

**MINUTES
TEXT AMENDMENT
OMA-01-17-18
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/7/2017)
Page 1 of 1**

APPLICANT: City of Rochester, City Engineer

PURPOSE: To amend the Official Map of the City of Rochester by dedicating a portion of 283 and 295 Beach Avenue as right-of-way for a pedestrian walkway; an action requiring City Planning Commission recommendation to City Council.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Lisa Reyes, DES: Hi, my name is Lisa Reyes. I work for the City of Rochester and am here on behalf of the City Engineer. I work for the street design division. I am hearing requesting your recommendation to amend the map of the City of Rochester by dedicating as additional right of way two corner takings at the intersection of Alpha Street and Beach Avenue. The two properties are 283 and 295 Beach Avenue. The area that we are taking from 283 Beach Avenue is 14 square feet and the area that we are taking from 295 Beach Avenue is 8 square feet. You can see it on the maps provided. As part of the Alpha Street improvement project, we will be making improvements to all of the curb ramps to ensure that they are meeting the most current accessibility guidelines. At the Alpha/Beach intersection, each corner will require additional sidewalk area outside of the public right of way to achieve these guidelines. The two additional areas will be acquired by permanent easement.

Questions from the Members: NONE

Speakers in Favor: NONE

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

OFFICIAL MAP AMENDMENT

Re: To amend the Official Map of the City of Rochester by dedicating a portion of 283 and 295 Beach Avenue as right-of-way for a pedestrian walkway; an action requiring City Planning Commission recommendation to City Council.

Case No: OMA-01-17-18

Resolution:

RESOLVED, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by dedicating a portion of 283 and 295 Beach Avenue as right-of-way for a pedestrian walkway as detailed in the memorandum to Zina Lagonegro, Manager of Zoning, from James R. McIntosh, P.E., City Engineer, dated July 5, 2017.

Vote:	Motion Passes
Action:	Recommend Approval
Filing date:	August 7, 2017
Record of Vote:	7-0-0
D. Watson	Recommend Approval
S. Mayer	Recommend Approval
M. Gaudioso	Recommend Approval
H. Hogan	Recommend Approval
T. Bruce	Recommend Approval
E. Marlin	Recommend Approval
M. Pichardo	Recommend Approval

**MINUTES
TEXT AMENDMENT
OMA-02-17-18
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/7/2017)
Page 1 of 2**

APPLICANT: City of Rochester, City Engineer

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

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Jim Quackenbush, DES: Hi, my name is Jim Quackenbush. I also work for the City. I work in the permit office. I am here to introduce the applicant, Andrea Lawson. Cambria Street in your package—the top sheet lists the property owner’s name. Cambria Street is a 50’ wide, 310’ long, what we call a paper street. Andrea is here tonight to argue her case that she needs to erect a fence. Page two is the tax map, where you can see the dimensions. Cambria Street is a fee street. On successful abandonment of the street, City Real Estate appraises the value and sells the City property to the abutting property owners. Then we have photographs. The first one shows the approximate centerline. The second photograph we have the right of way line, just about in line with the detached garage. The last picture is the west right of way line. So now I would like to introduce Andrea Lawson.

Andrea Lawson, 1571 Jay Street: Hi, my name is Andrea Lawson and my address is 1571 Jay Street. The reason that I put in an application is because I want to put a fence on my property to make it safer for my grandchildren.

Questions from the Members:

Commissioner Watson: When this is accepted, the property owners will have an opportunity to purchase property?

J. Quackenbush: Yes, they would all have the chance.

Commissioner Watson: What happens if they don’t want to purchase the property?

J. Quackenbush: Cambria Street would revert to City real estate. We get a third party assessment and sell it to the abutting properties.

Commissioner Watson: So if someone didn’t want to buy it, those other surrounding property owners could buy the property?

J. Quackenbush: Actually the third page shows the cross hatched sections.

Commissioner Watson: Understood but if they didn’t want to purchase it?

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J. Quackenbush: If it isn't sold then it remains City real estate.

Commissioner Watson: So the City would have to maintain it?

J. Quackenbush: Yes, that is correct. You will note that the majority of this street is grass and the abutting owners maintain it.

Commissioner Watson: Understood. My concern was that I hope the abutting owners would want to purchase it and would be happy to buy a portion to add to their current property, but if they didn't what would happen. I think that you answered my question.

