 13, 2016, to be held for two (2) years after the acceptance of the dedicated facility and roadway; now, therefore, be it

RESOLVED, AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of the portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A, as the same is known and is described in deeds of dedication to be executed by Auburn Hills, LLC, copies of which are on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of the portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said portion of roadway and system shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.

AND FURTHER RESOLVED, that a copy of this resolution be forwarded to the Planning and Building Dept., Highway Superintendent, Engineer for the Town, and Auburn Hills, LLC.

Dated: April 25, 2016

Jack Marren, Supervisor

Dave Tantillo, Councilman

Silvio Palermo, Councilman

Mike Guinan, Councilman

Dan Crowley, Councilman

8B

RESOLUTION #

AUBURN HILLS SECTION 2A, CORK ROAD IMPROVEMENTS, LETTER OF CREDIT,
RELEASE 2 (FINAL)

WHEREAS, Auburn Hills, LLC received Planning Board approval for Auburn Hills Section 2A, Cork Road Improvements with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Genesee Regional Bank Irrevocable Letter of Credit No. 370503 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds Statement of Construction No. 2 (Final) dated October 29, 2015 and recommends in his letter April 13 that \$19,119.85 minus engineering and inspection fees and any other fees owed the Town be released from said letter of credit; now, therefore, be it

RESOLVED that the Victor Town Board hereby approves Release No. 2 (Final) on the Genesee Regional Bank Irrevocable Letter of Credit No. 370503 in the amount of \$19,119.85 minus engineering and inspection fees and any other fees owed the Town as recommended by the Town Engineer; and, further

RESOLVED that given said release there now remains \$7,612.40 in said Letter of Credit to be held for two years after acceptance of the dedicated facility and roadway in accordance with the Town Engineer's letter dated April 13, 2016; and, further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Auburn Hills, LLC, and Parrone Engineering.

8C

RESOLUTION #
MEADOW VIEW SUBDIVISION, ESCROW, RELEASE 1

WHEREAS, Richard E. Kartes Jr., received Planning Board approval for Meadow View Subdivision with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Canandaigua National Bank Escrow Account #1105970838 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 1 dated March 11, 2016 and recommends in his letter April 13, 2016 that \$22,218.59 be released from said Escrow; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the Canandaigua National Bank Escrow Account #1105970838 in the amount of \$22,218.59 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$26,019.66 in said Escrow Account; and further

RESOLVED, that a copy of this resolution be forwarded to the Engineer for the Town, Richard E. Kartes Jr., and McMahon LaRue Associates.

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RESOLUTION #
THE FAIRWAYS, PHASE 2, LETTER OF CREDIT, RELEASE 1

WHEREAS, The Fairways Townhomes, LLC, received Planning Board approval for The Fairways, Phase 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, First Niagara Bank Irrevocable Letter of Credit No. 430399 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 1 dated April 1, 2016 and recommends in his letter April 13, 2016 that \$271,880.35 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the First Niagara Bank Irrevocable Letter of Credit No. 430399 in the amount of \$271,880.35 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$244,001.99 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, The Fairways Townhomes, LLC and Mark IV Enterprises.

8E

RESOLUTION #
ACKNOWLEDGEMENT OF THE APPOINTMENT OF ERIC LINKE TO THE POSITION OF
PART-TIME MOTOR EQUIPMENT OPERATOR FOR THE TRANSFER STATION/RECYCLE
DEPARTMENT

WHEREAS, the Transfer Station/Recycle Department has the need to fill a Part-Time Motor Equipment Operator position due to the need for additional Motor Equipment Operator capabilities in order to cover personnel absences; and

WHEREAS, the Ontario County Department of Human Resources has now classified this Civil Service position for the Town of Victor; and

WHEREAS, the Highway Superintendent has identified Eric Linke, Part-Time Laborer, as a candidate for a Part-Time Motor Equipment Operator position; and

WHEREAS, Eric Linke was appointed as a Part-Time Laborer position on March 14, 2016 by Resolution #119-16; and

WHEREAS, Eric Linke will be performing a dual role as both as a Part-Time Laborer and a Part-Time Motor Equipment Operator, dependent on the job duties he is assigned; now, therefore be it

RESOLVED that Eric Linke be appointed to the Part-Time Motor Equipment Operator position for the Highway/Recycle Departments at a Grade 4, Step A pay level, salary of Twenty Two dollars and Twenty Seven cents (\$22.27)/hour for the time that he is performing Motor Equipment Operator duties, to be funded from line A.8160.100 Refuse & Garbage Personnel Services 2016 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Eric Linke, Mark Years, Ken Wilson, Human Resources, Finance Dept., Debra Denz, and Ontario County Department of Human Resources.

