



February 17, 2017

Ms. Georganna Greenlee
758 Mariner Circle
Webster, NY 14580

NOTICE OF DECISION

In the matter of a request for a Certificate of Appropriateness to remove two trees in the rear yard, between two garages, and replace them with lawn.

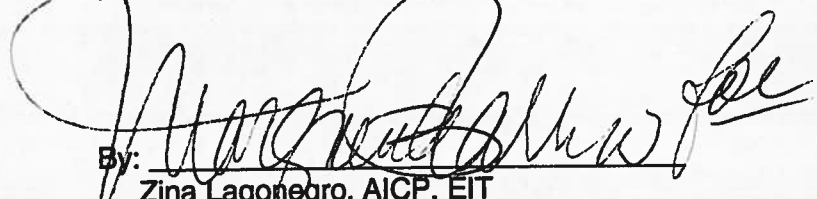
On the premises at: 21 Vick Park A
Zoning District: R-2 Medium-Density Residential District
East Avenue Preservation District
Application Number: A-049-16-17

Record of Vote(s):
J. Dobbs Approved on Condition (motion)
G. Gamm Aye (second)
C. Carretta Aye
E. Cain Aye
B. McLear Aye
D. Matthews Aye
D. Beardslee Aye

Please take notice that at its hearing of February 1, 2017, the Rochester Preservation Board APPROVED your application ON CONDITION that the area is not used for parking. No further permit is required to remove the trees. The final approval, a Certificate of Zoning Compliance, is enclosed.

Please contact Peter Siegrist at 428-7238 or peter.siegrist@cityofrochester.gov with any questions.

Rochester Preservation Board

By: 
Zina Lagonegro, AICP, EIT
Director of Planning & Zoning

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I. FINDINGS OF FACT:

- A. In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board considers quality of design and site development in terms of the relationships to the street, building facades and overall neighborhood character.
- B. Owner Georganna Greenlee testified that the two trees, one a Tree of Heaven and the other a Catalpa, are volunteer growth without historic character. The trees lean on wires and over the adjacent carriage house, and have damaged the garage roof. Ms. Greenlee stated that the owner of the adjacent property agrees with removing the trees. In response to Board questions, Ms. Greenlee stated a third tree, behind (west of) the two trees, would remain.
- C. John Lembach, speaking for the board of the Park-Meigs Neighborhood Association, agreed that the trees are in poor condition and should be removed. However, he expressed concern with the conditions of the garage, which appears to be in disrepair. He asked that the Preservation Board approve the tree removal with two conditions: the space is not to become parking, since the lot coverage already exceeds code limits, and the garage is to be repaired.
- D. Staff Peter Siegrist stated that he will have a city inspector examine the garage for conditions.

II. RESOLUTION(S):

The Board found that removal of two trees is appropriate to the historic visual character of the property and preservation district on the condition that the area is not to be used for parking. The Board asked that city staff inspect the garage for conditions.

III. EVIDENCE:

- A - Application
- B - Site survey map
- C - Letter of support from owner of 23 Vick Park A
- D - Photographs of existing conditions
- E - Letter from the Park-Meigs Neighborhood Association
- F - Appearances by Georganna Greenlee and John Lembach
- G - Site visits by Board members



February 17, 2017

Ms. Barbara Compitello
5 Smallwood Drive
Pittsford, NY 14534

NOTICE OF DECISION

In the matter of a request for a Certificate of Appropriateness to legalize two window signs, add two more window signs, add a light fixture and flower box on the porch, and enclose the trash area at the rear.

On the premises at: 135 University Avenue

Zoning District: CCD-GR Center City Design District- Grove Place
Grove Place Preservation District

Application Number: A-050-16-17

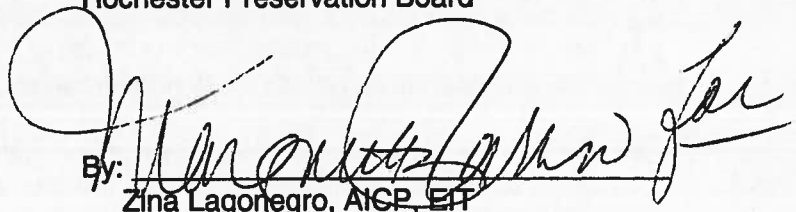
| | | |
|--------------------|--------------|--|
| Record of Vote(s): | G. Gamm | Deny signs; limit door signs; approve light fixture and flower box on condition; hold on trash area (motion) |
| | D. Beardslee | Aye (second) |
| | C. Carretta | Aye |
| | J. Dobbs | Aye |
| | B. McLear | Aye |
| | D. Matthews | Aye |
| | E. Cain | Aye |

Please take notice that at its hearing of February 1, 2017, the Rochester Preservation Board DENIED the window signs, LIMITED signage on the front door to hours of operation and a security decal, APPROVED the light fixture ON CONDITION that it uses bulbs totaling 120W or less, APPROVED the flower box ON CONDITION that it have a dark-colored insert, and HELD its decision on the trash area pending a redesign.