Speakers in Favor:

Lorraine Lawson, 1571 Jay Street: I live at 1571 Jay Street. Since my daughter has been there the City hasn't been taking care of this street. We have been taking care of the grass part. If we were to get this property then my daughter would make it look better and we could put a fence up. It would be in the best interest of her and the street. Thank you.

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

OFFICIAL MAP AMENDMENT

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

Case No: OMA-02-17-18

Resolution:

RESOLVED, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by abandoning Cambria Street with all conditions detailed in the memorandum to Zina Lagonegro, Director of Planning and Zoning, from James R. McIntosh, P.E., City Engineer, dated July 6, 2017.

Vote: Motion Passes

Action: Recommend Approval

Filing date: August 7, 2017

Record of Vote: 7-0-0

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

MINUTES

ZONING MAP AMENDMENT TEXT AMENDMENT T-04-17-18 PLANNED DEVELOPMENT DISTRICT

CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/7/17)

APPLICANT: City Planning Commission

PURPOSE: To make minor modifications to various sections of the Zoning Code in order to clarify and update terms and definitions.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Marguerite Parrino, Bureau of Buildings and Zoning

Good evening, everyone. I'm Marguerite Parrino, Principal Staff Assistant with the Bureau of Buildings and Zoning. The proposed Zoning Code Text Amendments that are before you include minor changes that are necessary to correct existing errors, clarify confusing language and update terms and definitions that are currently in the City's Zoning Code. We have also updated our Zoning District Summary Charts. These are Charts that appear at the end of each Zoning District in the Zoning Code and provide a summary of the regulations for that district in chart form, but they have not been updated in several years.

As part of these amendments, we are proposing several corrections and clarifications. One example of the proposed changes includes listing "mixed-uses" as a permitted use in the C-2 Community Center District. C-2 is our quintessential mixed-used district, yet we omitted mixed-uses as a permitted use in the district, although we have it listed in the C-1 and C-3 Districts. This was clearly an oversight. Another correction that we're including in these amendments is to add "Place of Worship" as a permitted use in the districts where it isn't listed. Again, this too, was an oversight.

One of the small changes that we're proposing in these amendments includes allowing 4 foot fences in residential front yards instead of only 3 foot fences. Applicants have told us that a three foot fence does not provide enough privacy or security in their front yards. We have also been told that 3 feet is not a standard fence height, but 4 feet is. Therefore, people proposing fencing in their front yards would either have to custom order a 3 foot fence, or apply for an Administrative Adjustment just to allow a 4 foot fence. We believe this overly burdensome to most property owners, and therefore, are proposing to allow the height of front yard fences to be 4 feet.

One of the other small changes we are proposing includes updating the definition of hotel. Currently, our definition of hotel states that it is a building that contains 15 rooms or more. However, we have no definition for a hotel that contains fewer than 15 rooms. So if someone wanted to establish a smaller, "boutique" type hotel with, say, 10 rooms, we don't have a definition for that, so those are not really accounted for in our Zoning Code. Since we have been seeing trends for these smaller, boutique-type hotels, we want to be sure that our Zoning Code addresses them.

These are just a few of the changes that are included in the proposed amendments. However, I would be happy to answer any questions you may have on any of the proposed amendments.

Minor Modifications

MINUTES

August 7, 2017 CPC HEARING

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Questions from the Members: NONE

Speakers in Support: NONE

Speakers in Opposition: NONE

HEARING ENDS

CITY PLANNING COMMISSION

RECOMMENDATION

**TEXT AMENDMENT T-04-17-18
ZONING CODE - MINOR MODIFICATIONS**

Re: To make minor modifications to various sections of the Zoning Code in order to clarify and update terms and definitions.

Case No: T-04-17-18

Resolution:

RESOLVED, that the City Planning Commission recommends that the Zoning Code be amended by making minor modifications to various sections of the Zoning Code in order to clarify and update terms and definitions.

Vote: Motion Passes

Action: Recommend Approval

Record of Vote: 7-0-0

Record of Vote:

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

Findings of Fact:

This decision was based on the following findings of fact:

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

The purpose of the amendments is to continue promoting the health, safety and general welfare of the citizens and protect the quality of the City's neighborhoods. The proposed amendments are necessary to ensure that the Zoning Code continues to enable development and redevelopment that protects the existing character of the City where warranted and facilitates change where desired. Although minor in nature, the proposed text amendments will make the Zoning Code easier for residents and developers to understand, as well as easier for staff to administer.

