



**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

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**Case # 1:**

Staff Reviewer: Jill Symonds

**File Number:**

V-039-14-15

**Applicant:**

Waled Alsalahi

**Project Address:**

1168 Dewey Avenue

**Zoning District:**

C-1 Neighborhood Center District

**Section of Code:**

120-199

**Request:**

**To legalize the conversion of approximately 600 square feet of Laundromat space to high-impact retail space, an expansion of a nonconforming use.**

**Background:**

The subject property is consists of a Laundromat and a take-out deli, which is a high-impact retail store. The applicant moved the dividing wall between the Laundromat and the high-impact retail store in order to enlarge the retail store by approximately 600 square feet.

**Code Compliance:**

Section 120-199 provides that a legally existing nonconforming use cannot be expanded or enlarged (**area variance required**).

**Code Enforcement:**

The subject property is in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1168 Dewey

2. APPLICANT: Waled Alshahi COMPANY NAME: American Deli

ADDRESS: 1168 Dewey CITY: Halister ZIP CODE: 14613

PHONE: 585 254-7547 FAX: \_\_\_\_\_

E-MAIL ADDRESS waleds@live.com

INTEREST IN PROPERTY: Owner \_\_\_\_\_ Lessee \_\_\_\_\_ Other family

3. PLAN PREPARER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

4. ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

5. ZONING DISTRICT: C-1

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_

legalize expansion of high impact retail.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) \_\_\_\_\_

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 12/3/15

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_





City of Rochester, NY

**AREA VARIANCE  
STATEMENT OF DIFFICULTY  
Section 120-195B(4)(b)**

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

There is no detriment to the neighborhood in any aspect of the project while the benefits to the business is from increased sales by providing more inventory for sale as well as placing the kitchen at the front of the store which creates a more efficient layout for the takeout area, more space for inventory and for clientele. More customers can wait inside the store, especially at night and during the winter with the expanded space.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

There will be no undesirable changes to the facade of the property except for distribution of doors. The grocery doors will expand while the laundry doors will be made smaller.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

The laundry business has declined over the past several years so often there are no customers and no use of the facility, whereas the store has gotten busier. However, the old setup of the store was inefficient, and since the kitchen was in the back of the store, some customers did not know we had prepared foods available. In order to increase traffic to the store and increase income to make up for the loss in laundry business, the store expands to bring the kitchen to the front of the store and widens to add more space for more inventory and customers.

**D. Significance.** The requested variance is not substantial.

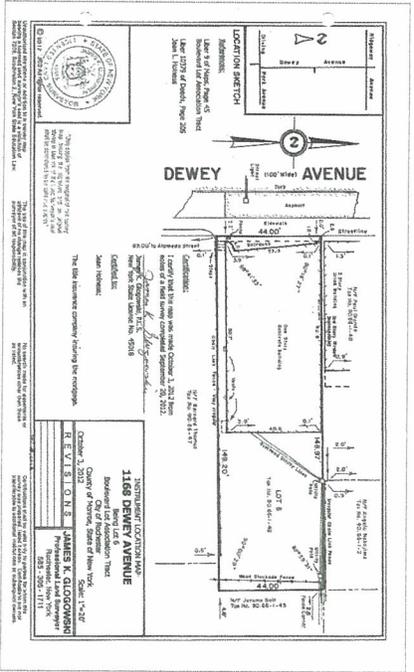
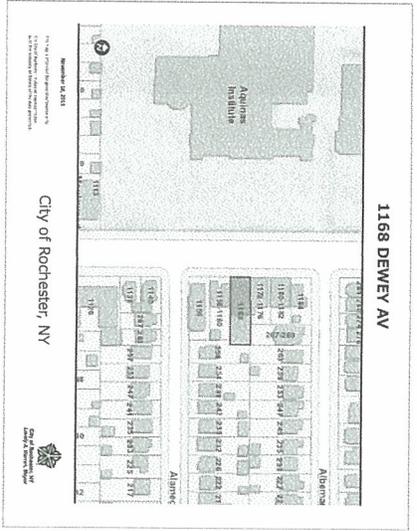
There are still two businesses, a coin operated laundry and a grocery store with prepared foods. The space remains in use; however, the distribution between the businesses changes with this variance. The laundry is reduced and the store is expanded and re-arranged. The character of the facade remains relatively untouched. Now customers of both businesses have an available lavatory in the front of the store.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

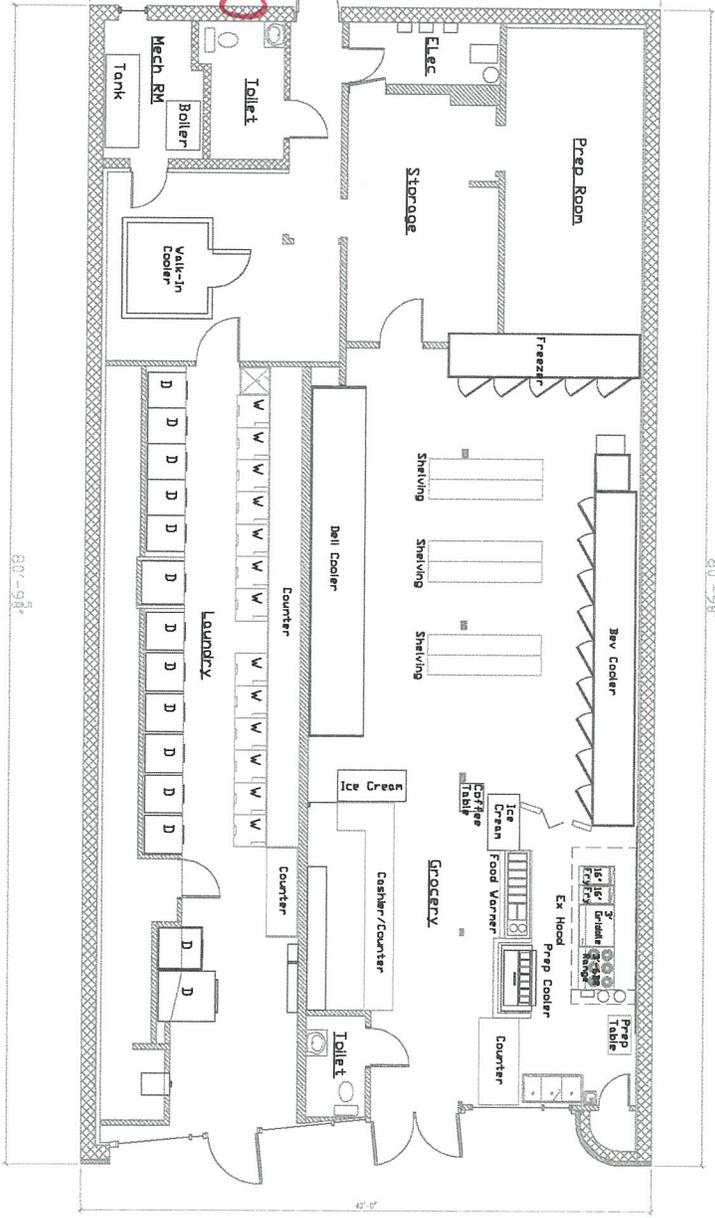
This variance will have no significant and/or adverse effects on the neighborhood. All the same activities will go on. The laundry is reduced and the grocery store is expanded. The kitchen goes from the back of the store to the front but utilizes the same type and quantity of equipment. Using less washers and dryers in the laundry and adding newer more efficient freezers and coolers to the store will actually reduce electric costs.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The business was purchased in the same setup. The reality is that the laundry business has reduced over time and it is expensive to maintain the equipment. Previously, there was a Puerto Rican restaurant located down the block and this has actually left a vacuum we can fill by making the store more inviting through the expansion and moving the kitchen to the front. We should be able to recoup renovation costs through greater sales of groceries and prepared foods. We should receive an increase amount of traffic from not only the students and personnel at Aquinas institute across the street, but more neighbors who will be able to purchase a wider array of groceries, including fresh meats, as well as our expanded menu of prepared foods. A lot of the local traffic that visited the Puerto Rican restaurant is visiting the store and we believe the new layout and offerings will bring more traffic into the store.



Current floor plan for expanded high-impact.



Location Map  
1

Survey Map  
2

Floor Plan  
3

Mini Mart & Laundry

1168 Dewey Ave.  
Rochester, NY 14613

Yalya Al-Salahi

1168 Dewey Ave.  
Rochester, NY 14613

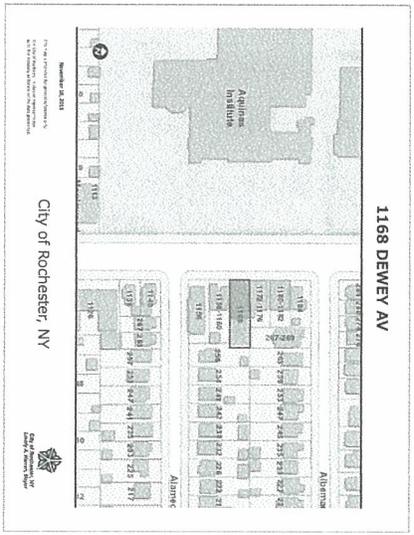
333 Glen Haven Road  
Rochester, New York 14609  
Tel/Fax: (585) 654-6000  
Mobile: (585) 739-8000  
Email: [gmi@rochester.rr.com](mailto:gmi@rochester.rr.com)  
Consultant:

Revision	By	Date

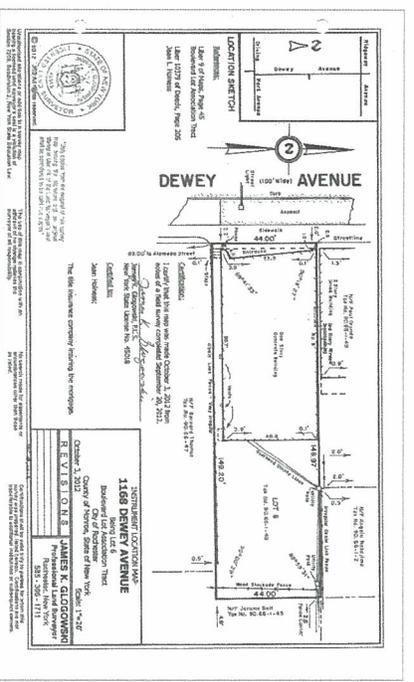
Location, Survey & Floor Plans

Project Manager: **REI**  
Project Architect: **REI**  
Drawn by: **REI**  
Checked by: **REI**  
Project No.: 11015  
Date Issued: 11-10-15  
Scale: AS NOTED  
Drawing No.:

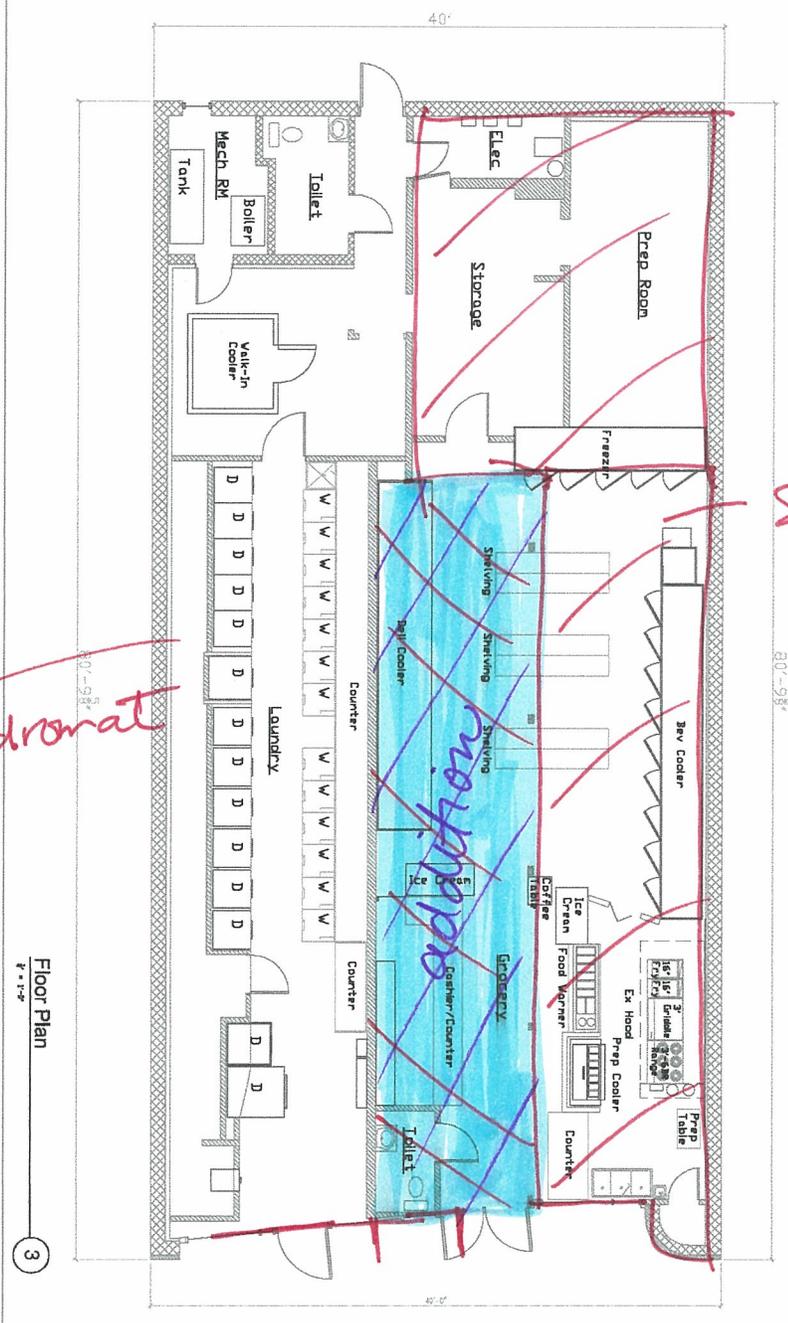
A-1 1 of 1



Location Map  
1



Survey Plan  
2



Floor Plan  
3

*laundromat*

*Store*

Project:

