

CITY PLANNING COMMISSION

RECOMMENDATION

OFFICIAL MAP AMENDMENT

Re: To amend the Official Map of the City of Rochester by abandoning Haidt Place; an action requiring City Planning Commission recommendation to City Council.

Case No: OMA-05-16-17

Resolution:

RESOLVED, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by abandoning Haidt Place subject to conditions noted in the memorandum to Zina Lagonegro, Director of Planning and Zoning, from James R. McIntosh, P.E., City Engineer, dated January 13, 2017.

Vote:	Motion Passes
Action:	Recommend Approval
Filing date:	February 6, 2017
Record of Vote:	6-0-0
D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
H. Hogan	Recommend Approval
T. Bruce	Recommend Approval
S. Mayer	Recommend Approval
E. Marlin	Absent
M. Gaudioso	Recommend Approval

MINUTES

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OMA-05-16-17

CITY PLANNING COMMISSION INFORMATIONAL MEETING (2/6/2017)

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APPLICANT: City of Rochester, City Engineer

PURPOSE: To amend the Official Map of the City of Rochester by abandoning Haidt Place; an action requiring City Planning Commission recommendation to City Council.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Linda Shaw, Knauf Shaw, Volunteers of America: Hi, I'm Linda Shaw of Knauf Shaw and attorney for Volunteers of America. I am here representing Volunteers of America who owns a site at 214 Lake Avenue and of that lot that is associated which is called the back lot and has an address of 18 Ambrose Street. So just to orient the board, this is Lake Avenue and this is Ambrose Street. Volunteers of America currently has its office complex here. They also had a thrift store. There is a daycare center. In 1998, they took an old car dealership site and made it into their facility. There were no plans for the backlot piece at the time that it was purchased so it's taken a lot time to get that parcel investigated and remediated. In the process of giving the DEC the environmental easement that will be attached to this property in perpetuity, that will require all owners and operators to continue to maintain the cap, it became known to us that Haidt Place originally went all the way through and after the site was developed it was mostly abandoned except for this one little piece. What we realized was that it made sense to include that in the definition of the site that is going to get a liability release from the State of New York and in turn with the official abandonment, half going to the front parcel and half going to the back parcel, we will be able to get a liability release from the State of the New York and we can in turn give that liability release to the City. Therefore in the future and currently we will maintain the cover system that will continue to be placed in the street. Right now this is the only area that has dirt and this will be remediated and will receive a Certificate of Completion and a liability release from the State. Obviously only a partial portion of the street, however it is used as their exit from the facility onto Lake Avenue. I have been working with Tom Warth on the release and we are perfectly happy to do that. I know that your approval will be conditioned on that.

Questions from the Members: NONE

Speakers in Favor: NONE

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

OFFICIAL MAP AMENDMENT

Re: To abandon portions of former rights-of-way along the former Inner Loop between Monroe Avenue and Charlotte Street, for the purpose of creating developable parcels; an action requiring City Planning Commission recommendation to City Council.

Case No: OMA-06-16-17

Resolution:

RESOLVED, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by abandoning portions of former rights-of-way along the former Inner Loop between Monroe Avenue and Charlotte Street, for the purpose of creating developable parcels as detailed in the memorandum to Zina Lagonegro, Director of Planning and Zoning, from James R. McIntosh, P.E., City Engineer, dated January 13, 2017.

Vote:	Motion Passes
Action:	Recommend Approval
Filing date:	February 6, 2017
Record of Vote:	5-0-0*
D. Watson	Recommend Approval
S. Rebholz	Recusal
H. Hogan	Recommend Approval
T. Bruce	Recommend Approval
S. Mayer	Recommend Approval
E. Marlin	Absent
M. Gaudioso	Recommend Approval

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APPLICANT: City of Rochester, City Engineer

PURPOSE: To abandon portions of former rights-of-way along the former Inner Loop between Monroe Avenue and Charlotte Street, for the purpose of creating developable parcels; an action requiring City Planning Commission recommendation to City Council.

Commissioner Rebholz: Mr. Chairman, Steve Rebholz, I need to recuse myself. I work with SWBR Architects and we were successfully awarded in response to the RFP for one of these parcels.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Al Giglio, DES: My name is Al Giglio and I am with the City of Rochester Department of Environmental Services. I'm here tonight to ask for the portions of the former inner loop to be abandoned and create developable parcels. Basically its all the remnants of former right-of-ways and highway configuration to make it more orderly.