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

The text amendments that are proposed include minor changes that are necessary to correct existing errors, clarify confusing language and update terms and definitions that are currently in the City's Zoning Code. The proposed text amendments create more efficiency, align portions of the Zoning Code with the Building Code, eliminate redundancy, reduce unnecessary variances and streamline the review process.

The Zoning District Summary Charts have also been updated. Over time, as changes were made to the Zoning Code specific to lot coverage and setback requirements, the Zoning District Summary Charts were not updated.

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

As noted above, the proposed text amendments are minor changes that will correct existing errors, clarify confusing language and update terms and definitions that are currently in the Zoning Code. In addition, Zoning District Summary Charts have also been updated. These amendments are necessary to ensure that the Zoning Code is easily understood by residents and developers. These amendments also make the Zoning Code easier for staff to administer, ultimately making Permit Counter operations more efficient.

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

The proposed text amendments will not impact public facilities, services and infrastructure.



City of Rochester

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

Bureau of Buildings
and Zoning

August 18, 2017

Mr. Thomas Beaman, Jr.
California Rollin' II
1000 North River Street
Rochester, New York 14612

NOTICE OF DECISION

In the matter of the request for a Special Permit to: continue seasonal outdoor entertainment (live small bands and recorded music), ending by 9:00PM, Thursday to Sunday, in an existing outdoor restaurant seating area.

ON THE PREMISES AT: 1000 North River Street

ZONING DISTRICT: M-D Marina District

APPLICATION NUMBER: E-005-17-18

VOTE: 7-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on August 7, 2017, and said application was **APPROVED**.

Please Note: A live entertainment license, issued by the Rochester Police Department through the City Clerk's Office (Room 100A, City Hall, 30 Church Street), is also required and must be renewed on an annual basis (by January 31st of each year) to retain the rights to this approval. ***If the live entertainment is discontinued for six months or more, this Special Permit approval will become null and void.*** Please contact Jill Wiedrick at 428-6914 to complete the approval process.

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the Zoning Code. Pertinent parts of that Code include:
 - the creation of the M-D Marina District “in response to the opportunities for major improvements to the Port of Rochester area that will be made possible by the construction of a new marina, the extension of River Street and the reconfiguration and reconstruction of other existing streets and blocks... [; as] the next chapter in Charlotte's history as a lakeshore resort community [with an] ultimate goal... to foster... a district that will attract visitors because it is distinctive and memorable and will endure because it is valued by residents and visitors alike” (§120-77.2);
 - requires a special permit for outdoor entertainment in the M-D Marina District (§120-77.2C.3.a).
- 2) The proposed outdoor use is incidental and accessory to a restaurant, as indicated by its placement in an existing restaurant's outdoor dining area. The proposed use is located in an area that does not face any adjacent residentially zoned or developed property. It is designed to enhance restaurant patrons' enjoyment of the District's river and lakeside setting without disturbing residents.
- 3) More than sufficient off-street parking is available on the terminal building's property in a lot located to the north-east of the restaurant.

B. The proposed development will not have a substantial or undue adverse effect upon adjacent properties.

- 1) The subject property is a bar/restaurant and located in the City-owned former ferry terminal building in the M-D Marina District. The establishment has an occupancy posting of 71 persons, including outdoor seating.

- 2) The applicant proposes to continue seasonal outdoor entertainment (live small bands and recorded music), ending by 9:00PM, Thursday to Sunday, in an existing outdoor restaurant seating area.
- 3) City Planning Commission noted that the use had not received any complaints and had operated in a manner that did not pose a substantial or undue adverse effect upon adjacent properties. Therefore, the City Planning Commission determined it was appropriate to grant a permanent approval to continue seasonal outdoor entertainment (live small bands and recorded music), ending by 9:00PM, Thursday to Sunday, in an existing outdoor restaurant seating area.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

Based on the findings listed above, the City Planning Commission determined that granting the special permit for seasonal outdoor entertainment (live small bands and recorded music), ending by 9:00PM, Thursday to Sunday, in an existing outdoor restaurant seating area will not interfere with the development and use of neighboring properties.