8F

RESOLUTION #

ACCEPTANCE OF THE RESIGNATION OF TABATHA CHASTANG

WHEREAS, Tabatha Chastang has submitted a letter of resignation from her position as the Parks Motor Equipment Operator- Light for the Town of Victor's Parks and Recreation Department on April 8, 2016, with an effective date of May 6, 2016; now, therefore be it

RESOLVED that the Town Board accepts the resignation of Tabatha Chastang, and thanks Tabatha for her hard work and dedication to the residents of the Town of Victor over the past 12 years, and wishes her all of the best on her new adventures; and be it further

RESOLVED that a copy of this resolution be forwarded to Tabatha Chastang, Human Resources Dept, Finance Department, Brian Emelson, Director of Parks and Recreation; Town Clerk, and Ontario County Human Resources.

8G

**RESOLUTION #
AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN A JOINT APPLICATION FOR AN
ARMY CORPS OF ENGINEERS PERMIT FOR STREAM MITIGATION IN FISHERS PARK**

WHEREAS, the Planning Board acting as Lead Agency is conducting a State Environmental Quality Review (SEQR) for the proposed Fishers Ridge application located north of State Route 96, south of the NYS Thruway, west of Lane Road and east of Willowbrook Road; and

WHEREAS, during the review of the draft environmental impact statement (DEIS) the Conservation Board requested the Planning Board consider local mitigation options as opposed to contributing to a mitigation bank determined suitable by the US Army Corps of Engineers; and

WHEREAS, the applicant has been working with Brian Emelson, Parks and Recreation Director to identify potential locations for mitigation opportunities; and

WHEREAS, the Parks and Recreation Master Plan adopted in April 2007 identified a need for improvements within Fishers Park, specifically as it relates to the need for stream stabilization to prevent continual erosion; and

WHEREAS, the US Army Corps of Engineers permitting process is lengthy and therefore the Town sees value in participating in the joint application insofar as the park improvement is an identified need. However, the Town's signature on the application is not an indication of any findings by the Town regarding the potential wetland and stream impacts and associated required mitigation as deemed necessary by the Planning Board following the completion of the SEQR review for the proposed Fishers Ridge project; and

WHEREAS, Katie Evans, Director of Development briefed the Planning Board on this at their meeting on April 12, 2016 as reflected in the meeting minutes; and

WHEREAS, the US Army Corps of Engineers Joint Application and an accompanied cover letter is identified as Schedule "A" and a copy is kept in the subject file in the Town Clerk's office; now therefore be it

RESOLVED, that the Town Board hereby approves and authorizes the Town Supervisor to sign the Joint Application for the US Army Corps of Engineers as a willing property owner, and be it further

RESOLVED, that the applicant shall provide a complete copy of the Joint Application and any subsequent correspondence to Brian Emelson, Parks and Recreation Director and Katie Evans, Director of Development; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Fishers Ridge Project Manager Paul Colucci, Brian Emelson, Katie Evans, and Kim Kinsella.

8H

RESOLUTION #

APPROVE AND AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF VICTOR AND THE TOWN OF VICTOR REGARDING THE MAPLE AVENUE RECONSTRUCTION PROJECT IN THE VILLAGE OF VICTOR

WHEREAS, the Village of Victor (the "Village") plans to perform roadwork on Maple Avenue in the Village (the "Project") which will result in the temporary closure of Maple Avenue and the redirection of traffic to School Street (which runs through the Town of Victor) during the Project; and

WHEREAS, the Town of Victor (the "Town") Highway Superintendent has identified and expressed concerns that the redirection of traffic from Maple Avenue to School Street during the Project will increase the traffic and infrastructure burden on the affected portions of School Street within the Town; and

WHEREAS, the Village is willing to enter into a Memorandum of Understanding with the Town which addresses its aforementioned concerns; and

WHEREAS, the Town has determined that it is in its best interest to enter into a Memorandum of Understanding which addresses these concerns; and

WHEREAS, the Memorandum of Understanding is attached hereto and has been reviewed and approved by the Attorney for the Town, and was approved by resolution of the Village Board of Trustees on April 18, 2016; now therefore be it

RESOLVED, that the Town hereby approves and authorizes the Town Supervisor to execute the Memorandum of Understanding on behalf of the Town; and be it further

RESOLVED, that a copy of this resolution be forwarded to Debra Denz, Town Clerk; Pamela Hogenes, Village Clerk; and Mark Years, Town Highway Superintendent; together with an original of the fully executed Memorandum of Understanding.