Questions from the Members:

Commissioner Mayer: I have a point of clarification. It's asking for the former inner loop between Monroe Avenue and Charlotte Street but it appears that it is actually one block further than that.

Al Giglio: My understanding is that one portion from Charlotte Street and basically to the north has already been established as a developable parcel.

Speakers in Favor: NONE

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

OFFICIAL MAP AMENDMENT

Re: To dedicate a portion of the parcel located at 1 Manhattan Square Drive and six (6) permanent easements located at 216 Monroe Avenue, 321 East Avenue, 292 East Avenue, and 68-70 North Union Street for right-of-way enhancements related to the Inner Loop East Transformation Project; an action requiring City Planning Commission recommendation to City Council.

Case No: OMA-07-16-17

Resolution:

RESOLVED, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by dedicating a portion of the parcel located at 1 Manhattan Square Drive and six (6) permanent easements located at 216 Monroe Avenue, 321 East Avenue, 292 East Avenue, and 68-70 North Union Street for right-of-way enhancements related to the Inner Loop East Transformation Project as detailed in the memorandum to Zina Lagonegro, Director of Planning and Zoning, from James R. McIntosh, P.E., City Engineer, dated January 13, 2017.

Vote: Motion Passes

Action: Recommend Approval

Filing date: February 6, 2017

Record of Vote: 6-0-0

D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
H. Hogan	Recommend Approval
T. Bruce	Recommend Approval
S. Mayer	Recommend Approval
E. Marlin	Absent
M. Gaudioso	Recommend Approval

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OMA-07-16-17

CITY PLANNING COMMISSION INFORMATIONAL MEETING (2/6/2017)

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APPLICANT: City of Rochester, City Engineer

PURPOSE: To dedicate a portion of the parcel located at 1 Manhattan Square Drive and six (6) permanent easements located at 216 Monroe Avenue, 321 East Avenue, 292 East Avenue, and 68-70 North Union Street for right-of-way enhancements related to the Inner Loop East Transformation Project; an action requiring City Planning Commission recommendation to City Council.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Al Giglio, DES: Hi, I'm Al Giglio, City Department of Environmental Services. Basically, Ms. Wiedrick summed it up and I have nothing to add.

Questions from the Members: NONE

Speakers in Favor: NONE

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

ZONING MAP AMENDMENT

Re: To amend the zoning map by rezoning the property located at 618 Upper Falls Boulevard from R-1 Low Density Residential District to C-2 Community Center District; and by rezoning the properties located at 379 and 387 Hudson Avenue from C-1 Neighborhood Center District to C-2 Community Center District.

Case No: M-07-16-17

Resolution:

RESOLVED, the City Planning Commission **RECOMMENDS** that the Official Zoning Map be amended by rezoning the property located at 618 Upper Falls Boulevard from R-1 Low Density Residential District to C-2 Community Center District; and by rezoning the properties located at 379 and 387 Hudson Avenue from C-1 Neighborhood Center District to C-2 Community Center District.

Vote: Motion Passes

Action: Recommend Approval

Filing date: February 6, 2017

Record of Vote:

D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
H. Hogan	Recommend Approval
T. Bruce	Recommend Denial
S. Mayer	Recommend Denial
M. Gaudioso	Recommend Approval
E. Marlin	Absent

Findings of Fact:

This decision was based on the following findings of fact regarding the four zoning amendment criteria that the City Planning Commission (CPC) is required to evaluate for City Council (Zoning Code §120-190C(3)(c)[2]):

A. Whether the proposal will be in harmony with goals, standards and objectives of the Comprehensive Plan.

The City Planning Commission determined that the proposed rezoning from R-1 Low Density Residential and C-1 Neighborhood Center to C-2 Community Center was in harmony with the goals, standards and objectives of the Comprehensive Plan. The City Planning Commission also noted that 618 Upper Falls Boulevard does not exhibit the characteristics of the existing R-1 Low Density Residential District, and that 379 and 387 Hudson Avenue have been vacant for almost forty years, indicating that there does not seem to be a market to develop these properties for any uses that are permitted in the C-1 Neighborhood Center District.

B. Whether the proposed amendment is compatible with the present zoning and conforming uses of nearby property (ies) and with the character of the neighborhood.