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

The available utilities and services are sufficient to meet the demands of the proposed use.

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

There are no other natural, scenic or historic features of significant importance on or in close proximity to the subject property that would be destroyed or damaged by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-005-17-18** by **Thomas Beaman, Jr., California Rollin II**, to continue seasonal outdoor entertainment (live small bands and recorded music), ending by 9:00PM, Thursday to Sunday, in an existing outdoor restaurant seating area at **1000 North River Street**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Susan Michelle, Attorney for Applicant

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Renewal Application
Notice of Decision, dated September 8, 2015
Restaurant Floor Plan
Location Map
Aerial Photograph
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve
M. Gaudioso	Approve
M. Pichardo	Approve



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
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Bureau of Buildings
and Zoning

August 18, 2017

Mr. Stu Chait, AIA
Chait Studios
21 Slate Drive
North Chili, New York 14514

NOTICE OF DECISION

In the matter of the request for a Special Permit to: construct an ancillary parking lot for the existing motor vehicle repair operation located at 1298 Clifford Avenue.

ON THE PREMISES AT: 1296 Clifford Avenue
ZONING DISTRICT: R-1 Low Density Residential District
APPLICATION NUMBER: E-006-17-18
VOTE: 7-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on August 7, 2017, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and said application was **APPROVED**.

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please contact Jill Wiedrick at 428-6914 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This City Planning Commission made its decision based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the Zoning Code which requires Special Permit approval to establish ancillary parking in an R-1 District, subject to additional requirements for ancillary parking lots in Section 120-131.
- 2) The placement of ancillary parking on lots with the same R-1 Low Density Residential District zoning as the market that it serves is consistent with the Zoning Code's ancillary parking requirements.
- 3) The City Planning Commission may, in approving a special permit for an ancillary parking lot or garage, waive any of the requirements of Section 120-131 when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. Accordingly, the City Planning Commission granted waivers of the following requirements of Section 120-131:
 - The lot, area, and yard requirements.
 - Exceeds lot coverage requirement (50% lot coverage permitted, 74.3% proposed)
 - Does not meet combined side yard setback (25 feet required, 4 feet proposed)
 - Does not meet rear yard setback (20 feet required, 8 feet proposed)
 - Does not meet front yard setback (20 feet required, 10 feet proposed)
 - Ancillary parking lots shall be equipped and controlled to discourage illegal parking, vandalism and other unlawful or nuisance-creating activities. When so equipped and controlled, such lots may be open 24 hours a day. *The parking lot will not have direct access from the public right of way.*
- 4) The City Planning Commission approved the proposal to construct an ancillary parking lot at 1296 Clifford Avenue for the existing motor vehicle repair operation located at 1298 Clifford Avenue.

B. The proposed development will not have a substantial or undue adverse effect upon adjacent properties.

- 1) The proposal is to construct an ancillary parking lot at 1296 Clifford Avenue for the existing motor vehicle repair operation located at 1298 Clifford Avenue.
- 2) Special Permit approval is required by the City Planning Commission for an ancillary parking lot, defined as a lot which is ancillary to a principal use not situated on the same parcel, and which is not operated as a separate commercial enterprise available to the public at large. The proposed parking area on 1296 Clifford Avenue is an ancillary lot because it is on a separate parcel from the principal use located at 1298 Clifford Avenue.
- 4) The City Planning Commission commended the applicant for his efforts to improve the appearance and function of this lot, noting the design was appropriate for a residential district. Although lighting was not provided on the subject property, the City Planning Commission concluded that lighting from 1298 Clifford Avenue would be sufficient to ensure that the parking lot was well lit, yet did not pose impacts to the residential properties nearby.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

- 1) The City Planning Commission determined that the proposed ancillary parking lot at 1296 Clifford Avenue for the existing motor vehicle repair operation located at 1298 Clifford Avenue would not interfere with the development and use of neighboring properties. As noted by the applicant, this lot has been vacant for a number of years. The construction of an ancillary parking lot, with a design similar to other nearby parking lots, will
- 2) In addition, the City Planning Commission waived certain requirements, based on findings that the waiving of these requirements would not interfere with the development and use of neighboring properties, nor would waiving these requirements interfere with the use and function of the ancillary parking lot.

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

The available utilities and services are sufficient to meet the demands of the proposed ancillary parking lot.