Mini Mart &  
Laundry

1168 Dewey Ave.  
Rochester, NY 14613

Or ref:

Yahya  
Al-Salahi

1168 Dewey Ave.  
Rochester, NY 14613

Architect:

333 Glen Haven Road  
Rochester, New York 14609  
Tel/fax: (585) 654-8000  
Mobile: (585) 739-6000  
Email: [gfm@rochester.r.com](mailto:gfm@rochester.r.com)

Consultant:

Revisions	By	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

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Location,  
Survey &  
Floor  
Plans

Project Manager: RH  
Project Architect: RH  
Drawn by: RH  
Checked by: RH  
Project No.: 11015  
Date Issued: 11-05-13  
Scale: AS NOTED  
Drawing No.:

A-1 1 of 1

Sparkling Klean  
LAUNDROMAT

Delicatessen

71168 39 110

AMERICAN  
DELI & GROCERY

Fresh  
Meats

Cold  
Cuts

Subs

Wings



PREP  
PASTA  
FISH  
FRY

LAUNDROMAT  
OPEN  
WEEK

NO  
SMOKING









*move photos in file*



**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

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**Case # 2:** Staff Reviewer: Jill Symonds

**File Number:** V-040-15-16

**Applicant:** Bill Burdwood

**Project Address:** 715, 731 and 737 West Main Street

**Zoning District:** C-2 Community Center District

**Section of Code:** 120-45B; 120-44C; 120-159

**Request:** To construct a high impact retail store (Family Dollar) that exceeds the maximum 6,000 square foot permitted for a principal structure in the C-2 zone, and that does not meet the rear yard setback requirement nor certain city-wide design standards.

**Analysis:** Preliminary Site Plan Review Findings (SP-022-14-15) for the project analysis are attached. On December 21, 2015, the City Planning Commission reviewed a special permit request to establish a high-impact retail store (Family Dollar) and to provide more than 110% of the required parking. The request was approved on condition that a 6' board on board fence is installed on the south property line adjacent to the R-2 Medium Density Residential District.

**Code Review:** 120-44 provides that the minimum rear yard setback is zero feet unless adjacent to a residential district, in which case the rear yard setback is the same as the adjacent residential district (i.e. 20'). The building is located on the south lot line of 737 W. Main Street and has a zero foot setback. **An area variance is required as the building is adjacent to an R-2 residential district (i.e. 4 Edgewood Park), thus requiring a 20' setback.** See the Site Plan Review Findings for more information.

120-45 provides that the maximum square footage for a principal use in the C-2 District is 6,000 sq. ft.; 9,054 sq. ft. is proposed **(area variance required).**

120-159 requires new construction along the street to provide transparency equal to 70% of the wall area between the height of two and eight feet from the ground **(area variance required for the Edgewood Park elevation).**

**Code Enforcement:** The subject property is not in code enforcement.

**PROJECT INFORMATION**

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 715, 731 & 737 West Main Street and 4 Edgewood Park

2. APPLICANT: Bill Burdwood COMPANY NAME: Rochester FDS 712852, LLC

ADDRESS: 5500 Brooktree Road, Suite 303 CITY: Wexford ZIP CODE: 15090

PHONE: 724-759-2680 FAX: \_\_\_\_\_

E-MAIL ADDRESS bill.burdwood@durbangroup.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: Bergmann Associates // Andrew Hart

ADDRESS: 28 East Main Street, Suite 200 CITY: Rochester ZIP CODE: 14614

PHONE: 585-232-5135 ext. 422 FAX: 585-232-4652

4. ATTORNEY: N/A

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

5. ZONING DISTRICT: C-2 & R-2

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): The developer would like to raze the existing structure on site and construct a new one-story 9,054 sf Family Dollar. The project will require two area variances. One for a structure larger than 6,000 sf, one for transparency on the Edgewood park elevation of the building and the one for reduction is setback from a C-2 to R-1 parcel form 10' to zero feet.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 9 months

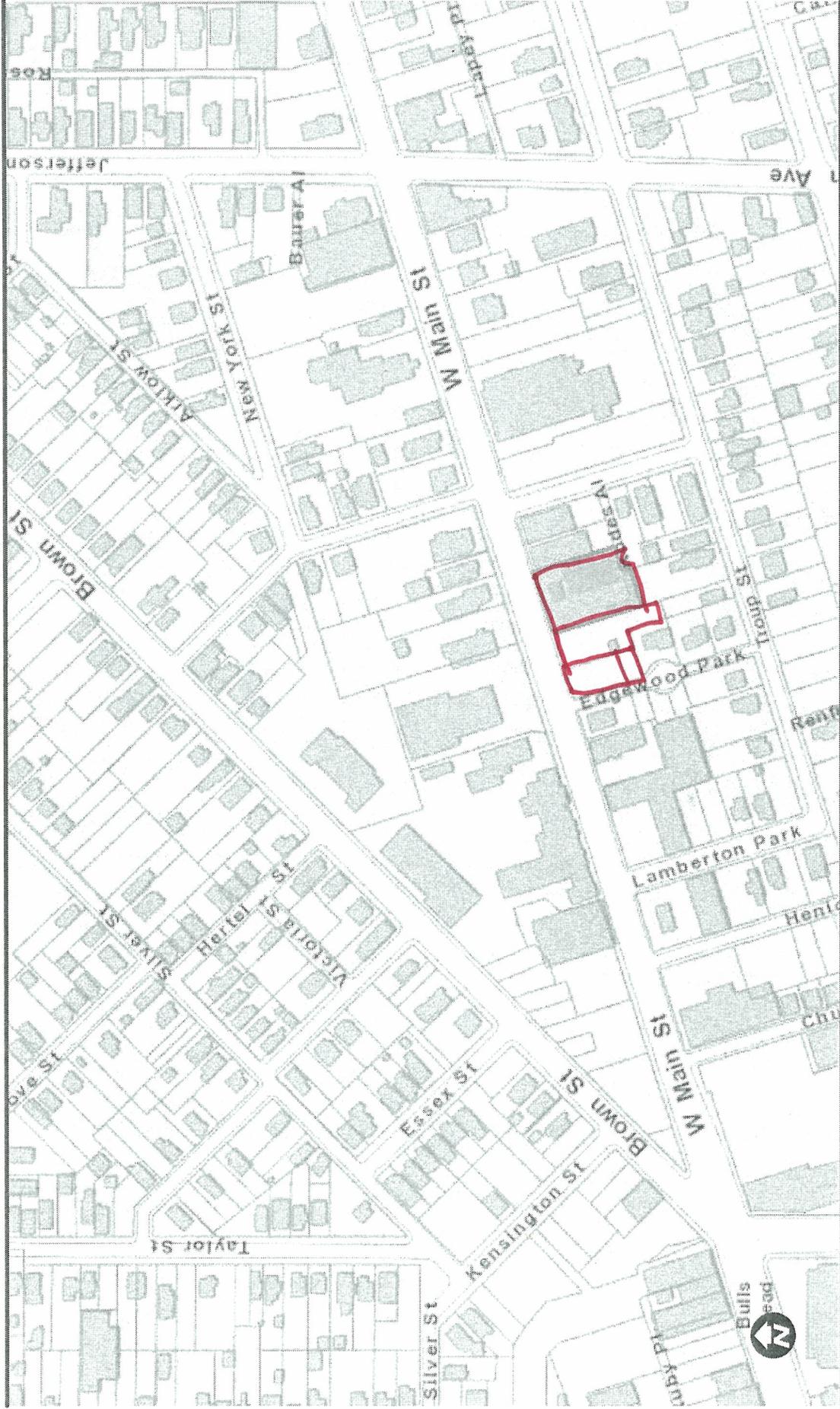
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: William Burdwood DATE: 6/15/15

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# 715-723 W MAIN ST



July 15, 2015

This map is intended for general reference only.  
The City of Rochester makes no representation  
as to the accuracy or fitness of the data presented.



City of Rochester, NY  
Lovely A. Warren, Mayor

## City of Rochester, NY

## **West Main Street ZBA Statement of Difficulty**

### **Benefits**

The granting of the variance will be a benefit to the neighborhood and the community. The existing parcels are currently vacant and were most recently used for automotive repair. The new Family Dollar project will enhance the aesthetics of the neighborhood by creating a new building that meets the City Design Standards with building materials and elements that blend in with the area architecture and improves the site's overall appearance with landscaping, lighting and new pavement. The larger store will allow Family Dollar to provide an expanded merchandise offering including a full array of refrigerated and frozen foods for the benefit of the community shopping in the store. The larger store will also provide much needed storage which will eliminate excess inventory in isles providing a cleaner and safer shopping experience.

The new proposed building will require an area variance for transparency on the Edgewood Park side of the building. While this façade does have some clear glazing a majority of the glazing will be frosted. The overall look of the building will be consistent with the West Main Street façade which will have the required transparency.

The proposed building will require an area variance for a reduction in the setback from C-2 to R-1 from 10 feet minimum to 0 feet. The residentially zoned parcel to the south that we are asking a setback reduction from is located at 4 Edgewood Park and will be purchased as part of the overall Family Dollar project. The lot is 35' x 55' and is an existing non-conforming lot in the R-2 district. This property will never be built on and will act as a 35' buffer to the next residential parcel to the south at 6 Edgewood Park. We feel this reduction in setback will be a benefit to the neighborhood providing a buffer of 35 feet instead of the required 10 feet.

### **Essential Character of the Area**

No undesirable change will be produced in the character of the neighborhood by granting the construction of the store with the larger square footage. From the street the frontage of the proposed building is 78' which is consistent with building across the street at 200 and 206 Lyell Avenue.

The reduced transparency on the Edgewood side of the building will not create an undesirable change to the area. With the use of frosted glass the building will still have the appearance of full glass transparency like the West Main Street side of the building. Also, we feel since the Edgewood Park side of the building faces the residential neighborhood it will actually benefit the neighbors to not have as much clear glazing to reduce the amount of light coming out of the building during the evening hours when the store is open.

The proposed setback reduction from 10 feet to 0 feet will will not create an undesirable change in the character of the neighborhood. The parcel that is effected the most by this reduction will be owned by the Family Dollar and will have the underground utilities servicing the proposed Family Dollar building basically rendering the parcel undevelopable in the future.

After attending numerous meetings with local neighborhood and business associations as well as one on one meetings with abutting neighbors and based on their feedback and concerns, the site plans have been modified to add security fencing, relocation of the trash enclosure and cut-off fixtures for parking lot lighting.



### **No Other Remedy**

The proposed 9,180 square feet building is the required square footage Family Dollar needs to safely and effectively operate a store of this volume. There is no other remedy that will allow the store to operate at maximum efficiency other than constructing the larger store.

Family Dollar requires a certain amount of shelving in the store to display their goods and backroom to store inventory. They need to have areas in the building that have shelving on the outside building walls. Because this building is on a corner, Family Dollar is required to have transparency on two outside walls. This impacts the amount of the shelving they can have.