The City Planning Commission determined that rezoning the properties at 618 Upper Falls Boulevard and 379 and 387 Hudson Avenue would facilitate redevelopment of properties that have been vacant for a number of years. Oral testimony noted that these properties have been an area of blight and that the property owner is motivated to rejuvenate and beautify this corner. Rezoning these properties to C-2 Community Center would further the redevelopment that is currently occurring in this portion of the City.

C. Whether the property affected by the amendment is suitable for uses under the proposed zoning.

The City Planning Commission noted that 618 Upper Falls Boulevard and 379 and 387 Hudson Avenue are all currently underutilized properties. All of the uses that are permitted and permissible under the C-2 Community Center District regulations are suitable for these properties. The two Commissioners who dissented expressed concern regarding the range of permitted uses in the C-2 District, along with the permitted hours of operation.

D. Whether there are available public facilities, services and infrastructure suitable and adequate for the uses allowed under the proposed amendment.

The utilities and services available are sufficient.

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CITY PLANNING COMMISSION INFORMATIONAL MEETING (2/6/2017)

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APPLICANT: Reza Hourmanesh, GRH

PURPOSE: To amend the zoning map by rezoning the property located at 618 Upper Falls Boulevard from R-1 Low Density Residential District to C-2 Community Center District; and by rezoning the properties located at 379 and 387 Hudson Avenue from C-1 Neighborhood Center District to C-2 Community Center District; an action requiring City Planning Commission recommendation to City Council.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Reza Hourmanesh, GRH: My name is Reza Hourmanesh and I am the architect for this project. I have been working with Mr. Khan on a number of projects. I would like hand out this pamphlet that has the information for this site, along with other projects that Mr. Khan has been involved in. Mainly this property is comprised of three properties. Two have addresses on Hudson Avenue and the other has an address on Upper Falls Boulevard. They have been vacant for some time. The two properties have had structures that have been demolished and the auto repair that is still a block building, was utilized until 2009. So the properties have been sitting there vacant. The chain link fence is rusted and it's very unsightly. The intent is to provide a mini Wegmans, like a full like grocery store with gas sales also. So it will be a retail plaza. We are calling it Upper Falls Plaza. There will not be car repair, only fuel. Even though there is the R-1 portion of this property, it has been used for auto repair for some time. I would drive around this area and see equipment that was used for paving. We believe that providing green space in this area along both streets and even in the back and providing a solid fence to separate the residential from this use will enhance this area. I would also like to point out that if you go 400' south there is a church and this is C-2. If you go immediately to the northeast, it is M-1. We are very close to C-2 and M-1. I know that there is a proposal for 150 apartments in this area. This location will provide grocery services and fuel services. The closest fuel retail is at Driving Park and Goodman and the other one is located on North Clinton, north of Upper Falls. We believe that what Mr. Khan has done in the past, he has provided significant funds and retail grocery and gas. He is committed to doing what has to be done to provide services to the community and redefine the area. Also if I may, Mr. Reyes would like to provide additional information.

Miguel Reyes, Attorney for Mr. Khan: Hi, I am Miguel Reyes and I am Mr. Khan's attorney. I have been associated with Mr. Khan for a number of years now. I have assisted him in developing several other properties in the City as well as the neighboring towns. He has a history of purchasing properties that are in distress and he has successfully turned them around and invested substantial sums. He has turned them into assets for the neighborhood and made them nice to look at.

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They provide services that the neighborhood needs and wants. I have lived and worked in the northeast quadrant of the City for 49 years and I am very familiar with the property in question here. To be perfectly blunt this property was known to us locals as a mud hole. Heavy equipment was stored here and tore up the grass. In times of rain or snow they made holes and water accumulated there. Although the equipment has been removed and it has been fenced, the unsightly nature of this property has not changed. Mr. Khan's history of successfully developing properties is marked by the fact that he has a policy of employing people in the community. In our City we have a need for employment of local people. I think with his record of success and his plan that he has put forth to make this an attractive plaza. I think Mr. Hourmanesh has done a great job of providing greenery and barriers. I think this project would be a success in the hands of Mr. Khan. I reiterate that this property has not been invested in in a number of years. I have pictures of Mr. Khan's properties. Mr. Khan is here presently to support his project and is seated here.

Questions from the Members:

Commissioner Gaudioso: In the application under the amendment consideration, you note a site plan? Is that what is in our packet?