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

The construction of an ancillary parking lot at 1296 Clifford Avenue 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 **APPROVES** application **E-006-17-18** by **Stu Chait, AIA, Chait Studios** to construct an ancillary parking lot at 1296 Clifford Avenue for the existing motor vehicle repair operation located at 1298 Clifford Avenue.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Stu Chait, AIA

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Site Plan Drawings
Photographs of Site and Surrounding Properties
Aerial Photograph
Location Map
Zoning Map
Notice of Environmental Determination dated August 7, 2017
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve
M. Gaudioso	Approve
M. Pichardo	Approve

**CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION**

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 1296 Clifford Avenue
Applicant: Stu Chait, AIA, Chait Studios
Description: To construct an ancillary parking lot for the existing motor vehicle repair operation located at 1298 Clifford Avenue.

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is not significantly incompatible with the area and adjacent uses.

LEAD AGENCY: City Planning Commission

AGENCY CONTACT PERSON: Jill Wiedrick, Senior City Planner
Bureau of Planning and Zoning, (585) 428-6914

DATE ISSUED: August 7, 2017

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: E-006-17-18

DISTRIBUTION: Planning Commission
Case File



City of Rochester

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

Bureau of Buildings
and Zoning

August 17, 2017

Mr. Jim Pappas
Jim Pappas Commercial Real Estate
900 Jefferson Road 203
Rochester, New York 14623

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a kennel for cats and dogs with an outdoor exercise area for the dogs.

ON THE PREMISES AT: 737 Atlantic Avenue
ZONING DISTRICT: M-1 Industrial District
APPLICATION NUMBER: E-007-17-18
VOTE: 0-7-0

PLEASE TAKE NOTICE that at the City Planning Commission (“Commission”) meeting held on August 7, 2017, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining that there is no significant impact on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and said application was **DENIED**.

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval to establish kennels that are not within a fully enclosed building in the M-1 Industrial District.

B. The proposed use will not have substantial or undue adverse effect upon adjacent properties.

- 1) The subject property is located on Atlantic Avenue near Ohio Street. This property is a total of 2.38 acres. The last certificate of occupancy established that the building on site is legal as office space/warehouse.
- 2) The applicant proposes to establish a kennel for cats and dogs with an outdoor exercise area for the dogs. The outdoor exercise area will be located behind the building and surrounded by an 8' fence. The applicant notes that all dogs will be inside the building by 7:00PM. At 9:00PM, dogs will be let out for a quick break and will remain inside for the duration of the night.
- 3) Testimony from the applicant revealed that a total of 84 dogs could be in the facility at any one time (54 boarding and 30 daycare). The applicant stated that dogs would be let out in groups of 10 every two hours and supervised by staff while outdoors. In addition, it was noted by the applicant that the facility would have someone on site 24 hours per day.
- 4) Oral and written testimony in opposition to the proposal expressed the concern that the noise that the dogs will produce while outdoors will be bothersome to the neighborhood. In addition, there was oral and written testimony that surrounding light industrial uses would also find the noise from the outdoor area to be disruptive to their businesses.
- 5) The Commission noted that the proposed outdoor area is within approximately 150' of residentially developed properties. There was testimony from neighbors

that expressed concern with regard to noise from the dogs. Although the applicant testified that only 10 dogs would be let outside every two hours, the Commission concluded that with the total number of approximately 84 dogs, this activity would be occurring throughout the day, potentially leading to constant noise that would be disturbing to surrounding residents and businesses. The Commission determined that there was no noise management plan or means of mitigation to deal with the potential noise, that this use was not suitable for this location and that the outdoor exercise area for dogs would have a substantial or undue adverse effect upon adjacent properties.

- 6) There was testimony from adjacent residents about potential odors from dog waste from the outdoor dog exercise area. Although the applicant testified that waste disposal from the outdoor area would meet all Monroe County Health Department requirements, the applicant was unable to provide any information about the frequency of dog waste removal and cleaning of the yard and how any odor issues would be addressed, and the Commission concluded that this could have a possible adverse impact on residential neighbors.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

The Commission determined that establishing a kennel for cats and 84 dogs with an outdoor exercise area for the dogs would interfere with the development and use of neighboring properties. Although the proposed use is specially permitted in the M-1 District, the Commission concluded that the subject property is within close proximity, approximately 150', to a residential district. The proximity to the residential district creates a situation where noise and the potential for odor from the dogs will be detrimental to the peace and enjoyment of residents of the surrounding residential properties.