Family Dollar did try to have the parcel at 4 Edgewood Park rezoned from R-1 to C-2. The proposed zoning amendment was not recommended for approval by the Planning Commission and City Council did not render a decision on the matter. Because of this the applicant redesigned the site, at the recommendation of the Planning Commission, to move the proposed building off the residentially zoned parcel and reduce the square footage. This redesign required an area variance for a reduction in setback.

### **Significance**

The requested variance to allow for the construction of the additional 3,054 square feet above the allowable 6,000 square feet by code. While somewhat larger than allowable, we feel that the potential positive benefits this new store will represent in terms of product offerings, aesthetics, job creation and convenience for the neighborhood shopper will out weight the increase in square footage.

We feel the reduction in transparency from the required 421.05 sf to 288 sf along the Edgewood Park side of the building will still appear to have the required transparency by utilizing the frosted glass and will allow for light transmission during evening hours.

The applicant does not feel the request for the reduction in setback is significant since they control the parcel and it would be providing a setback that will be 3 times the required buffer to the abutting residential site. This parcel is an existing non-conforming site and will facilitate the underground utility services to the proposed Family Dollar making the site undevelopable.

### **Physical and Environmental Conditions**

The requested variances will not have an adverse effect on the physical or environmental conditions in the neighborhood. The project will enhance a vacant property and actually improve any existing sub-surface environmental impacts that exist today from the years of the site being used as a fuel station and automotive repair shop. The project will include the installation of the required landscaping, mitigation of storm water run-off through detention in over-sized pipes, and enhance the aesthetics of the neighborhood.



### **Not Self-Created**

In order to continue to service customers efficiently with the product offerings and at the current sales volume a larger store is necessary however there are no C-3 zoning district in the immediate area which would allow this size store.

For the transparency issue the variance is not self-created. The parcel selected for the site happens to be a corner lot and the building is being placed on the corner to help block the parking lot from view and the placement of the building at the corner is a preferred location per the City Design Standards. The placement of the building requires undue hardship on Family Dollar as they need to have twice the amount of transparency than would be required if the building were placed on the east side of the site.

The setback variance is a necessity due to the City not accepting the rezone of the residential parcel. If the parcel had been rezoned the setback would not be required.

*I:\Durban Development\010231.00 DURBAN - FAMILY DOLLAR STORE ROCH, NY\3.0 Design\West Main Street ZBA Statement of Difficulty - BB Comments.docx*





July 13, 2015

Mr. Bill Burdwood  
Rochester FDS 712852, LLC  
5500 Brooktree Road, Suite 303  
Wexford, PA 15090

Re: Preliminary Site Plan Findings (SP-022-14-15)  
715-723, 731 and 737 West Main Street (C-2 Community Center District)  
4 Edgewood Park (R-2 Medium Density Residential)

Dear Mr. Burdwood:

The preliminary review of your application for site plan review to redevelop the subject site by demolishing the vacant former gas station, including a 4-bay vehicle repair and 14-bay storage garage, to construct a 9,054 square foot high-impact retail store (Family Dollar) with related parking. The following findings/recommendations have resulted from this review. Please call or email Zina Lagonegro, at (585) 428-7054 or [zina.lagonegro@cityofrochester.gov](mailto:zina.lagonegro@cityofrochester.gov) if you have any questions.

**Existing Conditions:**

The subject properties are located at the southeast corner of West Main Street and Edgewood Park on the south side of West Main Street, a total of 0.837 acres. They are currently owned by the Haag Family who operated a gas station, vehicle repair and storage operation, Haag's Service Station, from 1922 until November 2013 at 715-723 West Main Street. The owner of the property has accepted a purchase offer to sell the subject parcels for redevelopment.

West Main Street is a four-lane major transportation corridor which connects the west side of the city to the Center City downtown. The area is characterized by a mix of large-scale, 2-story commercial uses built up to the street along the south side of West Main Street, and multi-story, high density residential, a church and rectory, and funeral home, rooming house and converted residential structures on the north side of West Main Street, some of which are also large-scale. West Main Street does not exhibit a consistent or cohesive array of architectural styles, mass, scale, materials or colors, but there is a predominance of high quality brick, block and cultured stone.

Edgewood Park is a 12 foot wide one-way street from Troup Street north to West Main Street. This area saw resurgence in the 1950's and 1970's when all of the structures on Edgewood Park were demolished and the property lines were reconfigured. The three properties on the east side (even numbers) of Edgewood Park were redeveloped in the

mid 1980's with single family dwellings, which exist today. The three properties on the west side (odd numbers) of Edgewood Park are used commercially for parking in conjunction with the existing businesses located along West Main Street, to the west of the subject property.

**715-723 West Main Street (C-2):**

The property at 715-723 West Main Street is the location of the former Haag's Service Station. The existing buildings are located at the rear of the site and other than one small landscaped island along the street frontage the entire site is asphalt covered.

This property was reviewed in 2012 by the Bureau of Planning and Zoning with regard to a request to abandon the gas sales portion of the operation by removing the gas pumps, tanks, canopy and detached pole sign. All permits referred to a service station, but made no reference to vehicle repair or the existing storage building. A site visit and a conversation with the garage operator revealed that Haag's Service Station was a full service neighborhood operation offering storage of winter/summer tires and vehicles for some of their clients. Framed articles regarding Haag's hanging in the office confirmed the long company history and the use of the site. The legal use of the property, once the gas sales was eliminated, would be a 4-bay vehicle repair facility with an accessory outdoor lift (the only one in Rochester) and a 14-bay storage garage.

At the time, it was understood that the storage garage was used in conjunction with the vehicle repair operation. However, a Phase I Environmental Site Assessment identifies the garage as self-storage units not related to the vehicle repair. The vehicle repair operation and self-storage uses are prohibited in the C-2 district, and are therefore nonconforming. Due to the period of vacancy since 2013, the vehicle repair and storage operations have lost their nonconforming rights. Even though the permit associated with the 2012 review was never issued, the underground tanks, gas pumps, canopy and detached sign have been removed.

The property is listed with the New York State Department of Environmental Conservation (NYSDEC) as an active spill location. A soil and groundwater management plan (SGWMP) or site management plan (SMP) was prepared by Fisher Associates, dated January 2014, and approved by the NYSDEC, a condition of the inactivation of the spill file.

**731 and 737 West Main Street (C-2) and 4 Edgewood Park (R-2):**

These properties are identified on the 1938 Sanborn maps as a single parcel and labeled "auto sales". A small 1-story structure, which remains today, is labeled "office". Assessment and permit records indicate that this structure was moved from 758 West Main Street in 1957. Variances were granted in 1962, 1964, 1970 and 1986 to use the site for vehicle sales. It is unclear if the vehicle sales operation was conducted in conjunction with Haag's Service Station or if it was a separate operation. Google historical imagery suggests the site was used for vehicle sales until about 2005. There is a driveway curb cut on Edgewood Park which currently provides access to the rear of 737 West Main Street and 4 Edgewood Park. Since there has been no activity on the site since 2005, the property has no legal use, and is considered to be vacant

land. Other than a landscaped setback along West Main Street, the site is a mix of deteriorated asphalt and grass up to the property line in common with 8 Edgewood Park. There is an existing chainlink fence on the property line between 4 and 8 Edgewood Park. Historic assessment records indicate this property was a paved parking lot and was assessed as part of 737 West Main Street, even though it was a separate parcel.

**Project Scope:**

The proposal is to demolish the existing structures totaling approximately 6,000 square feet to construct a 9,054 square foot structure at the corner of West Main Street and Edgewood Park for a Family Dollar, which will be relocating from the Bulls Head Plaza at 40 Genesee Street (aka 835-845 West Main Street). Three of the existing driveway curb cuts located on West Main Street will be reduced to a single driveway curb cut providing access to the 25-space parking area, and to the rear of the building for deliveries and refuse removal. The fourth curb cut on Edgewood Park will be closed. There will not be access to the site from Edgewood Park. The parking lot will be paved and striped, and drainage and lighting will be provided. A perimeter landscaped setback will be provided to screen the proposed use from the neighboring residential properties.

The project will eliminate vacant nonconforming structures and uses and will make use of underutilized vacant land along West Main Street; a main transportation corridor leading to Center City.

Utilities to serve the site, electric, gas and water, are available on Edgewood Park, which will be brought onto the site through the property at 4 Edgewood Park.

City Council adopted Ordinance No. 2015-195 on June 18, 2015, accepting the donation of an easement at 737 West Main Street to protect and maintain public improvements and utilities installed on private property under the Edgewood Park reconstruction project in 2001.

The West Main Street properties will be combined into a single tax parcel by resubdivision. The Edgewood Park parcel will remain in the R-2 District and cannot be combined with the C-2 parcels.

**State Environmental Quality Review (SEQR)/Chapter 48 Compliance:**

In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as an Unlisted Action. A negative declaration was issued on June 16, 2015, indicating that the proposed action is one which will not have a significant effect on the environment.



3. Exceeding the maximum number of parking spaces allowed for the retail use. No use shall provide more than 110% of the required parking, except through the submission of a parking demand analysis.  
*The 9,054 square foot retail store requires 18 spaces up to a maximum of 20 spaces at 110%. The proposed development will include 25 spaces, including two handicapped spaces. The CPC will need to consider accepting a parking demand analysis for 5 additional parking spaces.*

**Area Variance Approval by the Zoning Board of Appeals (ZBA) is required for:**

4. Side yard setback. The minimum rear yard setback is zero feet unless adjacent to a residential district, in which case the rear yard setback shall be the same as the adjacent residential district.

*The subject property is a corner location and so has two front yards. The yards between the building and the side property lines are side yards, the balance of the yard is the rear yard. When adjacent to a residential district, the setback standards of that district apply to buildings constructed in an adjacent nonresidential district. The side yard setback in an R district is a minimum of 5 feet with a combined side yard setback of 15 feet. It should be noted that the rear yard setback is 20 feet. The proposed structure will be constructed on the property line adjacent to 4 Edgewood Park, a 30 foot wide parcel that is part of this development proposal, but which will remain in the R district. The entire width of the parcel will be landscaped to provide a buffer to the neighboring residential properties, which exceeds both the side yard and rear yard setback requirements.*

5. Maximum square footage. The maximum square footage for a principal use in the C-2 District is 6,000 sq. ft.; 9,054 sq. ft. is proposed.
6. Windows and transparency. All new construction along the street shall provide areas of transparency equal to 70% of the wall area between the height of two and eight feet from the ground. The West Main Street elevation exceeds this transparency requirement; the Edgewood Park elevation provides 0% transparency. See Finding #4 for transparency analysis on Edgewood Park.

**Findings:**

1. The C-2 District provides diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing, retail and other complementary uses that serve the adjacent neighborhood and the community at large. The C-2 District is preserved through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites and streets and still establish an ambience that is uniquely urban and pedestrian-oriented.
2. The site planning is somewhat challenging given that the right-of-way taking and easement along the west property line (Edgewood Park) pushed the building four feet to the east, and the contamination holds the easterly wall of the building as far east as possible. It is encouraging that the developer has overcome these

challenges through siting of the building and parking area, while maintaining a pedestrian-friendly environment.

3. West Main Street does not exhibit a consistent or cohesive array of architectural styles, mass, scale, materials or colors, but the proposed building and site improvements complement both the commercial and residential uses along the corridor. The proposed building conforms to the City's design guidelines and standards through the use of brick panels, clear glazing which exceeds the 70% transparency requirement on the West Main Street elevation, and it will meet the minimum building height requirement. The building and parking relate to pedestrians by placing the building close to the sidewalk and providing human scale architectural features, such as, windows, doors, fabric awnings and light fixtures, with the parking to the side of the building, consistent with good urban design practices. The building massing and scale continues the street wall and strengthens the focus of the commercial corridor. A single curb cut to the parking area minimizes vehicular conflicts with pedestrians, and the proposed perimeter landscaped setback along West Main Street softens the streetscape, which is consistent with the church and residential properties on the north side of West Main Street. Perimeter landscaping will be provided along all property lines to screen the proposed use from the nearby residential uses. Deliveries and refuse storage areas occur at the rear of the property out of sight of neighboring properties.
4. The pattern of windows on the Edgewood Park elevation is similar to the West Main Street elevation in that it maintains the pedestrian scale along the street. However, the lower windows will be frosted glass, which do not meet the transparency requirement. The transom windows will be clear glazing, which will provide for some natural light into the space, but are too high to be counted toward the transparency requirement. Since Edgewood Park is a one-way residential street, the frost glass is a reasonable screening solution to mitigate views to and from the residential neighborhood. The frosted glass windows can easily be changed to clear glazing if the floor planning changes in the future or if a new use occupies the building and clear glazing is determined to be better suited for that use, which is encouraged.
5. The property at 4 Edgewood Park is 30 feet x 55 feet, approximately 1,650 sq. ft. The minimum lot size for single family construction is 5,000 sq. ft. A substandard parcel is regulated as a nonconforming lot of record, which permits the construction of a single family dwelling meeting all of the lot size, setback, and lot and building coverage requirements. Because of its small size, it is impractical to meet these requirements, therefore this property is considered to be unbuildable. Unbuildable parcels are typically combined with adjacent parcels to facilitate land assembly for potential development or redevelopment. In this case, 4 Edgewood Park is located in an R-2 District; the West Main Street properties are in the C-2 District. Properties which have different zoning classifications cannot be combined. An earlier request for a Zoning Map Amendment to rezone the property at 4 Edgewood Park from R-2 Medium Density Residential to C-2 Community Center District was met with opposition and subsequently withdrawn. Therefore the C-2 properties along West Main Street are eligible to be combined into a single

parcel by resubdivision (combination), but the Edgewood Park property will remain in the R-2 District and will be retained as a landscaped buffer adjacent to the residential district.