Mr. Hourmanesh: Yes, but once we go through this process then we go to City Council and then go to Site Plan Review. If we are approved then we will work with the Department of Planning and Zoning. We have worked with the City for almost 20 years.

Commissioner Gaudioso: Understood, I just wanted to make sure that there was a site plan.

J. Wiedrick, Staff: I just want to remind the City Planning Commission that you are looking at the rezoning and you are not approving a site plan.

Speakers in Favor:

Luis Aponte: Hi, my name is Luis Aponte. I live at 47 Trento Street. I am the former chair of Sector 3 and the current chair of Charles House Neighbors in Action, formerly Josana. I want to speak of what Mr. Khan has done on the west side of the City. As far as being involved, he meets with our community group weekly and is active. He has done incredible things with the properties that he has taken over as far as beautification and employment of neighborhood residents. He has taken men and women and employed them right where they live. As you know the Josana neighborhood has gone through a huge change. Mr. Khan played a

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huge part of our committee as to how we wanted the neighborhood to look. It was a neighborhood that was in transition. He adjusted the things that he sold in the store to the needs of the neighborhood. Whether it was different sized milk containers and types of juices. At the request of the neighborhood association he brought fresh fruits and vegetables. He doesn't just do this when he has an application. He does this all of the time. He is part of the neighborhood association that meets weekly and he rarely misses a meeting. He supports the triangle block club that we have a huge picnic. We serve anywhere from 600-800 people in the neighborhood for free. A lot of donations come from Mr. Khan. He is a partner and he doesn't go away. We had issues with other stores that he didn't own and he brought the store owners and listened to our complaints. He had people meet with us and we had some positive changes. He participates with monthly meetings with the RPD to cater to what their needs are. This location has been a building with junk in it and just a fenced in corner. Nothing has been done with this corner. I guarantee that Mr. Khan will beautify this corner.

Henry Major: Hi, my name is Henry Major and I live at 53 Milliner Street. I am here to speak on behalf of Mr. Khan. He is a businessman in the neighborhood and I don't want to repeat all the things that Luis said, because they are all true. I am the president of the triangle block club in the Josana neighborhood and Mr. Khan has fully supported the picnic. He helps cook and serves. He helps businesses, too. I'm not going to go on and on, but I could stay here another 45 minutes. I fully support him.

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

ZONING MAP AMENDMENT

Re: To amend the zoning map by rezoning the properties located at 50, 54, 60, 64, and 68 Herald Street from R-1 Low Density Residential District to M-1 Industrial District.

Case No: M-08-16-17

Resolution:

RESOLVED, the City Planning Commission **RECOMMENDS** that the Zoning Map be amended by rezoning the properties at 50, 54, 60, 64, and 68 Herald Street from R-1 Low Density Residential District to M-1 Industrial District.

Vote: Motion Passes

Action: Recommend Approval

Filing date: February 6, 2017

Record of Vote: 6-0-0

D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
T. Bruce	Recommend Approval
H. Hogan	Recommend Approval
S. Mayer	Recommend Approval
M. Gaudioso	Recommend Approval
E. Marlin	Absent

Findings of Fact:

This decision was based on the following findings of fact regarding the four zoning amendment criteria that the City Planning Commission (CPC) is required to evaluate for City Council (Zoning Code §120-190C(3)(c)[2]):

A. Whether the proposal will be in harmony with goals, standards and objectives of the Comprehensive Plan.

- 1) The proposed rezoning supports Campaign Six, Economic Vitality, of the Renaissance 2010 Plan.
- 2) The M-1 Industrial District promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist in older two-story and multistory buildings. The obsolescence of many industrial buildings for traditional manufacturing purposes is recognized, and the re-occupancy and redevelopment of those buildings are encouraged through the allowance of retail sales and services, offices, eating and drinking establishments. Residential conversions are permitted primarily to accommodate loft-style living spaces and to meet the needs of those seeking the benefits of live-work arrangements.

B. Whether the proposed amendment is compatible with the present zoning and conforming uses of nearby property (ies) and with the character of the neighborhood.

The City Planning Commission noted that QVI has been a successful business in the City of Rochester for almost a half century and has become a fixture in the neighborhood. Although the City Planning Commission is generally apprehensive about rezoning residential properties to M-1 Industrial District, the City Planning Commission determined that due to the longstanding presence of this company in the community, its efforts in public outreach, as well as its previous actions to ensure that their expansion fits into the neighborhood and does not dominate nearby properties, it was appropriate to rezone these properties to M-1.