8I

RESOLUTION #

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 235 HIGH STREET

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 235 High Street, Victor, NY 14564, located, in the town of Victor; and

WHEREAS, the acquisition of one (1) easement is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, is located along the frontage of 235 High Street (Tax Acct. No. 1.02-1-14.00), which is owned by HHP Phase 3 Retail, LLC, and is approximately 347' x 52' respectively as shown on Schedule "A"; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to this property and the property owner has agreed to voluntarily grant the easement to the Water Authority; and

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisition by the Town Board; now, therefore, be it

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of easements over 235 High Street (Tax Acct. No. 1.02-1-14.00), in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

RESOLVED, that a copy of the filed easement be forwarded to the Victor Town Clerk; and further

RESOLVED, that a copy of this resolution be provided to Margo Brownlie, Monroe County Water Authority; Kenneth Wilson, Town of Victor Stormwater Management Officer; Wayne Pickering, Town Assessor; Town Attorney, Mark Years, Highway Superintendent; and Debra Denz, Town Clerk.

8J

RESOLUTION #

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – LEHIGH CROSSING

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to Lots 4-9, Lehigh Crossing, Section 2, Victor, NY 14564, located in the town of Victor; and

WHEREAS, the acquisition of one (1) easement is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, is located along the frontage of Lots 4 – 9 of Lehigh Crossing (Tax Acct. No. 14.02-1-6.110, formerly known as a part of 14.02-1-6.000) owned by Bluestone Creek Development LLC, in the approximate width of 16.5 feet, respectively as shown on Schedule "A"; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to this property and the property owner has agreed to voluntarily grant the easement to the Water Authority; and

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisition by the Town Board; now, therefore, be it

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of easements over Lots 4 - 9, Lehigh Crossing, Section 2, (Tax Acct. No. 14.02-1-6.110, formerly known as a part of 14.02-1-6.000) in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

RESOLVED, that a copy of the filed easement be forwarded to the Victor Town Clerk; and further

RESOLVED, that a copy of this resolution be provided to Margo Brownlie, Monroe County Water Authority; Kenneth Wilson, Town of Victor Stormwater Management Officer; Wayne Pickering, Town Assessor; Town Attorney, Mark Years, Highway Superintendent; and Debra Denz, Town Clerk.

8k

RESOLUTION #
CONFIRMING RESOLUTION FOR THE ADDITION OF A LIGHT POLE TO THE
COBBLESTONE CREEK LIGHTING DISTRICT

WHEREAS, on March 14, 2016, the Town Board approved and authorized the addition of a light pole and fixture at Lot 610 on Barchan Dune Rise within the Cobblestone Creek Street Lighting District; and

WHEREAS, the Town Clerk duly published and posted a Notice of Permissive Referendum related to said Resolution in accordance with Town Law; and

WHEREAS, greater than 30 days have passed since the posting and publishing of said Notice of Permissive Referendum; and

WHEREAS, no petition in opposition to the addition of said light pole has been filed; now, therefore, be it

RESOLVED, that the Town Clerk file a certification indicating that 30 days have passed since the posting and publishing of the Notice of Permissive Referendum and no petition in opposition has been filed.

8L

RESOLUTION #
AFTER PUBLIC HEARING - ADOPT LOCAL LAW NO. _____ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 DISTRICT REGULATIONS" TO ALLOW SHORT-TERM VACATION HOME RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-37 ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 14th day of March, 2016, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 25th day of April, 2016 at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend Chapter 211 "Zoning" Section 211-19B entitled "R-1 District Regulations" to allow Short-Term Vacation Home Rentals as a specially permitted use and to create a new Section 211-37 entitled "Short-Term Vacation Home Rentals; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 25th day of April, 2016 at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Town Board of the Town of Victor finds and hereby determines that Section 211-19(B) be amended to allow Short-Term Vacation Home Rentals as a specially permitted use in R-1 Districts and Section 211-37 entitled "Short-Term Vacation Home Rentals" be created; and