6. High-impact retail sales and service requires special permit approval by the CPC in the C-2 District. There is a 500 foot distance separation requirement from other high-impact uses, as well as from public and semi-public uses. There is a higher concentration of high-impact uses surrounding the current Family Dollar location, approximately seven. The relocation of the Family Dollar to the subject site will place the retail store within the outer limits of the 500 foot buffer of two existing high-impact uses; 795 West Main Street (Smart Mart) and 792 West Main Street (Rite Aid). These two existing locations are also within 500 feet of the currently Family Dollar location.

A letter was received from Family Dollar, dated May 6, 2015, advising that they sell tobacco at their current location, and not beer, wine coolers or lottery tickets. The letter further identified that sale of beer, wine coolers or lottery tickets, may be added at a later date. It should be noted that by definition, it only takes the sale of one of these items to meet the definition of high-impact retail sales and service, when not full-line. Therefore, a high-impact establishment can sell one or all of these items.

7. The site plan indicates that the proposed utilities will be brought onto the site from the Edgewood Park side where the mains are readily available. The utilities along West Main Street are located on the north side of the street and would require open trenching to connect long side services to the gas and water mains. A conscious effort was made to tie into the Edgewood Park utilities to protect the integrity of West Main Street by reducing the amount of trenching, and to minimize disruption to pedestrian and vehicular traffic along the West Main Street corridor.
8. The redevelopment will remove large amounts of asphalt and the existing vacant structures, which are located on or near the property line in common with the residential district to the south. The proposed structure will be located along the street with the rear of the structure on the south property line with 4 Edgewood Park. The proposed perimeter landscaping treatment meets or exceeds the zoning code requirements; 30 feet along the south property line adjacent to 8 Edgewood Park (20 feet is required for buildings adjacent to residential uses); a minimum of 10 feet along the south (rear) lot line adjacent to the properties which face Troup Street (10 feet is required for parking lots adjacent to residential); an 11.9 foot setback will be provided along the east property line adjacent to a vacant mixed-use building (10 feet is required for parking lots); and a 10.5 foot wide landscaped setback is proposed along the West Main Street frontage (10 feet is required for parking along a street frontage).
9. The C-2 District permits signs which include 0.5 square foot in area for every foot of the building frontage along the street frontage, and no more than one detached sign per parcel. Detached signs are to be located in the front yard and shall not exceed 25 square feet in size per side of sign and posted no more than 4 feet in height above the finished grade of the lot. Internally illuminated signs are

permitted. The proposed sign package is in compliance with the Zoning Code, which includes:

Location	Sign Type	Building Frontage (feet)	Allowed (sq. ft.)	Proposed (sq. ft.)
West Main Street	Attached	92	46	33.6
West Main Street	Detached	N/A	25	20
Edgewood Park	Attached	100	50	30

10. A Phase I Environmental Site Assessment was conducted by Terracon Consultants, Inc., in December 2014. The report identified subsurface impacts to soil and groundwater as the result of two existing hydraulic lifts; a floor drain in the service garage; an oil/water separator; the long term use of the site as an automotive repair garage and petroleum storage facility; and the presence of a groundwater monitoring well at the site, for which no documentation was reviewed. It was also noted that a release was detected at the site during the removal of two underground tanks in 2013. The on-site environmental representative, Fisher Associates, recommended the preparation and implementation of a soil and groundwater management plan for the site (SGWMP) in accordance with New York State Department of Environmental Conservation regulations. A SGWMP provides guidance for the management of soils and groundwater in the event of future construction activity that would result in exposure to subsurface soil and groundwater contamination.
  
11. This project was referred to the NYSDEC, who confirmed there is an approved SGWMP in place. The document, prepared by Fisher Associates dated January 2014, requires the presence of qualified personnel on the site during any intrusive work to ensure compliance with the terms of the document. Compliance with the SGWMP, under the jurisdiction of NYSDEC, will be a condition of Site Plan Review and Building Permit approval. A copy of the SGWMP will be retained in the Site Plan Review file.
  
12. This project was referred to the Department of Environmental Services (DES). A copy of their February 27, 2015 correspondence is attached. With regard to project specific concerns outlined in the correspondence, the following are being addressed by the developer and/or property owner:
  - a. As part of the Edgewood Park reconstruction project in 2001, it was proposed to widen the existing public right-of-way from 22 to 24 feet. At the February 2001 City Council meeting, Council approved Ordinance No. 2001-52, authorizing the dedication of additional public right-of-way for Edgewood Park, with the dedication taking effect upon acquisition of the land or easements by the City. The ordinance included a two foot wide taking along the west property line adjacent to 737 West Main Street and 4 Edgewood Park, a seven foot triangle at the corner of West Main Street to install and maintain a handicap ramp, and an additional easement area to protect and maintain a city streetlight pole, hydrant and stop sign. The property taking

was unacceptable to the adjacent land owner at the time and was supposed to be acquired through a condemnation proceeding, which was never completed. A review of Ordinance No. 2001-52 indicates that the City may commence with the fee taking, however the easement was never properly described, and thereby requires City Council authorization to accept the donation of the easement from the developer and/or landowner.

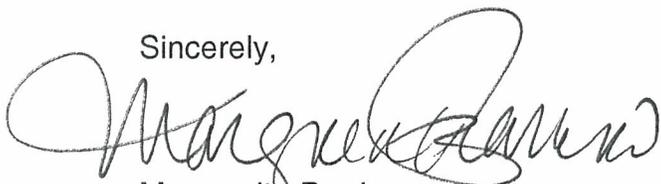
- b. The Edgewood Park infrastructure is designed for low traffic volumes to serve a residential neighborhood and is not designed to support the traffic load associated with a Family Dollar.
- 13. A referral was sent to Monroe County Department of Transportation and Monroe County Pure Waters. Neither agency had significant concerns regarding the project. Their correspondences are attached.
- 14. Rochester-Genesee Regional Transportation Authority (RGRTA) indicated via email on May 11, 2015, that the existing bus stop will not be relocated under the scheduled September service changes as originally thought, and will remain at the corner of West Main Street and Edgewood Park.
- 15. David Hawkes, Administrator, Southwest Neighborhood Service Center (SW-NSC) facilitated a neighborhood meeting on February 10, 2015, in which he noted that representatives from Neighborhood United, Susan B. Anthony, Jefferson Avenue Business Association, Block Club Captains (Cottage Street) and Quadrant Team members attended; approximately thirteen total. A follow up meeting was requested. One letter of opposition was received from the Susan B. Anthony Neighborhood, copy attached.

Applications have been submitted for the Special Permit and Area Variances to be heard at the July 20, 2015 and July 23, 2015 CPC and ZBA hearings, respectively.

A copy of these findings will be forwarded to the CPC and the ZBA so they may be taken into consideration while making a determination on your applications. Site Plan Review will not be concluded until all decisions and/or notice of decisions have been filed with the City Clerk's Office.

If you have any questions related to these findings call or email Zina Lagonegro, Development Review Coordinator, at (585) 428-7054 or [zina.lagonegro@cityofrochester.gov](mailto:zina.lagonegro@cityofrochester.gov).

Sincerely,



Marguerite Parrino  
Interim Director of Planning and Zoning

# PROPOSED FAMILY DOLLAR STORE

715, 731 & 737 West Main Street  
and 4 Edgewood Park  
Rochester, NY  
Monroe County

## INDEX OF DRAWINGS

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C010	DEMOLITION PLAN	3 of 12
C100	SITE PLAN	4 of 12
C110	UTILITY PLAN	5 of 12
C120	GRADING / EROSION CONTROL PLAN	6 of 12
C130	LANDSCAPE PLAN	7 of 12
C501	MISCELLANEOUS DETAILS	8 of 12
C502	MISCELLANEOUS DETAILS	9 of 12
C503	LANDSCAPE & DUMPSTER ENCLOSURE DETAILS	10 of 12
C504	PHOTOMETRIC PLAN	11 of 12
C505	WORK ZONE TRAFFIC CONTROL	12 of 12

### PREPARED FOR

The Durbin Group  
5500 Brooktree Road  
Suite 303  
Westford, PA 15090

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### PREPARED BY

**Bergmann**  
ASSOCIATES  
architects // engineers // planners

22 East Main Street  
Rochester, New York 14614-1000  
phone: 585.532.5135  
fax: 585.532.4822  
www.bergmannco.com

Revised: June 24, 2015  
Revised: April 15, 2015  
Revised: March 10, 2015

# CV-1



LOCATION MAP

# Family Dollar

11300 Maple Ridge Road  
Medina, NY 14103

Prepared For:  
**FAMILY DOLLAR**  
THE DURBAN GROUP  
BUILDING VALUES

5500 Brooktree Road  
Wexford, PA 15090

**Bergmann**  
associates  
architects // engineers // planners

28 East Main Street  
Rochester, New York 14614-1809  
office: 585-232-5195  
email: kaul@bergmannpc.com  
www.bergmannpc.com

NO.	DATE	DESCRIPTION	REV.	BY
1	11/17/14	ROUTE PROPOSED LOT	CM	KMS
2	12/17/14	ADJUSTMENTS	CM	KMS
3	1/29/15	FINAL COMMENTS	POI	AK



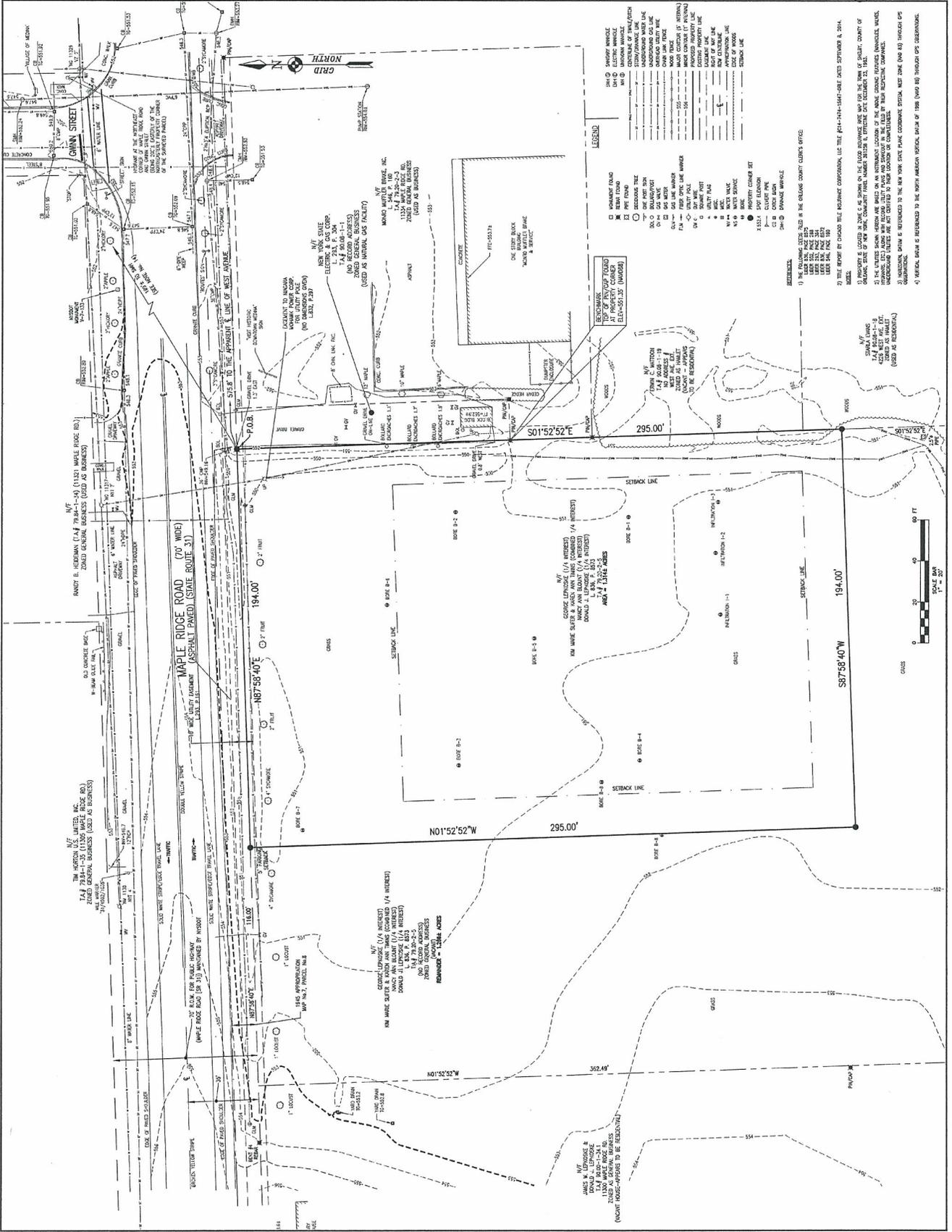
## EXISTING CONDITIONS

PROPERTY SITUATE IN LOT 8, TOWNSHIP 14, RANGE 4  
COUNTY OF SHELBY, COUNTY OF GREENS  
STATE OF NEW YORK

NOTE:  
Unsubstantiated information or conditions in the drawing is a best effort representation. Consult the applicable laws of the State of New York, County of Greens, and Town of Shelby.