C. Whether the property affected by the amendment is suitable for uses under the proposed zoning.

The subject properties are suitable for the uses under the proposed zoning. The subject properties, after rezoning, will be combined with 850 Hudson Avenue.

D. Whether there are available public facilities, services and infrastructure suitable and adequate for the uses allowed under the proposed amendment.

The utilities and services available are sufficient to meet the demands of development of the subject properties.

**MINUTES 50, 54, 60, 64, and 68 HERALD STREET REZONING
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CITY PLANNING COMMISSION INFORMATIONAL MEETING (2/6/17)
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APPLICANT: Quality Vision International

PURPOSE: To amend the zoning map by rezoning the properties located at 50, 54, 60, 64, and 68 Herald Street from R-1 Low Density Residential District to M-1 Industrial District.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Tom Illes, Quality Vision International: Good evening, my name is Tom Illes. I am vice president/ facilities management for Quality Vision International. I'm here to speak to you tonight about the rezoning of these five properties that we have purchased at the beginning of October 2016.

I would like to give you some background on Quality Vision International. Quality Vision International, also known as Optical Gauges or Automation Gauges, was established in Rochester in 1945. In 1973 we moved to Hudson Avenue. We had a total of 56 employees, two buildings and somewhere around 88,000 square feet of building space. As of 2017, we currently have four building on site, 155,000 square feet of building space, and close to 300 employees, full and part time, at the Hudson Avenue site. QVI has done a number of expansions and additions, continuing to update. We are a worldwide company and very specialized in the equipment we make. We actually sell in over 75 countries. We export close to 60% of machines built overseas. Over 50% of the employees that work on Hudson Avenue live in the City. What we need is these properties to be rezoned so that we can continue to maximize our infrastructure and expand our business.

Questions from the Board Members:

Commissioner Watson: What are your intentions with these five sites? You obviously own them and have taken the houses off them. What will this space be used as? How is that going to look?

T. Illes: Right now we are looking at a couple of different things. One of the problems that we have is that we need to expand our warehouse. We need to do it onsite. Offsite is too difficult. It will be a combination of either warehouse or parking. We think---we have talked with the City about putting up a warehouse. The problem is that now I have a building that is right up on a residential street and probably doesn't really fit right there. Where if we were to put it where our parking is then it would be towards the back of all of those houses on Herald Street. Then we would expand the parking for the rest of our personnel. Last year in 2016 we finished up an expansion. We increased our parking, landscaped it and fenced it. We have security cameras that look out into the neighborhood. They have assisted the police at times. The plan is that by 2017 this will be all done.

**MINUTES 50, 54, 60, 64, and 68 HERALD STREET REZONING
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Commissioner Watson: So this is at the corner? That is where you did the parking lot and fencing, too?

T. Illes: Yes, that is correct.

Commissioner Watson: Of the remaining properties do you own any or are you in the process of purchasing for possible expansion?

T. Illes: At this point in time no, we do not own any of those buildings. We are not going to look at any additional properties until we see how this impacts our company. We back in 2013 started a phase of projects that continued to add on. This here is the end. We will reevaluate in 2018 and see if we need to continue. We can still continue to use the entrances on Hudson and North so Herald Street works out nice for us.

Speakers in Favor: NONE

Speakers in Opposition: NONE

HEARING ENDS



Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

February 21, 2017

Mr. Mark Coon
Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless
1275 John Street
Rochester, New York 14586

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2017 FEB 21 PM 1:35

NOTICE OF DECISION

In the matter of the request for a Special Permit to: install a 'micro cell' telecommunications facility on this residential building that is less than four stories.

ON THE PREMISES AT: 36 Comfort Street
ZONING DISTRICT: R-2 Medium Density Residential District
APPLICATION NUMBER: E-032-16-17
VOTE: 2-4-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on February 6, 2017, said application was **DENIED**.

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

xc: Costich Engineers, 217 Lake Avenue, Rochester, New York 14608
Thomas Greiner, Jr., Esq., Nixon Peabody LLP, 1300 Clinton Square, Rochester, NY 14604



Resolution and Findings of Fact:

This decision was based on the following findings of fact:

This application to install a 'micro cell' wireless telecommunications facility consisting of a rooftop antenna, ground-based equipment cabinet and associated wires on the residential building located at 36 Comfort Street was also before the City Planning Commission at its January 9, 2017 meeting. After a public hearing and deliberations, it failed to receive the four concurring votes necessary for approval or denial pursuant to Section 120-184D(1)(a) of the City of Rochester Zoning Code (the vote was 3-3-0). Thus, this application was placed on the February 6, 2017 City Planning Commission Agenda.