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; now, therefore, be it

RESOLVED by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. __-2016 to amend Chapter 211 "Zoning" Section 211-19B entitled "R-1 District Regulations" to allow Short-Term Vacation Home Rentals as a specially permitted use and to create a new Section 211-37 entitled "Short-Term Vacation Home Rentals, as follows:

LOCAL LAW NO. _____ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 DISTRICT REGULATIONS" TO ALLOW SHORT-TERM VACATION HOME RENTALS AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211-37 ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

BE IT ENACTED, by the Town Board of the Town of Victor, Ontario County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. __-2016. The purpose of this local law is to amend the Victor Town Code by amending Section 211-19B entitled "R-1 District Regulations" to allow Short-Term Vacation Home Rentals as a specially permitted use and to create a new Section 211-37 entitled "Short-Term Vacation Home Rentals" in order to establish provisions to provide for and regulate the use of Short-Term Vacation Home Rentals in the Town.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Victor Town Code should be updated in order to establish regulations regarding the use of residential properties as Short-Term Vacation Home Rentals within the Town.

Section IV. Amendment.

Chapter 211 entitled "Zoning" Section 211-19B entitled "R-1 District Regulations" shall be amended to add a new subsection (5) as follows:

(5) Short-Term Vacation Home Rentals, subject to the requirements of Chapter 211-37.

Chapter 211 entitled "Zoning" Section 211-37 entitled "Short-Term Vacation Home Rentals" shall be created and read as follows:

A. Legislative Intent.

The purpose of this Chapter is to control and regulate the use of Short-Term Vacation Home Rental within the Town in order to address and prevent excessive noise, disorderly conduct, accumulation of refuse, and other nuisances that may be created by such uses. The provisions of this Chapter are intended to preserve the health, character, safety, and general welfare of residential neighborhoods where such uses may exist.

B. Definitions.

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

LOCAL CONTACT PERSON - The Owner, or an agent of the Owner, which may include a property manager, who resides in Ontario County or a county contiguous thereto, who has access to the subject property, and who shall be available to promptly respond to Occupant, neighborhood, or Town questions or complaints, and who is authorized by the Owner to take remedial action and respond to any violation of this Chapter.

OCCUPANTS – The person(s) renting the Short –Term Vacation Home Rental. For purposes of this Chapter, Occupants includes their guests and any sub-lessees.

OWNER - The person(s) or entity that holds legal and/or equitable title to the Short-Term Vacation Home Rental. For purposes of this Chapter, the Owner includes Local Contact Person.

SHORT-TERM VACATION HOME RENTAL - One or more Dwellings, as that term is defined in Section 211-12, and excluding Bed and Breakfasts, that are rented:

(1) For the purpose of overnight lodging for periods of not less than one night and not more than thirty (30) consecutive days to the same Occupants for the same Dwelling; and

(2) Where the total days the Dwelling is rented to all Occupants in one calendar year exceeds thirty (30) cumulative days.

Ongoing month-to-month tenancies are excluded from the provisions of this Chapter.

C. Short-Term Vacation Home Rental Requirements.

Short-Term Vacation Home Rentals shall be prohibited unless a Special Use Permit is issued by the Planning Board as provided for herein. A separate Special Use Permit shall be required for each Short-Term Vacation Home Rental. The Special Use Permit requirements of this Chapter are in addition to any business license, hotel/motel tax registration or any other permit or licensing requirements that may be required under state or county law.

D. Application for Special Use Permit.

(1) Application Information. An application for a Special Use Permit shall be made to the Planning Board, and shall be subject to public notice and hearing, pursuant to Section 211-9C(2). Special Use Permit applications shall contain the following information:

(a) The name, address, telephone number, emergency telephone number, and email address of the Owner;

(b) The name, address, telephone number, emergency telephone number, and email address of the Local Contact Person;

(c) The number of bedrooms and approximate square footage in the property and the maximum number of overnight Occupants;

(d) The procedure and plan for the disposal of refuse by Occupants;

(e) An acknowledgment that the subject property meets all local building code and Uniform Code requirements;

(f) A diagram and/or photograph of the property showing and indicating the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight Occupants;

(g) If the application is for the renewal of a Special Use Permit, the record of all calls or complaints made in the preceding five years, as set forth in Section 211-3737G(g).