Project No.: 14141000000000000000  
Client: THE DURBAN GROUP  
Date: OCTOBER 20, 2014  
Scale: 1" = 20'  
Drawing No.: 14141000000000000000  
Sheet: EX-1

**EX-1**



1) THE PROPERTY IS ZONED IN THE GREENS COUNTY ZONING CODE.  
2) THE PROPERTY IS ZONED IN THE GREENS COUNTY ZONING CODE.  
3) THE PROPERTY IS ZONED IN THE GREENS COUNTY ZONING CODE.  
4) THE PROPERTY IS ZONED IN THE GREENS COUNTY ZONING CODE.

# Family Dollar

West Main Street  
Rochester, NY 14611

Prepared For:



5500 Brooktree Road  
Wexford, PA 15090



28 East Main Street  
Rochester, New York 14614-1609  
office: 585-232-5125  
fax: 585-232-4602  
www.bergmannyc.com

NO.	DATE	DESCRIPTION	REV.	CO'S
1	11/11/11	ISSUE FOR PERMITS	1	AMH
2	4/15/11	REVISE SITE LAYOUT	2	AMH
3	6/24/11	REVISE SITE LAYOUT	3	AMH

THIS PLAN SET HAS BEEN REVIEWED BY THE OFFICE OF THE ENGINEER IN CHARGE OF THE CITY OF ROCHESTER. THE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE DRAWING. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.

## DEMOLITION PLAN

NOTE: Unauthorised alteration of this drawing is a violation of the Professional Engineering Law of the State of New York. The Professional Engineer's License No. 148, 680077-7200.

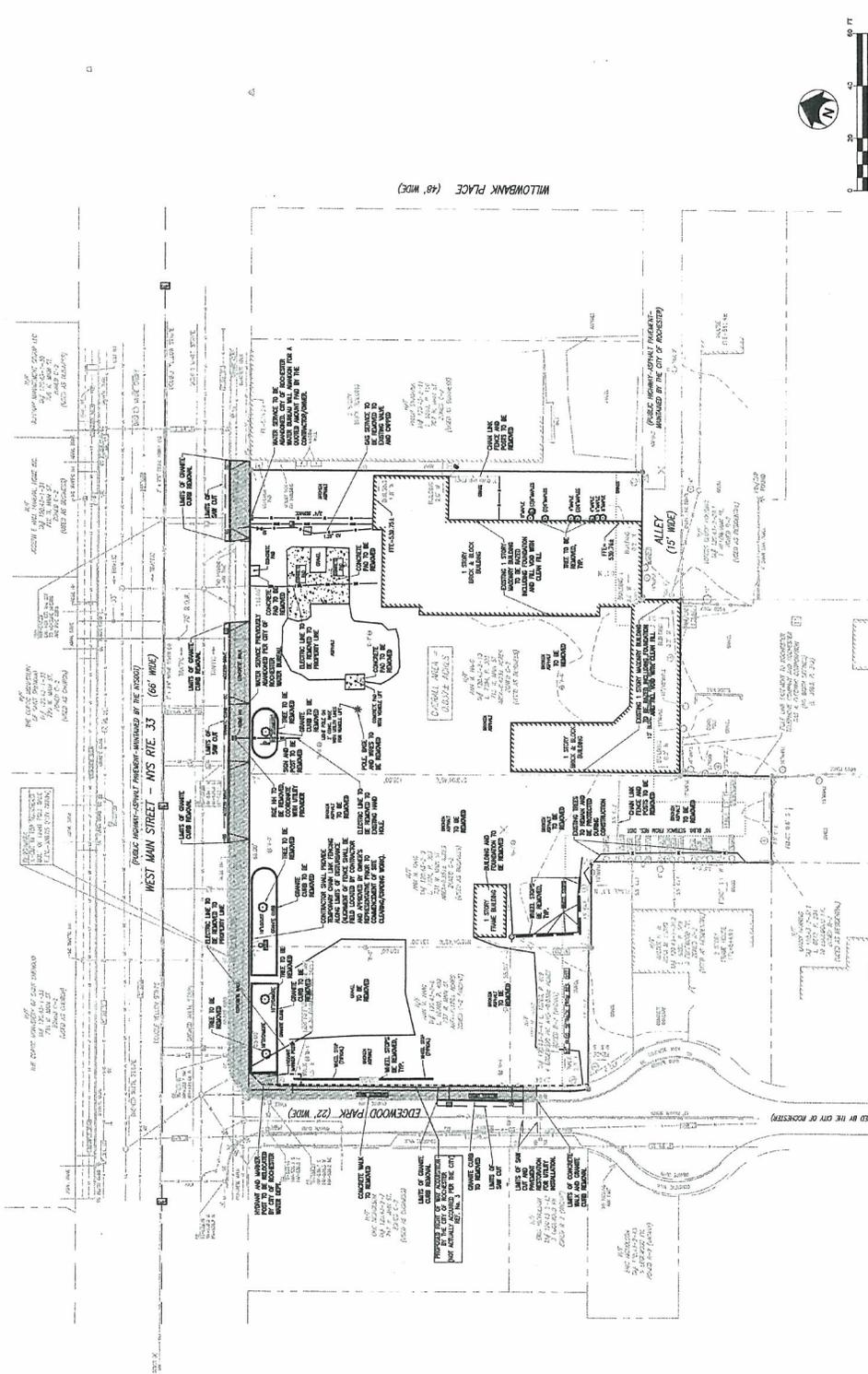


Project Name: Family Dollar  
Project No.: 11-0111  
Date: 11/11/11  
Scale: 1" = 20'

# C010

### DEMOLITION NOTES:

1. ALL DEMOLITION WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS AND ALL APPLICABLE PERMITS.
2. ALL DEMOLITION WORK SHALL BE DONE BY A LICENSED JACOBS BROWN CONTRACTOR.
3. ALL DEMOLITION WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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5. ALL DEMOLITION WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL DEMOLITION WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.



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# Family Dollar

West Main Street  
Rochester, NY 14611

Prepared For:  
**FAMILY DOLLAR**  
THE DURBAN GROUP  
BUILDING VALUES

5500 Brooktree Road  
Wexford, PA 15090

**Bergmann**  
associates  
architects // engineers // planners

28 East Main Street  
200 First Federal Plaza  
Rochester, New York 14614-1009  
office: 585.232.5185  
fax: 585.232.4652  
www.bergmannpc.com

NO.	DATE	REVISIONS
1	03/15/10	ISSUE FOR PERMIT
2	03/15/10	REVISE SITE LAYOUT
3	03/15/10	REVISE SITE LAYOUT
4	03/15/10	REVISE SITE LAYOUT

THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND SHALL BE RESPONSIBLE FOR THE COSTS OF SUCH PERMITS AND APPROVALS.

## GRADING AND EROSION CONTROL PLAN

NOTE: This plan and all other information on this drawing is a revision of the New York State Education Law Article 162, Section 200b.



**C120**

### GRADING NOTES:

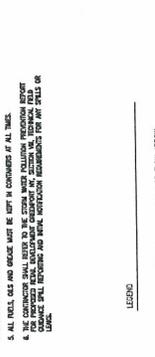
1. EXISTING AND PROPOSED GRADES SHALL BE SHOWN ON THIS PLAN. ALL EXISTING GRADES SHALL BE SHOWN AS DASHED LINES AND ALL PROPOSED GRADES SHALL BE SHOWN AS SOLID LINES. THE VERTICAL CURVE DATA SHALL BE SHOWN ON THIS PLAN.
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### GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND SHALL BE RESPONSIBLE FOR THE COSTS OF SUCH PERMITS AND APPROVALS.
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### LEGEND:

- 1. DRAINAGE FLOW ARROW
- 2. PROPOSED CONTOUR
- 3. EXISTING CONTOUR
- 4. TOP OF CURB ELEVATION
- 5. FINISH FLOOR ELEVATION
- 6. SPOT ELEVATION
- 7. STAKE PROTECTION
- 8. TEMPORARY CHECK DAM
- 9. INLET PROTECTION



LEGEND:

- DRAINAGE FLOW ARROW
- PROPOSED CONTOUR
- EXISTING CONTOUR
- TOP OF CURB ELEVATION
- FINISH FLOOR ELEVATION
- SPOT ELEVATION
- STAKE PROTECTION
- TEMPORARY CHECK DAM
- INLET PROTECTION

1" = 20' SCALE



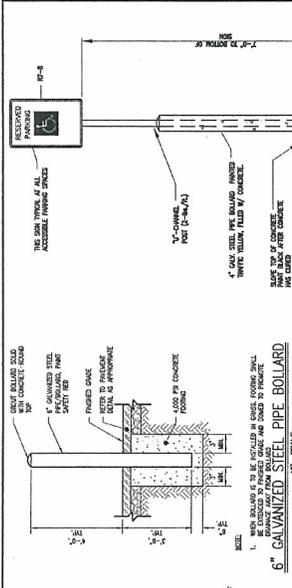
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1	10/11/11	ISSUE FOR PERMITS	
2	4/15/14	REVISIONS LAYOUT TSB AMH	
3	6/24/14	REVISIONS LAYOUT TSB AMH	

**MISCELLANEOUS DETAILS**

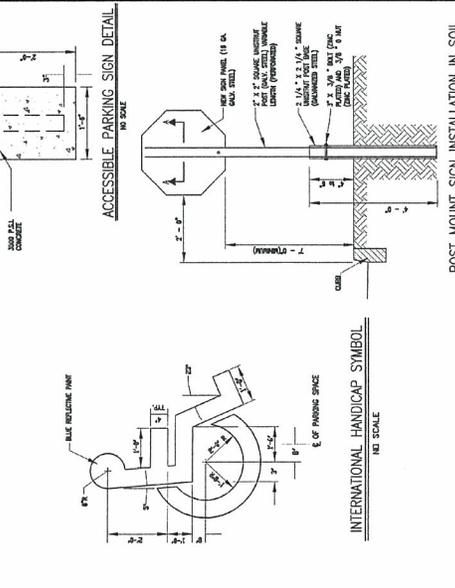
NOTE: Unannotated dimensions or omissions in this drawing shall be taken from the applicable section of the 2012 International Building Code, 148, Section 702.01.