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect to determine whether it satisfies the following five criteria:

A. The proposed PWTF will not be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The proposal supports Campaign Seven of the City's Rochester 2010: The Renaissance Plan (2010 Plan) under Campaign Seven - Quality Service, to develop and maintain high quality services and infrastructure to our citizens, and provide an advanced and coordinated communications system that adapts to emerging technologies that serves the larger public interest. Municipal Code §130-5G(2)(e).
- 2) The proposed placement of a telecommunication facility on a 2-family residential dwelling raises concerns about neighborhood aesthetics under the 2010 Plan's Campaign Nine – Healthy Urban Neighborhoods, which encourages “strong, stable, vital and healthy neighborhoods that retain their unique characteristics” and supports “a land use development pattern in our City that balances reasonable property use rights with our community's expectation of protection from negative impacts generated by nearby uses or activities.”
- 3) The goals and objectives of the Comprehensive Plan are also reflected in Section 120-143 of the Zoning Code, regulating the installation of Personal Wireless Telecommunications Facilities (PWTF), which is intended to “protect the community from the visual or other adverse impacts of these facilities, while encouraging unobtrusive development, and [to] ensure comprehensive wireless telecommunication service in the City of Rochester with its benefits to residents and businesses.” That provision requires Special Permit approval for the installation of a PWTF on an existing structure that is less than four stories high.

- 4) The applicant is proposing to install a 'micro cell' wireless telecommunications facility to help alleviate existing or projected capacity concerns within an area already covered by nearby traditional cell antenna locations. Micro cells are intended to provide 'hot spot' type coverage to a covered area within a radius of approximately 1,200 – 1,500 feet. These systems operate at extremely low radio frequency power and are in full compliance with FCC regulations.
- 5) The applicant did not establish that this site is the only one available to cover the desired service area. First, the applicant presented to the Commission cellular *coverage* maps that did not accurately depict the area of insufficient cellular *capacity*, even though the applicant has the technical ability and data to prepare a capacity map. Second, although the applicant's site selection analysis and testimony indicated that a number of alternative sites (particular those that would not require a special permit) were ruled out due to valid structural and/or technical reasons, others were ruled out due to owners' refusal for unspecified reasons. The applicant's site selection consultant did not rule out the possibility that some owners may have refused due to their unwillingness to accept a lease fee as low as that accepted by the owner of 36 Comfort Street. The applicant was unable to contact the owners of some potential locations. It was noted that the applicant would likely have been able to locate more of these owners had it sought the assistance of the Business Association of the South Wedge Area early on. Therefore, the City Planning Commission concluded that the applicant had not conducted a search sufficient to rule out the possibility that the capacity gap could be addressed from another location that either would not require a special permit or would have substantially less adverse impacts on neighboring properties.
- 6) Applying the goals, standards and objectives of the Comprehensive Plan, as noted above, the City Planning Commission concluded that the application does not satisfy this Criterion A because of the adverse local impact and effect would exceed the telecommunications benefit that would be derived from the installation of the proposed 'micro cell' telecommunications facility on this residential dwelling.

B. The proposed P WTF will have a substantial or undue adverse effect upon adjacent properties.

- 1) The subject property is a two and one half story residential building located on Comfort Street. The residential building is legal for one family on the first floor and one family on the second floor. It is located in an R-2 Medium Density Residential zoning district close to the Center City District-River District and a C-2 Community Center District.
- 2) The proposed facility operates using an antenna referred to as a 'Cantenna.' Cantennas are mounted above the roofline to 'see' the service area and to provide the intended coverage. The installation also includes a small GPS antenna mounted in the vicinity of the equipment, as well as a ground-based equipment cabinet.