A Certificate of Zoning Compliance for the light fixture and window box is enclosed.

Please contact Peter Siegrist at 428-7238 or peter.siegrist@cityofrochester.gov with any questions.

Rochester Preservation Board

By: 

Zina Lagonegro, AICP, EIT
Director of Planning & Zoning

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I. FINDINGS OF FACT:

- A. In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board considers quality of design and site development in terms of the relationships to the street, building facades and overall neighborhood character.
- B. Owner Barbara Compitello testified that there are four parts to her application, and asked the Board to review the trash area, planter box and light fixture separately from the signs. The Board chairman agreed.

Ms. Compitello testified that the city delivered new trash bins, which fit nicely on the rear landing. She proposes to cover the existing chain link fence with a polyethylene fabric screen that provides 88% privacy. The material would be green in color, is warranted for one year, and has a life expectancy of about five years.

At the front entrance, Ms. Compitello proposes to install a wrought iron planter box on the ledge between the steel column and the brick pier. The box would have a dark plastic liner.

Also at the front entrance, centered above the door, Ms. Compitello proposes to install a hanging pendant light fixture made of cast iron, about 18" tall and 11" wide, with clear glass and three 60-watt bulbs.

- C. Bob DiPaolo introduced himself as a neighbor across the street, and delivered a packet of photographs showing the trash area. He stated that the proposed screening won't work, because the fence is no higher than the trash bins and there is no closure on the street side. He asked the Board to postpone a decision until a solid plan is proposed. He stated also that the light fixture will be too bright.
- D. Neighbor Robert Keck agreed with Mr. DiPaolo that a light fixture with three 60W bulbs will be too bright.
- E. Jessica Shanahan, who introduced herself as a volunteer at Focus, expressed her belief that the existing light fixture has three 60W bulbs. She stated that the new fixture will have an historic look, unlike the current fixture.
- F. Ms. Compitello testified that the blue signs beneath the front windows were installed along with the awning, and that her tenants believed that these met zoning regulations. She expressed concern that the windows are large, and would look barren with nothing in them. She proposes to replace the current signs with a border beneath all three windows to match the awning above. The border would be 8" high, with 4" high lettering, and would take up less than 10% of the window area. She stated that her tenants requested a larger sign at the entrance to notify pedestrians. This sign, reading 'Free Pregnancy Tests', would be 25" x 30" (smaller than the current sign) and take up less than 10% of window surface. She described the signs as small and tasteful, and asserted that they would not negatively affect neighborhood. She stated that the building has held a business for 100 years, and that the neighborhood is not all residential as claimed.
- G. As an alternative to the design presented, Ms. Compitello proposed to install a blank band beneath the left (easternmost) window, a band reading 'Confidential' beneath the middle window, and a band reading 'Caring since 2005' in the right window. In response to Board questions, she noted that the door on the left is the entrance to the apartment above.

- H. Member Gamm pointed out that there is a medley of signs on the entry door, saying 'Focus Pregnancy Center', 'abortion pill reversal', the address, and the hours of operation. There is also a sheet of paper with strips with hours of operation and phone numbers, and a security decal.
- I. Tom Fink introduced himself as a neighborhood resident, a former president of the neighborhood association, and an attorney. He testified that the signage issue has been discussed at length at neighborhood meetings, and that it is an extraordinarily serious matter for the neighborhood. He stated that the applicant had not requested the signage at the hearing of October, 2016, when she requested approval for the awning and awning lettering. He stated that the lettering is larger than what is considered appropriate, and was approved only because no other signs were proposed. He said that the other signs were installed the same day as the awning, in a clear bait-and-switch.

Mr. Fink stated that this is an incredible neighborhood that is largely residential, with only a few businesses. These include a law firm, a management company, an accountant and a veterinarian, all of which have signs that fit into the neighborhood. He stated that advertising is not appropriate in a preservation district, and that people don't walk through the neighborhood looking for services.