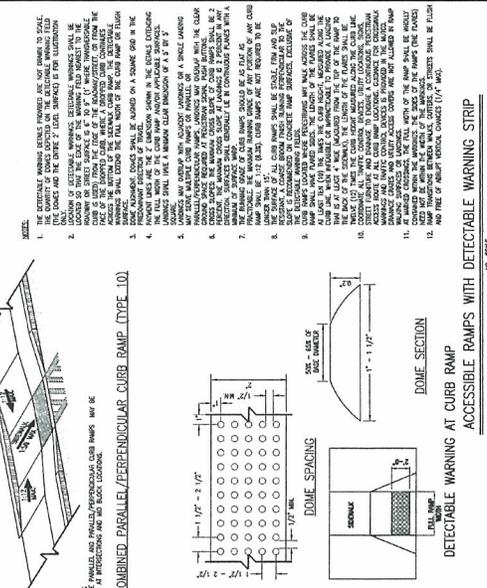
**C501**



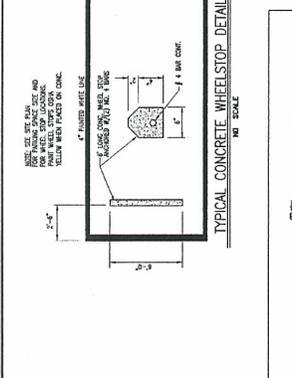
**6" GALVANIZED STEEL PIPE BOLLARD**  
NO SCALE



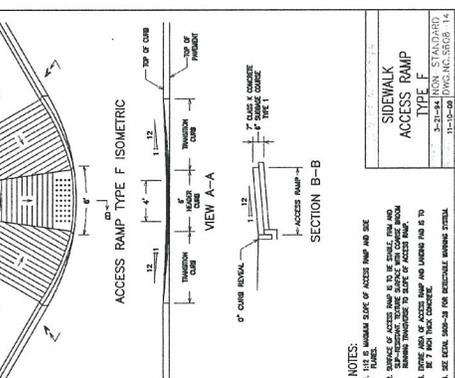
**ACCESSIBLE PARKING SIGN DETAIL**  
NO SCALE



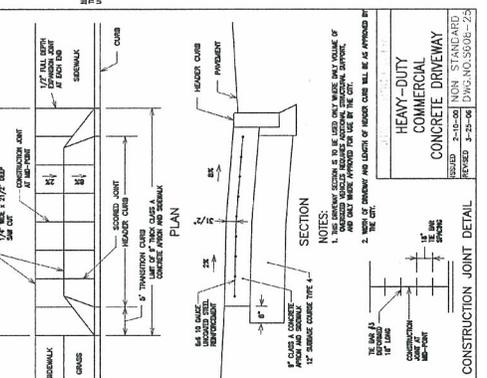
**POST MOUNT SIGN INSTALLATION IN SOIL**  
NO SCALE



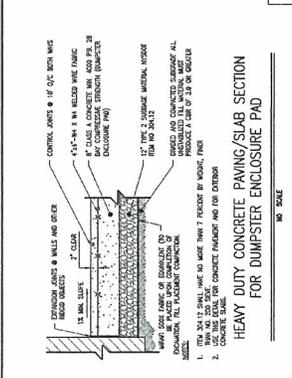
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NO SCALE



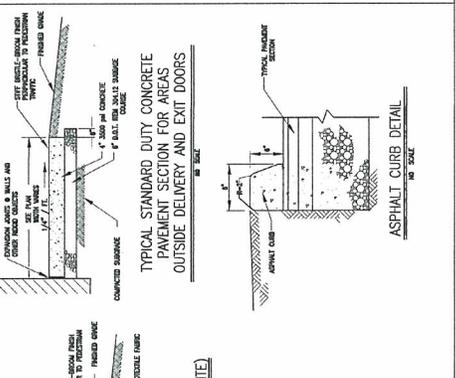
**ACCESS RAMP TYPE F ISOMETRIC**  
NO SCALE



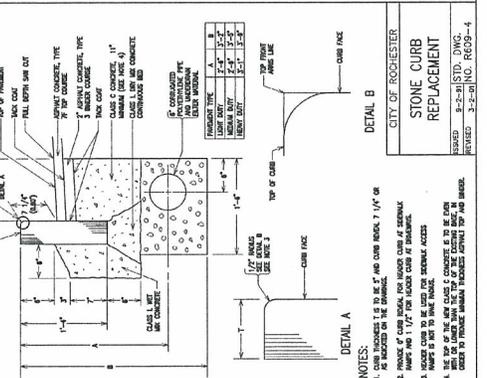
**COMBINED PARALLEL/PERPENDICULAR CURB RAMP (TYPE 10)**  
NO SCALE



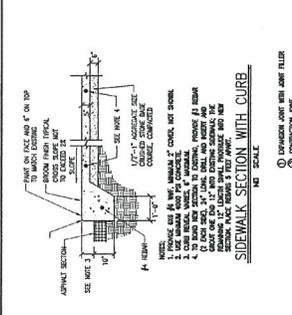
**HEAVY DUTY CONCRETE PAVING/SLAB SECTION FOR DUMPSTER ENCLOSURE PAD**  
NO SCALE



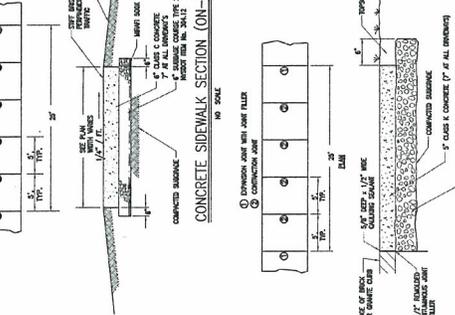
**TYPICAL STANDARD DUTY CONCRETE PAVEMENT SECTION FOR AREAS OUTSIDE DELIVERY AND EXIT DOORS**  
NO SCALE



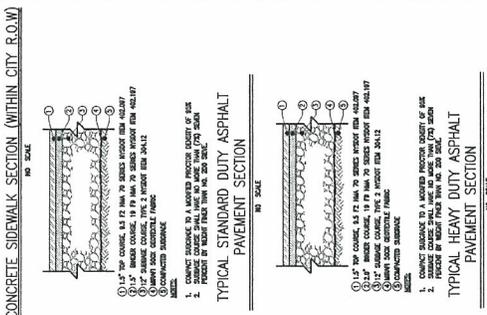
**ASPHALT CURB DETAIL**  
NO SCALE



**SIDEWALK SECTION WITH CURB**  
NO SCALE



**CONCRETE SIDEWALK SECTION (ON-SITE)**  
NO SCALE



**CONCRETE SIDEWALK SECTION (WITHIN CITY R.O.W.)**  
NO SCALE



**TYPICAL STANDARD DUTY ASPHALT PAVEMENT SECTION**  
NO SCALE



**TYPICAL HEAVY DUTY ASPHALT PAVEMENT SECTION**  
NO SCALE



**CONSTRUCTION JOINT DETAIL**  
NO SCALE



Prepared For:

**FAMILY DOLLAR**  
THE DURBAN GROUP  
BUILDING VALUES

5500 Brooktree Road  
Wexford, PA 15090

**Bergmann**  
Associates  
architects // engineers // planners

50 East Main Street  
200 First Floor Plaza  
Rochester, New York 14614-1909  
Office: 585.522.6135  
Fax: 585.522.4652  
www.bergmannpa.com

NO.	DATE	DESCRIPTION	REV.	DATE
1	10/14/15	ISSUE FOR PERMITS	1	10/14/15
2	10/15/15	REVISED SITE LAYOUT	2	10/15/15
3	06/15/16	REVISED SITE LAYOUT	3	06/15/16

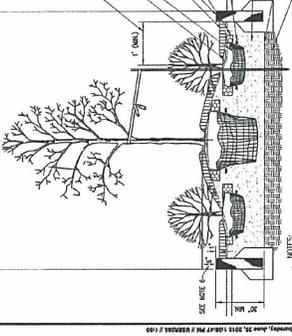
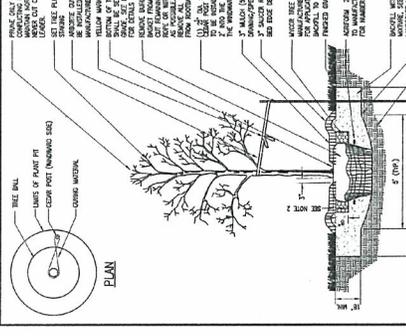
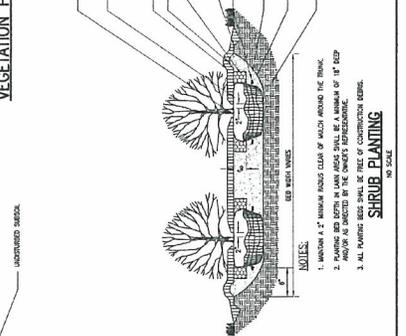
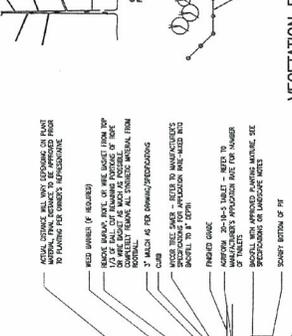
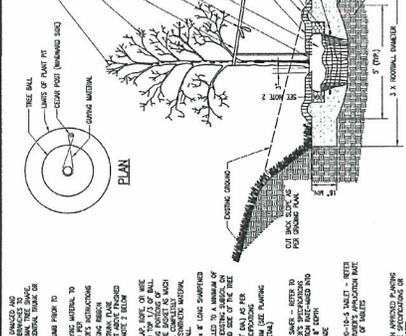
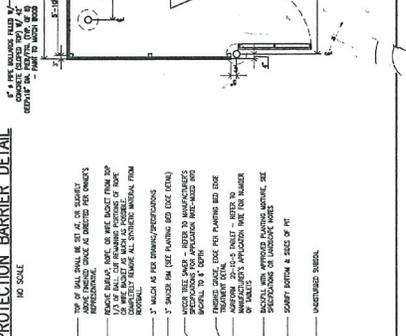
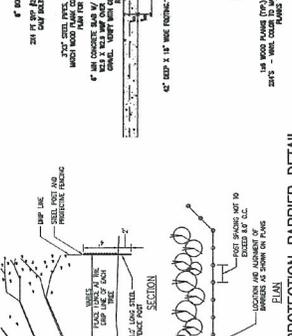
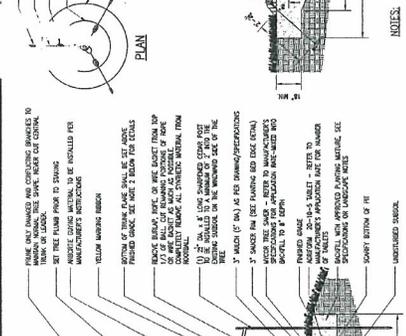
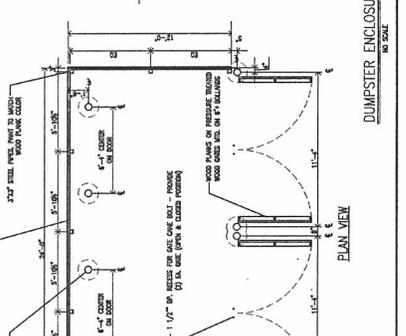
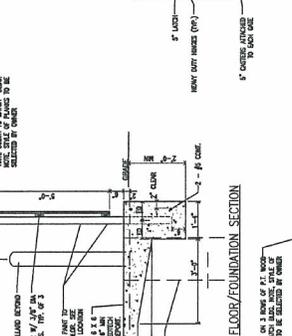
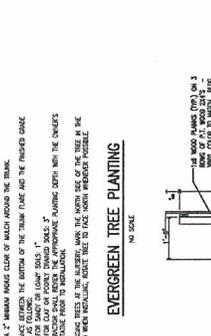
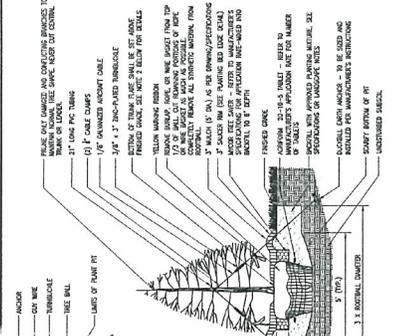
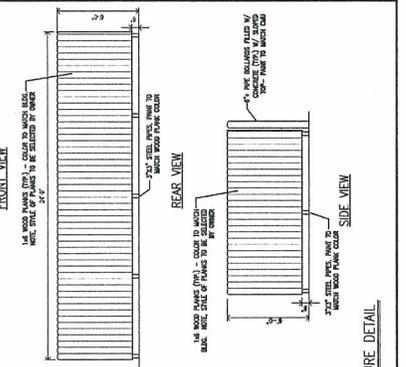
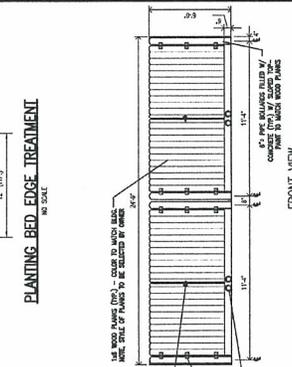
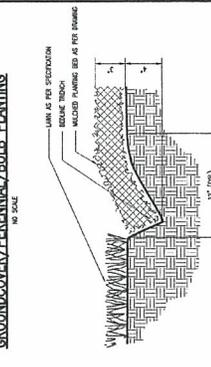
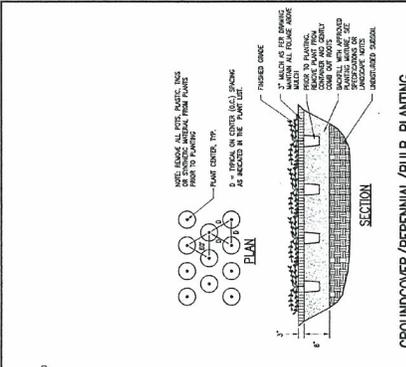
THIS PLAN HAS BEEN PREPARED BY AN ARCHITECT OR ENGINEER REGISTERED IN THE STATE OF NEW YORK UNDER LICENSE NO. 146, EXPIRES 2025.