- 3) The facility consists of a 36+/- square foot area of leased roof space toward the front of the house on the highest roof peak for a supporting ballast and the cantenna. With the supporting pipe mast, the cantenna would extend +/- 6½ feet above the roof peak and +/- 3 feet above the highest of the house's two chimneys. The facility also includes a 36+/- square foot area of leased exterior ground space for the equipment cabinet.
- 4) In an attempt to mitigate the aesthetic impacts of the facility, the applicant will enclose the antenna in a sheath designed to resemble an aluminum "stovepipe" type chimney and will enclose the equipment cabinet within a board-on-board wood fence.
- 5) The City Planning Commission determined that the proposed facility is unsightly at this particular location and will have a substantial visual impact on adjacent properties. The location of the cantenna on the roof peak toward the front of the residential structure, combined with the location of the residential structure on a triangular shaped lot, will make the cantenna structure visually prominent from nearly all directions. Due to the location of the house and the location of the cantenna on the house, it is more visually prominent than the facility at 486 Alexander Street depicted in pictures that were presented to the Commission. The stovepipe sleeve structure does not mitigate this impact because it has no resemblance to the house's actual chimneys. As detailed in letters of opposition, the neighbors have worked hard to make the neighborhood more visually appealing, while also protecting it from commercial intrusion. The installation of this facility would represent a commercial-type addition to a residential structure, blurring the line between the commercial uses located on the Center City District corridor along Mt. Hope Avenue and the neighboring residential structures, likely aiding in commercial creep into this neighborhood. This problem is exacerbated by the fact that the house is visually prominent from the Mt. Hope Avenue as the first residential structure along the edge of a residential enclave.
- 6) The Planning Commission concluded that the application does not satisfy this Criterion B because of substantial and undue adverse effects in terms of aesthetics. In weighing whether the public telecommunications benefit outweighs the substantial visual impact to the neighborhood and surrounding residential properties, the City Planning Commission noted that it did not appear as if all reasonable efforts had been made to find a more suitable location to cover the anticipated capacity gap.

C. The proposed PWTF will dominate the immediate vicinity or interfere with the development and use of neighboring properties.

For the reasons described under Criterion B above, the City Planning Commission determined that the proposed facility at 36 Comfort Street will interfere with the development and use of neighboring properties. As noted above, letters of opposition noted that effort has been made to improve the visual appearance of the

neighborhood, as well as to prevent commercial intrusion. Although small in size, the installation of the proposed 'micro cell' telecommunications facility would loom larger in this neighborhood, impacting the development and use of other residential properties.

D. The proposed PWTF will be served by essential public facilities and services.

The available utilities and services are sufficient to meet the demands of the proposed installation of a 'micro cell' telecommunications facility on the rooftop of the existing structure located at 36 Comfort Street.

E. The proposed PWTF will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

Installation of the proposed 'micro cell' wireless telecommunications facility at 36 Comfort Street will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **DENIES** application E-032-16-17 by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless, to install a 'micro cell' wireless telecommunications facility on the rooftop of this residential building that is less than four stories at **36 Comfort Street**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

January 9th

Nathan Vander Wal, attorney representing applicant
Chris Borncamp, Network Building and Consulting

February 6th

Thomas J. Greiner, Jr., attorney representing applicant
Mark Coon, Verizon Wireless
Chris Borncamp, Network Building and Consulting

Opposing Testimony:

January 9th

None

February 6th

None

Neutral Testimony:

January 9th

None

February 6th

Rick Mauser

Evidence:

Staff Reports for January 9th and February 6th meetings
Special Permit Application and Standards
Project Description
Applicable Legal Standards
Compliance with the City's wireless telecommunications facility standards
Statement of need and site selection analysis by RF engineering department (including propagation studies)
Structural integrity letter
Proof of compliance with applicable federal regulations
Site Plan
Copy of letter evidencing landowner's consent to application
Copy of Verizon Wireless' FCC licenses
Photosimulation report (including viewshed map)
Applicant attorney letter dated January 27, 2017 containing supplemental materials
Supplemental radio frequency analysis report (with propagation mapping)
Report examining the feasibility of relocating the ancillary equipment to the basement
Revised project plans, detailing the rerouting of exterior conduit
Photographs of Cantenna located at 486 Alexander Street
No Action Letter from Director of Planning and Zoning Lagonegro to Mr. Robert J. Brenner, dated January 20, 2017
Email of Opposition from Philip Duquette, dated January 6, 2017
Email of Opposition from Tracy Saville, dated January 6, 2017
Letter of Opposition from John Page, South Wedge Planning Committee, dated January 30, 2017
Personal Appearance Notices
Notification Labels
Speakers' Lists

Record of Vote:

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Deny
T. Bruce	Deny
S. Mayer	Deny
M. Gaudio	Deny