- J. John Goldman, who introduced himself as a neighborhood resident, testified that the October decision ordered all other signs to be removed. He noted that the Zoning Code allows only one sign per business, and that with the door signs and sandwich board on the sidewalk, he counts 9 signs. He stated that the application is misleading in saying that there would be small decals in the windows. He disagreed that the decals are small, calculating that they total 9.5 square feet.
- K. Jack Eisenberg introduced himself as the current president of the neighborhood association, and delivered a petition dated January 29, 2017 with 45 signatories opposing the signage.
- L. Jim Martin introduced himself as a neighborhood resident, and handed out photos of other signs in the district. He testified that the sign guidelines of the Preservation Board call for small, simple signs that don't block windows and that are consistent along a streetscape. He noted that the property next door at 145 University has no signs at all. He stated that signs at five other offices in the district comply with the Board's guidelines, by blending in with the neighborhood character and by having only basic identification rather than advertising. He stated that allowing the proposed signage could set precedent, making it difficult to deny future signs.
- M. Bob DiPaola testified that no signs were removed once the awning was installed, and that the signs were clearly premeditated. Regarding the trash area, he stated that it doesn't meet code, and that the proposed screening could look just as bad as the current situation. He also expressed dislike of a 'No Trespassing' sign in the rear that glows at night.
- N. Neighbor Suzanne Mayer testified that the neighborhood zoning was changed three years ago to be fully residential, and that the property in question is not residential. She stated that her neighbors do not oppose the mission of Focus, but that they want a good neighbor that follows the rules. She expressed concern that the signage could set a precedent for other businesses.

- O. Mary Aramini introduced herself as the applicant's attorney, and stated that she is stunned by the neighbors' comments. She said that this is not a residential neighborhood, especially with Planned Parenthood across the street. Without a wall separating one side of the street from the other, she said, Planned Parenthood could not be ignored. She stated her belief that the neighbors' problem is not with the appearance of the signs but with their message. She said that when the building had held a grocery store, it would have had a lot of extra signs. Those proposed here, she argued, are small, discreet and tasteful.
- Ms. Aramini asserted that she has video tape of neighbors committing criminal actions on the property. One tape, she said, shows a neighbor tipping over the trash, a neighbor who now says trash is a problem.
- P. Rick McGrath testified that he has owned 20 Grove Place for 30+ years, and works there daily. He thanked the Board members for their hard work in helping to create a wonderful, urban neighborhood. He stated that property owners in the district have an obligation to follow the rules.
- Q. Jessica Shanahan delivered photographs of signs at the Downstairs Cabaret that fill the windows.
- R. Pam DiPaola introduced herself as an owner of an adjacent property, and stated that the neighborhood is addressing concerns with the Downstairs Cabaret. She stated that the neighbors' concern with the Focus signs is not with the message, but with the size and number of signs. She also stated that she lives directly across from the trash area, and picks up the trash often just to keep the neighborhood clean.
- S. Jim Martin stated that the Downstairs Cabaret has been a longstanding challenge, and should not be used as a comparison.
- T. Tom Fink recalled that the neighborhood had requested permission by the Preservation Board to install plaques commemorating the McQuays and Bob Macon, both of whom helped create the district. He said that the neighbors' only concern is preserving the district's historic appearance, not with the mission of Focus.
- U. Ms. Compitello responded to the neighbor's comments, stating that she feels the building would look better with the proposed signs. She stated that she would speak with her tenants about the door signs.
- V. In response to a member's question, Board attorney Tom Warth clarified that the Board is to apply its standard criteria that affect aesthetics, such as consistency with other signage in the neighborhood and transparency of windows. He stated that, based on these criteria, the Board can impose restrictions beyond those in the Zoning Code. Mr. Warth also noted that the Board does have jurisdiction over window signs, as they affect the historic character of buildings and districts.
- W. Board staff Peter Siegrist clarified that the Board's design guidelines are meant to help applicants in preparing their proposals, and are guidelines only. They are not part of the Zoning Code.

In response to questions about the legality of sandwich boards, Mr. Siegrist stated that the sidewalk is part of the public right-of-way which is not under the Board's jurisdiction. He stated that the City does not permit sandwich boards, but usually leaves them alone unless they are in the way or otherwise problematic.