**LANDSCAPE & DUMPSTER ENCLOSURE DETAILS**

NOTE: THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE PROPOSED LANDSCAPE DESIGN AND HAS DETERMINED THAT THE DESIGN IS VISUALLY ACCEPTABLE TO THE SURROUNDING COMMUNITY.



**C503**



1. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS OF THE PROPOSED LANDSCAPE DESIGN AND HAS DETERMINED THAT THE DESIGN IS VISUALLY ACCEPTABLE TO THE SURROUNDING COMMUNITY.

# Family Dollar

West Main Street  
Rochester, NY 14611

Prepared For:  
**FAMILY DOLLAR**  
THE DURBAN GROUP  
BUILDING VALUES

5500 Brooktree Road  
Wexford, PA 15090

**Bergmann**  
associates  
architects // engineers // planners

26 East Main Street  
Rochester, NY 14602  
office: 585-232-3135  
fax: 585-255-4622  
www.bergmannpec.com

NO.	DATE	DESCRIPTION	REV.	BY
1	01/15/14	PRELIMINARY	01	AMH
2	4/15/14	REVISE SITE LAYOUT	02	AMH
3	6/21/14	REVISE SITE LAYOUT	03	AMH

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## PHOTOMETRIC PLAN

NOTE:  
Unaudited information in addition to this drawing is a part of the project files and is not to be used for any other project.

145, SLOCUM TOWER  
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# C504

11 of 12

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NO.	DESCRIPTION	REV.	BY
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45	45. All calculations are based on the "typical" conditions "loads" for the lighting system.		

Prepared For:



5500 Brooktree Road  
Wexford, PA 15090



28 East Main Street  
200 First Federal Plaza  
Rochester, NY 14614-1609  
office: 585.532.5135  
fax: 585.532.4852  
www.bergmannpa.com

Table with 2 columns: NO., DATE, REVISIONS, REV. NO.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

WORK ZONE TRAFFIC CONTROL

UNAUTHORIZED ALTERATION OF ANYTHING ON THIS DRAWING IS A VIOLATION OF THE PROFESSIONAL SEAL OF THE ENGINEER OR ARCHITECT.



C505

TRAFFIC SIGNALS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

PAVEMENT MARKINGS:

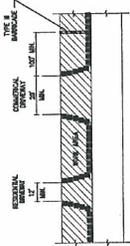
- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

SCAFFOLDS AND SKELETONS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

CONSTRUCTION OPERATIONS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.



TYPICAL DELINEATION FOR DRIVEWAY ENTRANCES

DELINEATION AND GUIDING DEVICES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

SAFES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

TEMPORARY LANE CLOSURES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

HAZARD RESTRICTIONS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

NIGHTTIME OPERATIONS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

EMERGENCY ACCESS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

GENERAL NOTES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

WORK AREA:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

CONSTRUCTION VEHICLES AND EQUIPMENT:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

PUBLIC ACCESS:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

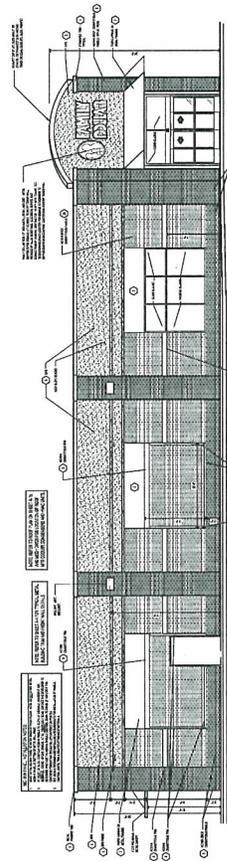
CONDITIONS RESULTING IN BUMPS AND/OR HOLES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.

HAZARD RESTRICTIONS:

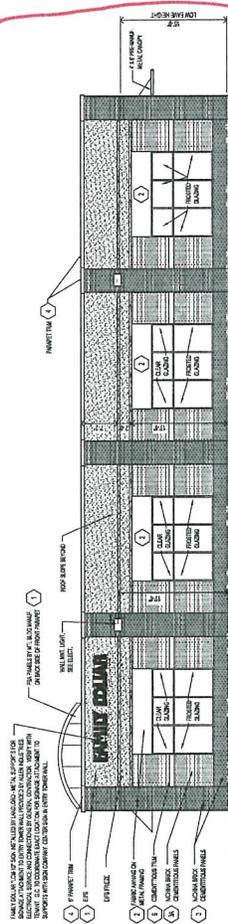
- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ROCHESTER AND THE STATE OF NEW YORK.
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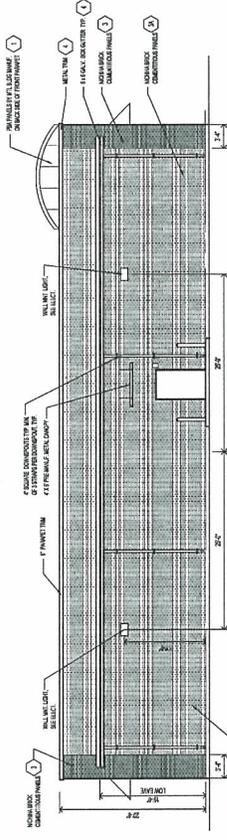
**4. EAST ELEVATION (PARKING LOT)**  
 1/2 08/16/16

*Variance*



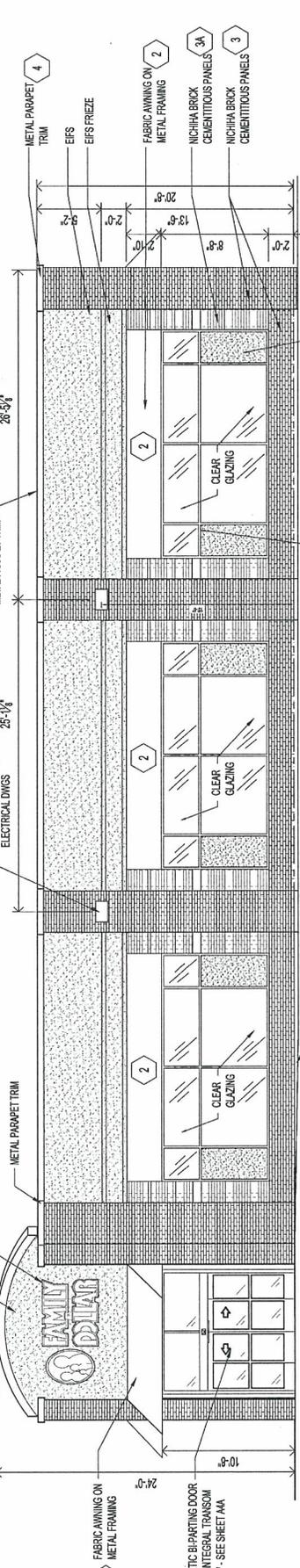
**2. EDGEWOOD PARK ELEVATION**  
 1/2 08/16/16

*\**



**3. SOUTH ELEVATION**  
 1/2 08/16/16

FAMILY DOLLAR SIGN INSTALLED BY LANDLORD - METAL SUPPORTS FOR SIGNAGE ATTACHMENT TO ENTRY TOWER WALL PROVIDED BY ALLEN INDUSTRIES. ELECTRICAL SERVICE AND CONNECTIONS BY GENERAL CONTRACTOR - VERIFY WITH TENANT. S.C. TO COORDINATE EXACT LOCATION FOR SIGNAGE ATTACHMENT TO SUPPORTS WITH SIGN COMPANY. CENTER SIGN IN ENTRY TOWER WALL.



**1. WEST MAIN STREET ELEVATION**  
 1/2 08/16/16

SLOPE SIDEWALK TO PROVIDE A MINIMUM OF 2" OF CLEARANCE BETWEEN THE SIDEWALK SURFACE AND THE BOTTOM OF THE NICHHA PANELS. SLOPE SHALL COMPLY WITH APPLICABLE HANDICAPPED ACCESSIBILITY REQUIREMENTS

FINISH CALCULATION  
 TOTAL SF OF WALL BETWEEN 4'-0" & 8'-0"  
 TOTAL SF OF BUILDING BETWEEN 4'-0" & 8'-0"  
 TOTAL BUILDING SF = 112

THESE DRAWINGS AND THE PROJECT THEY REPRESENT ARE THE PROPERTY OF C.L. HALL ARCHITECT. THEY MAY NOT BE USED FOR PROJECTS OTHER THAN THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN WITHOUT THE WRITTEN APPROVAL OF C.L. HALL ARCHITECT. ALL RIGHTS RESERVED. C.L. HALL ARCHITECT, 1166 GREENWOOD CLIFF, CHARLOTTE, NC 28204

July 3, 2015

Zoning Board of Appeals  
Dennis O'Brien, Chair  
City Hall - Room 125B  
Rochester, New York 14614

Dear Zoning Board of Appeals Chair Dennis O'Brien:

My husband and I own and live in the home at 8 Edgewood Pk. Our home was built in 1987 and we have lived in our home since 1988. We acquired our home through the City's Home Expo program in 1987 and our home is one of three houses on Edgewood Pk. and for the past 27 years we have enjoyed living here. Our street has been peaceful and we have not experienced any major concerns regarding our neighborhood until now.

We were made aware on May 28, 2015 of the proposal to close the Family Dollar in Bulls Head Plaza and build a new Family Dollar store adjacent to our home! I learned that this proposal has been in the works since March and I am not sure why we were not informed of this proposal until the latter part of May, considering we are the homeowners who will be most directly impacted by this project. My husband and I are utterly outraged and strongly oppose building a high impact retail store right next door to our home. This proposed project brings with it multiple concerns for us.

The developer plans to position a dumpster near our backyard. Dumpster contents breed rats and roaches and having a dumpster near our backyard allows these critters to have easy access into our home. We never had rats and roaches in our home and we certainly don't want to start a trend now. We don't want to endure smells coming from the dumpster and we don't want to be disturbed by the loud noise of the dumpster being emptied early in the morning.

The back of the store will be the store's delivery area and will be facing our house. So we will be expected to endure the constant sight and the loud noises of delivery trucks and inhale truck fumes which could impact our health.

My husband and I work at trying to keep our yard looking nice. We don't want trash from the store's parking lot blowing around and landing against our fence and in our yard.

The Family Dollar in Bulls Head Plaza has people who constantly loiter in the area, use foul language, beg for money, sell stolen goods, deal drugs, and sell illegal cigarettes outside of the store. All of this negative activity contributes to a distressed environment and definitely an environment that my husband and I don't want transferred from Bulls Head and right next door to our home! We're concerned about the potential increase in crime. There's a Family Dollar store in the Tops Plaza on West Avenue (less than a mile from the Family Dollar in Bulls Head) and in 2013 there was an armed robbery at the store. We don't want crimes like this happening right in our backyard.

Currently our street is quiet after 6pm. The Family Dollar will be closing 10 o'clock at night which we feel will have a significant impact on the character and quality of our street and neighborhood. We'll be disturbed by cars pulling in and out of the store's parking lot and by

loud-talking customers until late at night. Even after the store closes, people can still loiter in the parking lot. Security is a key issue. The dumpster area near our backyard and the evergreen trees that the developer plans to have serve as a "fence" between the store and our house can provide a shield for drug activity, prostitution and a place for people to relieve themselves, especially at night. There are plans to open up an alley that is currently blocked off. Opening up the alley will give people easy access to walk across our property and that of our neighbors'. The developer said that surveillance cameras will be put in place. We know that security cameras do not deter crime. If they did, banks would not be robbed and stores would not have problems with shoplifters. People commit crimes even though they know that cameras are watching them.