(h) An acknowledgment that the Owner and Local Contact Person have read and are familiar with the regulations contained in this Chapter; and

(i) A certification of the accuracy of the information submitted and an agreement to comply with any and all conditions of the Special Use Permit.

(2) Pre-Existing Short-Term Vacation Home Rentals. Notwithstanding any other provision of this Chapter, Short-Term Vacation Home Rentals already in existence at the effective date of this Chapter shall be required to file an application for a Special Use Permit within sixty (60) days of the effective date of this Chapter.

(3) Inspection. In evaluating an application for a Special Use Permit, the subject property shall be inspected by the Town Code Enforcement Officer to determine maximum parking capacity for the property and to verify compliance with provisions of this Chapter and the New York State Uniform Fire Prevention and Building Code. Upon an application for renewal of a Special Use Permit the subject property shall be re-inspected to ensure continued compliance with this Chapter.

(4) Public Hearing Notification. The Town shall notify all property owners within 1000 feet of the subject property, in writing, that the subject property is being proposed as a Short-Term Vacation Home Rental. This notification shall clearly state the following information:

(a) The name of the Owner and Local Contact Person for the property and a telephone number at which that party may be reached on a twenty-four (24) hour basis;

(b) The maximum number of Occupants allowed to stay overnight in the Dwelling; and

(c) The maximum number of vehicles allowed to be parked on-site on the property overnight.

E. Application Fee.

An application for a Special Use Permit under this Chapter shall be accompanied by a nonrefundable fee in such amount as the Town Board of the Town of Victor may from time to time establish by resolution.

F. Application Review Process.

The application review process for the issuance of a Special Use Permit under this Chapter shall comply with the considerations and provisions set forth in Chapter 211-9C(2)(a).

G. Conditions.

(1) All Special Use Permits issued pursuant to this Chapter are subject to the following standard conditions:

(a) 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.

(b) The Owner shall use best efforts to ensure that the Occupants of the property do not create Excessive Noises, as defined in Chapter 143, and/or engage in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, or violate provisions of this Chapter. The use of illegal drugs or

controlled substances by occupants is prohibited. The Owner shall promptly respond to any complaints of violations of this Chapter by any Occupants of the property.

(c) The Owner, upon notification that Occupants of the property have created Excessive Noises and/or engaged in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, or otherwise violated provisions of this Chapter, shall promptly use best efforts to prevent a recurrence of such conduct.

(d) The Owner shall post a copy of the Special Use Permit and a copy of the standard conditions set forth in this Chapter and any other conditions imposed by the Town, in a conspicuous place within the subject property.

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

(f) All Occupants of the subject property shall observe Quiet Hours, which shall be between the hours of 10 p.m. and 7 a.m., Sunday through Thursday, and 11 p.m. and 7 a.m., Friday and Saturday. Excessive Noises and/or conduct which either annoy, disturb, injures, or endangers the comfort, repose, health, peace or safety of others shall constitute a violation of this Chapter and may be grounds for revocation of the Special Use Permit.

(g) Call Response Availability: The Owner or Local Contact Person shall be personally available by telephone on a twenty-four (24) hour basis to respond to calls or complaints regarding the condition or operation of the property. Failure to respond to calls or complaints in a reasonably timely and appropriate manner shall constitute a violation of this Chapter and may be grounds for revocation of the Special Use Permit. For the purposes of this Chapter, responding in a reasonably timely and appropriate manner means that an initial call shall be responded to within one (1) hour of the initial call, and any corrective action shall commenced within twenty-four (24) hours of the initial call. The Owner shall maintain a record of the 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 Town upon demand, and/or as part of any revocation hearing or application for renewal of the Special Use Permit.

(2) The Planning Board shall have the authority to impose additional conditions related to the use of the subject property as a Short-Term Vacation Home Rental as may be deemed necessary to achieve the objectives of this Chapter.

H. Permit Term.

A Special Use Permit issued under this Chapter shall be valid for one (1) year from the date of issuance, subject to subsequent renewal periods of one (1) to three (3) years, subject to the discretion of the Planning Board based on the history of complaints and violations under this Chapter relating to the subject property during the preceding permit period.