II. RESOLUTION(S):

The Board found that the light fixture is appropriate to the historic visual character of the building and preservation district on condition that it uses bulbs totaling 120W or less, and that the flower box is appropriate on condition that it have a dark-colored insert. The Board held its decision on the trash area pending submission of a new design. The Board upheld its decision of October, 2017 eliminating all signage other than that on the awning and the hours of operation and security decal on the front door.

In closing, Board members thanked Ms. Compitello for improving the building.

III. EVIDENCE:

- A - Application
- B - Photograph of existing windows
- C - Drawing of window elevation with signs
- D - Drawing of sign reading 'Free Pregnancy Tests'
- E - Catalog sheets of planter box, light fixture and fabric screen
- F - Email messages from neighbors
- G - Petition of opposition with 45 signatures
- H - Photographs of signs in the district
- I - Photographs of trash area
- J - Appearances by Barbara Compitello, Bob DiPaola, Robert Keck, Jessica Shanahan, Tom Fink, John Goldman, Jack Eisenberg, Suzanne Mayer, Jim Martin, Pam DiPaola, Mary Aramini, Rick McGrath
- K - Site visits by Board members



February 17, 2017

Ms. Cheri' Cicero-Merkel
54 Park Avenue
Rochester, NY 14607

NOTICE OF DECISION

In the matter of a request for a Certificate of Appropriateness to install a ground sign in the front yard reading 'Cheri Marie Hair & Makeup Salon' and 'The Bridal Lounge', measuring 65"H x 48"W.

On the premises at: 54 Park Avenue

Zoning District: R-2/O-B Medium-Density Residential District
With Boutique Overlay
East Avenue Preservation District

Application Number: A-051-16-17

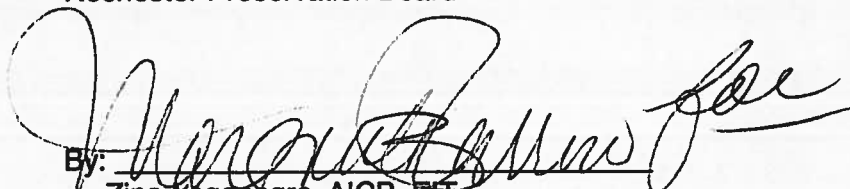
| | | |
|--------------------|--------------|--------------------------------|
| Record of Vote(s): | J. Dobbs | Approved on Condition (motion) |
| | D. Beardslee | Aye (second) |
| | C. Carretta | Aye |
| | E. Cain | Aye |
| | B. McLear | Aye |
| | D. Matthews | Aye |
| | G. Gamm | Aye |

Please take notice that at its hearing of February 1, 2017, the Rochester Preservation Board APPROVED your application ON CONDITION that the height of the sign is reduced to 60".

In addition to this approval, a sign permit is required. This may be obtained at the Buildings & Zoning counter in City Hall room 121B. A copy of the approved drawings is on file there.

Please contact Peter Siegrist at 428-7238 or peter.siegrist@cityofrochester.gov with any questions.

Rochester Preservation Board


By: _____

Zina Lagonegro, AICP, EIF
Director of Planning & Zoning

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Sign Date:



I. FINDINGS OF FACT:

- A.** In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board considers quality of design and site development in terms of the relationships to the street, building facades and overall neighborhood character.
- B.** Cheri' Merkel testified that she opened her salon recently, and that the sign she is proposing would be similar in character to neighboring signs in size and character. She introduced sign maker Brian Mayo, who explained that he measured the signs for Allstate Insurance and One Salon, and found them to be about 65" tall. He stated that he would match the frames of those signs, using 3" square aluminum tube, powder coated in black.
- C.** John Lembach, speaking for the board of the Park-Meigs Neighborhood Association, expressed concern that the sign appears too tall, and noted that signs should not block views of historic buildings. He stated that the sign is larger than others along Park Avenue approved by the Preservation Board, such as the one at #333 for Salon Marche'.

II. RESOLUTION(S):

The Board found that the sign is appropriate to the historic visual character of the property and the preservation district on the condition that its height is reduced to 60".

III. EVIDENCE:

- A -** Application
- B -** Drawings of the sign elevation and plan
- C -** Photosimulation of the sign in context
- D -** Photograph of adjacent signs
- E -** Letter from the Park-Meigs Neighborhood Association
- F -** Appearances by Cheri' Merkel, Brian Mayo and John Lembach
- G -** Site visits by Board members