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

The utilities and services available are sufficient to meet the demands of the proposed use.

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

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **DENIES**, application **E-007-17-18** by **Jim Pappas, Jim Pappas Commercial Real Estate** to establish a kennel for cats and dogs with an outdoor exercise area for the dogs at **737 Atlantic Avenue**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Jim Pappas
Victoria Babek

Opposing Testimony:

Tom Mokrzan
Jacob Trapani
Pete Branch

Evidence:

Staff Report
Special Permit Application and Standards
Additional Information
Detailed Project Description
Survey Map with Outdoor Exercise Area shown
Floor Plan
Aerial Photograph
Location Map
Letter of Support from Gerald R. Kennard, undated
Letter of Support from Brynn Worley, undated
Letter of Support from Joseph Louis, undated
Letter of Support from Marilyn and Emanuel Lawson, undated
Letter of Support from Clarence Simmons, undated
Letter of Support from Lisa Franchelli, undated
Letter of Support from Joe Johansen, undated
Email of Opposition from Tom Mokrzan, dated August 7, 2017
Notice of Environmental Determination dated August 7, 2017
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Deny
E. Marlin	Deny
H. Hogan	Deny
T. Bruce	Deny
S. Mayer	Deny
M. Gaudioso	Deny
M. Pichardo	Deny

CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 737 Atlantic Avenue
Applicant: Jim Pappas, Jim Pappas Commercial Real Estate
Description: To establish a kennel for cats and dogs with an outdoor exercise area for the dogs.

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is compatible with the area and adjacent uses.

LEAD AGENCY: City Planning Commission

AGENCY CONTACT PERSON: Jill Wiedrick, Senior City Planner
Bureau of Planning and Zoning, (585) 428-6914

DATE ISSUED: August 7, 2017

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: E-007-17-18

DISTRIBUTION: Planning Commission
Case File



City of Rochester

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

Bureau of Buildings
and Zoning

August 18, 2017

Mr. Stu Chait, AIA
Chait Studios
21 Slate Drive
North Chili, New York 14514

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish outdoor storage of vehicles, accessory to a taxi business and an auto repair facility.

ON THE PREMISES AT: 40 Silver Street

ZONING DISTRICT: M-1 Industrial District

APPLICATION NUMBER: E-008-17-18

VOTE: 7-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on August 7, 2017, said application was **APPROVED ON CONDITION THAT THE FOLLOWING SITE IMPROVEMENTS ARE COMPLETED:**

- 1) Paving and draining of all vehicle parking and vehicle storage areas;
- 2) Establishing a minimum 5' setback along street frontages and planting a row of regularly spaced, upright, columnar trees in this setback; and
- 3) Installing a new black, vinyl coated, chain link fence on the back edge of the landscaped area along street frontages.

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void six (6) months after the date on which it was issued unless a Building Permit is obtained and maintained. **Please contact Jason Haremza at 428-7761 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval to establish outdoor storage of vehicles, accessory to a taxi business and an auto repair facility in the M-1 Industrial District.

B. The proposed use will not have substantial or undue adverse effect upon adjacent properties.

- 1) The subject property is located on Silver St, near the intersection of Dengler Street. Both Silver and Dengler Streets are small neighborhood streets located between Brown Street to the south and the CSX mainline railroad and Maple Street to the north. The neighborhood, like most city neighborhoods developed in the mid-19th century, has a mix of building forms and uses. Industrial uses have tended to locate along the railroad corridor, although even here residential uses are present.
- 2) Special Permit approval by the City Planning Commission is required for outdoor activities (vehicle storage) accessory to a permitted use in the M-1 district, 120-83P, subject to Section 120-154.1 relating to vehicle storage. Vehicle repair stations often include the temporary storage of vehicles awaiting repair. A taxi business also inherently has fleet vehicles that will park or be stored in the open. These activities require the issuance of a special permit.
- 3) The City Planning Commission noted that the outdoor storage is located in two portions of the property; one are is located approximately 350' from Silver Street and is shielded by Building #1 and the other area is located in front of Building #1.
- 4) The City Planning Commission determined that the following site improvements must be completed in order to ensure that the proposal does not have a substantial or undue adverse effect upon adjacent properties:

- 1) **Paving and draining of all vehicle parking and vehicle storage areas;**

- 2) Establishing a minimum 5' setback along street frontages and planting a row of regularly spaced, upright, columnar trees in this setback; and
- 3) Installing a new black, vinyl coated, chain link fence on the back edge of the landscaped area along street frontages.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

The City Planning Commission determined that with the completion of the above noted site improvements, the proposed use will be developed so as not to interfere with the development and use of neighboring properties.