I. Notification Requirements.

Each Short-Term Vacation Home Rental shall have a clearly visible and legible notice posted within the property on or adjacent to the front door, containing the following information:

- (1) The name of the Owner and Local Contact Person, and a telephone number at which that party may be reached on a twenty-four (24) hour basis;
- (2) The maximum number of Occupants permitted to stay in the property;
- (3) The maximum number of vehicles allowed to be parked on the property;
- (4) Quiet hours shall be between the hours of 10 p.m. to 7 a.m., Sunday through Thursday, and 11 p.m. to 7 a.m. Friday and Saturday, and that Excessive Noises and/or conduct which either annoy, disturb, injures, or endangers the comfort, repose, health, peace or safety of others shall be a violation of this Chapter.
- (5) Rules for the disposal of refuse, including but not limited to the refuse pick-up day.
- (6) Notification that an occupant and/or guest may be cited and fined for creating a disturbance or for violating other provisions of this Chapter or the Town Code; and
- (7) Notification that failure to conform to the parking and occupancy requirements of the property is a violation of this Chapter.

J. Local Contact Person.

Each Owner shall designate a Local Contact Person for the property.

K. Enforcement; penalties for offenses.

- (1) Penalties imposed for offences under this Chapter shall be as set forth in Section 211-11D, in addition to any other penalties for offences which may be available under the Town Code.
- (2) In addition to the penalties imposed by Section 211-11D, each subsequent offense after the third offense shall be punishable by a fine of One Thousand dollars (\$1000.00) to One Thousand Three Hundred dollars (\$1300.00) or imprisonment for up to six months, or both.
- (3) In addition to the penalties set forth herein, upon the fourth offense within five years, and upon each offense thereafter within the preceding five years, the Special Use Permit may be revoked in accordance with the provisions of Section 211-37L.
- (4) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this Chapter, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above. Consequently, the Town Board may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

L. Revocation of Special Use Permit.

(1) Upon the occurrence of the events identified in Section 211-K(3), or upon the occurrence of any conduct which results in the issuance of a misdemeanor or felony complaint against the Owner or any occupant of the subject property, the Town Code Enforcement Officer shall notify the Town Board, Planning Board, and the Owner of the same, in writing, and the Planning Board may, in its discretion, hold a public hearing to determine whether the Special Use Permit should be revoked.

(2) Such public hearing shall be held by the Planning Board no more than thirty (30) days from the date the notification from the Code Enforcement Officer in Section 211-37L(1) is delivered to the Planning Board. Notice of the hearing shall be given to the Owner in person, or by mail to the address given in the application and shall be published once in a newspaper having a circulation within the Town of Victor. Said notice to the Owner and publication shall be not less than ten (10) days before the date of the hearing. Written notice of such public hearing shall also be given, personally or by mail, to property owners within 1000 feet at least ten (10) days before the date set for the public hearing; if such notice is given by mail, the ten (10) day period shall be deemed to commence upon deposit with the United States Postal Service.

(3) At the time and place set for the public hearing, the Planning Board shall take the testimony, under oath, of the Owner and all other persons wishing to be heard, as to why the Special Use Permit should not be revoked, and shall receive into the record any documentary evidence submitted either for or against revocation.

(4) After the public hearing, the Planning Board shall, within thirty (30) days, determine in writing whether or not the Special Use Permit should be revoked, or permitted to continue, either with or without additional conditions, and shall give notice of its determination to the Owner by mail.

(5) A Special Use Permit may be revoked upon any of the following grounds:

(a) Fraud, misrepresentation or false statement contained in the application for the Special Use Permit;

(b) Any failure or refusal to maintain the Dwelling in compliance with the Town Code and the New York State Uniform Fire Prevention and Building Code, and any other applicable laws and codes;

(c) Any violation of this Chapter or any standard or additional conditions of the Special Use Permit; or

(d) Upon the occurrence of any conduct which results in the issuance of a misdemeanor or felony complaint against the Owner or any occupant of the subject property.

(6) If a Special Use Permit is revoked, all uses of the property as a Short-Term Vacation Home Rental shall cease within thirty (30) days of the date of Planning Board's determination revoking said permit. A property for which a Special Use Permit was previously revoked may be subject of a new Special Use Permit no sooner than twelve (12) months after revocation.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Victor which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York: and be it further

RESOLVED, that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Zoning Board of Appeals, Planning Board, Planning and Building Department, and Secretary of State of the State of New York.