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

The utilities and services available are sufficient to meet the demands of the proposed use.

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

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES ON CONDITION**, application **E-008-17-18** by **Stu Chait, Chait Studios**, to establish outdoor storage of vehicles, accessory to a taxi business and an auto repair facility at **40 Silver Street**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Stu Chait, Chait Studios

Opposing Testimony:

None

Evidence:

Staff Report

Special Permit Application and Standards

Preliminary Site Plan Findings, dated May 19, 2017

Site Plan

Survey Map

Exterior Photographs

Floor Plan

Aerial Photograph

Evidence Continued:

Location Map
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve on Condition
E. Marlin	Approve on Condition
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Approve on Condition
M. Gaudioso	Approve on Condition
M. Pichardo	Approve on Condition



City of Rochester

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

Bureau of Buildings
and Zoning

August 18, 2017

Mr. Mayid Yasin
570 Lyell Avenue
Rochester, New York 14606

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith).

ON THE PREMISES AT: 586 Lyell Avenue
ZONING DISTRICT: C-2 Community Center District
APPLICATION NUMBER: E-009-17-18
VOTE: 7-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on August 7, 2017, said application was **APPROVED**.

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please contact Tom Kicior at 428-7762 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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xc: Rod Prosser, PE, Lakeside Engineering, 11 Centre Park, Suite 305, Rochester, NY 14614



Resolution and Findings of Fact:

This City Planning Commission made its decision based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the Zoning Code which requires Special Permit approval to establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith) in a C-2 District, subject to additional requirements for ancillary parking lots in Section 120-152.
- 2) The City Planning Commission may, in approving a special permit for a vehicle repair station, waive any of the requirements of Section 120-152 when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. Accordingly, the City Planning Commission granted waivers of the following requirement of Section 120-152:
 - Vehicle repair shall not be established on a property located within 50 feet of any residential district. *An R-1 residential district is adjacent to the rear of the property. The City Planning Commission determined that this was acceptable as the existing structure that will be used for the vehicle repair station (vehicle locksmith) is approximately 70 feet from the residential district.*
- 3) The City Planning Commission approved the proposal to establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith) at 586 Lyell Avenue.

B. The proposed development will not have a substantial or undue adverse effect upon adjacent properties.

- 1) The proposal is to establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith) at 586 Lyell Avenue.
- 2) The site is comprised of a single parcel 0.34 acres in size, located in a C-2 Community Center District on the north side of Lyell Avenue on the corner of Burrows Street. The property was historically used as a gas station as far back as 1937; however, the underground tanks were removed in 1973. More recently the property has been used for vehicle repair and sales, but has been vacant since December 2014.

- 3) The establishment of vehicle repair of noncommercial vehicles, excluding bodywork, with two bays or fewer, subject to the additional requirements for specified uses in Section 120-152, providing no storage of unlicensed, partially dismantled or wrecked vehicles and no accessory sales of vehicles occur on site, requires Special Permit approval in the C-2 District. Where the proposal is not in compliance with Section 120-152 of the Zoning Code, the City Planning Commission may waive these requirements.
- 4) The City Planning Commission commended the applicant for his efforts to improve the appearance and function of this lot, noting the increase in landscaping.
- 5) The City Planning Commission determined that the proposed use, a vehicle locksmith, was a use that would not have a substantial or undue adverse effect upon adjacent properties, as this property was previously used as a vehicle repair station. Therefore, the City Planning Commission unanimously approved the request to establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith) at 586 Lyell Avenue.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

The City Planning Commission determined that the proposed vehicle repair station specializing in vehicle lock repair (vehicle locksmith) would not to interfere with the development and use of neighboring properties. The City Planning Commission noted that the applicant had proposed significant changes to the property, including the addition of landscaping, that would support the development and use of neighboring properties.

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

The available utilities and services are sufficient to meet the demands of the proposed vehicle repair station specializing in vehicle lock repair (vehicle locksmith).

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

There are no other natural, scenic or historic features of significant importance on or in close proximity to the subject property that will be affected by the proposed vehicle repair station specializing in vehicle lock repair (vehicle locksmith).

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-009-17-18** by **Mayid Yasin** to establish a vehicle repair station specializing in vehicle lock repair (vehicle locksmith) at 586 Lyell Avenue.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Rod Prosser, PE
Mayid Yasin

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Preliminary Site Plan Findings, dated June 15, 2017
Site Plan Drawings
Aerial Photograph
Location Map
Zoning Map
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve
M. Gaudioso	Approve
M. Pichardo	Approve



City of Rochester

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

Bureau of Buildings
and Zoning

August 18, 2017

Mr. Reza Hourmanesh
GRH
333 Glen Haven Road
Rochester, New York 14609

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a convenience store with accessory gas sales.

ON THE PREMISES AT: 618 Upper Falls Boulevard, 379 and 387 Hudson Avenue

ZONING DISTRICT: C-2 Community Center District

APPLICATION NUMBER: E-011-17-18

VOTE: 7-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on August 7, 2017, said application was **APPROVED**.

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please contact Jill Wiedrick at 428-6914 to complete the approval process.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This City Planning Commission made its decision based on the following findings of fact:

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 and with regard to the following five criteria:

A. The proposed use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the Zoning Code which requires Special Permit approval to establish a convenience store with accessory gas sales in a C-2 District, subject to additional requirements for vehicle service stations in Section 120-154. It should be noted that this proposal is in complete compliance with Section 120-154.
- 2) The City Planning Commission approved the proposal to establish a convenience store with accessory gas sales at 618 Upper Falls Boulevard, 379 and 387 Hudson Avenue.

B. The proposed development will not have a substantial or undue adverse effect upon adjacent properties.

- 1) The proposal is to convert a vacant vehicle repair facility into retail sales with accessory gas station. The proposed project would utilize the existing building and include replacement of bay door openings with windows, a new 30' curb cut located on Upper Falls Boulevard, a new 30' right in / right out curb cut on Hudson Avenue, landscaping, repaving and reservation of a portion of the site for future development.
- 2) Special Permit approval by the City Planning Commission is required for the establishment of a vehicle service station with no more than eight pumps in the C-2 Community Center District. Pursuant to section 120-43R of the Rochester City Code, vehicle service stations are subject to additional requirements for specified use in Section 120-154. Please note that this proposal is in complete compliance with Section 120-154.
- 3) The City Planning Commission commended the applicant for his efforts to improve the appearance and function of this lot, highlighting the reuse of the existing building. In addition, the City Planning Commission noted that the applicant has received support of the community.
- 4) The City Planning Commission determined that the proposed convenience store with accessory gas sales would not have a substantial or undue adverse effect upon adjacent properties.

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

The City Planning Commission determined that the proposed convenience store with accessory gas sales will be developed so as to not interfere with the development and use of neighboring properties. The City Planning Commission determined that the proposed use filled a need within the area. In addition, the City Planning Commission noted that the applicant has set aside a portion of the property for future development, ensuring that the site grows with the surrounding neighborhood.

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

The available utilities and services are sufficient to meet the demands of the proposed convenience store with accessory gas sales.

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

The construction of a convenience store with accessory gas sales 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 **APPROVES** application **E-006-17-18** by **Reza Hourmanesh, GRH** to establish a convenience store with accessory gas sales located at 618 Upper Falls Boulevard, 379 and 387 Hudson Avenue.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Reza Hourmanesh, GRH
Muhammad Khan
Henry Major

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Preliminary Site Plan Findings, dated July 21, 2017
Site Plan Drawings
Aerial Photograph
Location Map
Zoning Map
Letter of Support from Scott C. Benjamin, Charles Settlement House, dated February 2, 2017
Letter of Support from Tim McGrath, Edgerton Neighborhood Association, dated March 13, 2017

Evidence Continued:

Personal Appearance Notice

Notification Labels

Speakers' List

Record of Vote:

D. Watson Approve

E. Marlin Approve

H. Hogan Approve

T. Bruce Approve

S. Mayer Approve

M. Gaudioso Approve

M. Pichardo Approve