As mentioned previously, there is a Family Dollar store less than a mile from Bulls Head in the Tops Plaza and another Family Dollar on Genesee Street. There's no need to have the community saturated with Family Dollar stores. We are the only house in our neighborhood where consideration is being given to building a store in its backyard!

We are not able to come in person to the next scheduled meeting but would like to submit these comments for review and consideration.

The developer stated that the Family Dollar store in Bulls Head is very profitable, but the present store doesn't conform to the format of the newer Family Dollar stores. It goes without saying that for this reason they want to build a bigger store with greedy expectation that greater profits will be derived from the neighborhood.

Although we were told that the intent is for the store to only sell cigarettes, I feel certain that if Family Dollar is allowed to build the store, cigarette sales will be the stepping stone to the sale of alcoholic products and lottery tickets. Please give thoughtful consideration to the concerns my husband and I have expressed regarding building a high impact Family Dollar store next door to our home and I urge you to please vote against the proposal.

Sincerely,



Rosa M. Lloyd  
8 Edgewood Pk.  
Rochester, NY 14611  
585-235-4779

## Symonds, Jill

---

**From:** Lagonegro, Zina B.  
**Sent:** Friday, September 18, 2015 11:21 AM  
**To:** Haremza, Jason P.; Symonds, Jill  
**Cc:** Parrino, Marguerite V.  
**Subject:** W. Main Family Dollar

Jason and Jill,

For CPC and ZBA. It is more relevant to the Special Permit, but Zoning Board should have knowledge of this info as well.

Zina

---

**From:** Donna Bazer [mailto:dbaze5@hotmail.com]  
**Sent:** Friday, September 18, 2015 7:04 AM  
**To:** Lagonegro, Zina B.  
**Subject:** FW:

Hi Zina - I am forwarding some pictures that perhaps you can pass onto the planning board in regards to 715 West Main St/Family Dollar.

In order they represent:

Picture 1, 2, 4 and 6 are pictures of a yard behind the wall that is being discussed - neighbors are saying that the development of our property will ruin their yards.

Picture 3 is of the homeless camp that is ever present since our closing.

Picture 5 is the alley where we find much evidence of drug use.

Pictures 7 and 9 are of one of the attempts to gain entry to the property. We have had to board up all access to the main building due to other attempts to gain entry.

Picture 8 is of the dumping on the property that is beginning since being vacant.

***THANK YOU*** for any help you can provide in getting this information to the planning board members.

---

Date: Fri, 18 Sep 2015 02:40:36 +0000  
From: mbazer13@yahoo.com  
To: donna\_bazer@gateschili.org; dbaze5@hotmail.com  
Subject:



**IMG\_0541.JPG**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



**IMG\_0540.JPG**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



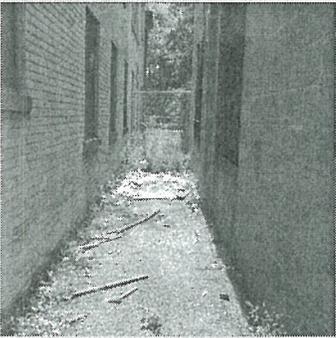
**IMG\_0536.JPG**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



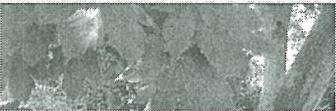
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**IMG\_0537.JPG**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



**IMG\_0539.JPG**

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[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



**IMG\_0544.JPG**

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[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



**IMG\_0542.JPG**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo



**IMG\_0543.jpg**

McKenna Bazer shared from Dropbox  
[View on www.dropbox.com](http://www.dropbox.com) Preview by Yahoo

December 18, 2015

Zoning Board of Appeals  
Dennis O'Brien, Chair  
City Hall - Room 125B  
Rochester, New York 14614

Dear Zoning Board of Appeals Chair Dennis O'Brien:

My husband and I own and live in the home at 8 Edgewood Pk. Our home was built in 1987 and we have lived in our home since 1988. We acquired our home through the City's Home Expo program in 1987 and our home is one of three houses on Edgewood Pk. and for the past 27 years we have enjoyed living here. Our street has been peaceful and we have not experienced any major concerns regarding our neighborhood until now.

We were made aware on May 28, 2015 of the proposal to close the Family Dollar in Bulls Head Plaza and build a new Family Dollar right next door to our home! By living right next to the lot where the proposed store will be built, we are the ones who will be most directly impacted by this project! This proposal has been in the works since March of this year and my husband and I and our neighbors have appeared several times at previous public hearings to voice our opposition to this project.

I am writing to express strong opposition to the proposal to establish a high-impact retail store right next door to our home. This proposed project brings with it multiple concerns for us.

The developer plans to position a dumpster near our backyard. Dumpster contents breed rats and roaches and having a dumpster near our backyard allows these critters to have easy access into our home. We never had rats and roaches in our home and we certainly don't want to start a trend now. We don't want to endure smells coming from the dumpster and we don't want to be disturbed by the loud noise of the dumpster being emptied early in the morning.

The back of the store will be the store's delivery area and will be facing our house. So we will be expected to endure the constant sight of delivery trucks and the loud noises of the trucks.

My husband and I work at trying to keep our yard looking nice. We don't want trash from the store's parking lot blowing around and landing against our fence and in our yard.

The Family Dollar in Bulls Head Plaza has people who constantly loiter in the area, use foul language, beg for money, sell stolen goods, deal drugs, and sell illegal cigarettes outside of the store. All of this negative activity contributes to a distressed environment and definitely an environment that my husband and I don't want transferred from Bulls Head and right next door to our home! We're concerned about the potential increase in crime. There's a Family Dollar store in the Tops Plaza on West Avenue (less than a mile from the Family Dollar in Bulls Head) and in 2013 there was an armed robbery at the store. We don't want crimes like this happening right in our backyard.

Currently our street is quiet after 6pm. The Family Dollar will be closing 10 o'clock at night which we feel will have a significant impact on the character and quality of our neighborhood. We'll be disturbed by cars pulling in and out of the store's parking lot and loud-talking customers until late at night. Even after the store closes, people can still loiter in the parking lot.

Security is a key issue. The dumpster area near our backyard and whatever fence is erected can provide a shield for drug activity, prostitution and a place for people to relieve themselves, especially at night. There are plans to open up an alley that is currently blocked off. Opening up the alley will give people easy access to walk across our property and that of our neighbors'. The developer said that surveillance cameras will be put in place. We know that security cameras do not deter crime. If they did, banks would not be robbed and stores would not have problems with shoplifters. People commit crimes even though they know that cameras are watching them.

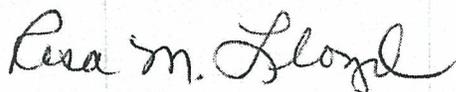
As mentioned previously, there is a Family Dollar store less than a mile from Bulls Head in the Tops Plaza and another Family Dollar on Genesee Street. There's no need to have the community saturated with Family Dollar stores. There is also a Rite Aid right across the street from the proposed site for the Family Dollar. We are the only house in our neighborhood where consideration is being given to building a store in its backyard!

At a previous public hearing the Family Dollar representative stated that new jobs will be created by building the new store. When one of the City Planning Commission members directly asked the representative how many new jobs would be created, he admitted that the current store employees would be moved down to the new store and new jobs would not be created right away, but hopefully at sometime in the future. So the statement that this project will create new jobs has no solid backing.

The developer also stated that the Family Dollar store in Bulls Head is very profitable, but that the present store doesn't conform to the format of the newer Family Dollar stores. It goes without saying that for this reason they want to build a bigger store with greedy expectation that greater profits will be derived from the neighborhood.

Although we were told that the intent is for the store to only sell cigarettes, I feel certain that if Family Dollar is allowed to build the store, cigarette sales will be the stepping stone to the sale of alcoholic products and lottery tickets. Please give thoughtful consideration to the concerns my husband and I have expressed regarding building a high impact Family Dollar store next door to our home and I urge you to please vote against the proposal.

Sincerely,



Rosa M. Lloyd  
8 Edgewood Pk.  
Rochester, NY 14611  
585-235-4779



## Changing of the Scenes Neighborhood Association

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John Lightfoot, President  
52 Cunningham Street  
Rochester, NY 14608  
585-260-7475  
[cotsna@gmail.com](mailto:cotsna@gmail.com)

December 29, 2015

Bureau of Planning & Zoning  
City Hall - Room 125B  
Rochester, New York 14614

### **Re: Opposition to 431-441 West Main Street**

Dear Zoning Board,

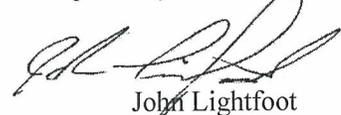
On Tuesday, July 21, 2015, Changing of the Scenes Neighborhood Association held its monthly neighborhood meeting. One of the topics of discussion was the development of a new Family Dollar Store on West Main Street. It was decided by members, not to support the new development and relocation with a vote of five opposed and one abstention.

Prior to the July meeting, COTSNA members met with Family Dollar representatives to discuss its proposal for rezoning. Other interested residents also participated in the meeting. It was decided at the June meeting that members would take additional time to gather more information regarding the request. COTSNA members discussed the issue amongst themselves. An informal survey was conducted on Troup Street (The rode directly south and parallel to the proposed site) in which two home owners and two renters were also in opposition. The question asked was, "Family Dollar wants to move their store to the lot on West Main Street. What do you think?"

Changing of the Scenes Neighborhood Association has been in existence for over 20 years. Members of the organization have worked on issues such as the displacement of F.I.G.H.T residents, the development of Anthony Square, Jefferson Avenue Revitalization, The Voter's Block Development and various social programs that engage residents to improve the quality of life within its boundaries. COTSNA was formerly known as Mayor's Heights.

Changing of the Scenes Neighborhood Association is in opposition in the rezoning and development and relocation of the Family Dollar to 431 West Main Street. COTSNA has been in existence for over 20 years. COTSNA, its members and the residents that it represents believe that the relocation of the Family Dollar to 431 West Main Street will not be beneficial to the immediate area and will only increase unwanted foot traffic, motor vehicle traffic and undesired neighbors.

Respectfully submitted,



John Lightfoot



**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

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**Case # 3:** Staff Reviewer: Jill Symonds

**File Number:** V-041-15-16

**Applicant:** Joseph Santacroce

**Project Address:** 1661 North Clinton Avenue

**Zoning District:** M-1 Industrial District

**Section of Code:** 120-173

**Request:** **To expand the existing driveway of a two family dwelling on a parcel that also contains an auto repair shop in the rear yard, thereby creating front yard parking.**

**Analysis:** The subject property has a two-family in the front and a detached three-bay garage for auto repair in the rear yard. The proposal is to pave an area that is approximately 30' x 20' in front of the two-family to provide a parking area for tenants.

**Code Review:** In accordance with section 120-173, parking for residential uses shall not be located in the required side or front yard setback except in a legal driveway that provides access to the rear yard, a detached or an attached garage. **An area variance is required for the creation of the front yard parking area.**

Note that there are no lot coverage limitations in the M-1 District.

**Code Enforcement:** The subject property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1661 N. Clinton Avenue  
2. APPLICANT: Joseph Santacroce COMPANY NAME: Toro Real Estate Dev LLC  
ADDRESS: PO Box 77339 CITY: Rochester ZIP CODE: 14617  
PHONE: 585-734-1358 FAX: \_\_\_\_\_  
E-MAIL ADDRESS joesanta@ymail.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

4. ATTORNEY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

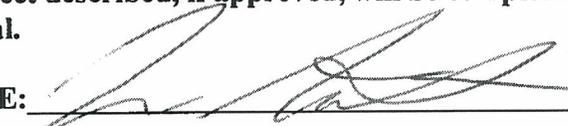
E-MAIL ADDRESS \_\_\_\_\_

5. ZONING DISTRICT: M-1

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_  
Develop Two (2) Off-Street Parking Spaces in Front of Existing Dwelling  
\_\_\_\_\_  
\_\_\_\_\_

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 3 months

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:  DATE: 12/2/2015

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# 1661 N CLINTON AV



January 8, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

## City of Rochester, NY



City of Rochester, NY  
Lovely A. Warren, Mayor



City of Rochester, NY

AREA VARIANCE
STATEMENT OF DIFFICULTY
Section 120-195B(4)(b)

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

A. Benefits. The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

The variance being sought will allow for the efficient and organized operational separation between the auto facility in the rear and the residential property in the front. The proposed parking spaces are designed to allow for safe parking, back-up and maneuvering within the property and the proposed landscaped setback is intended to minimize the visual impact along the north and east property lines.

B. Essential character of the area. No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

The subject property is located in the M-1 Zoning District and adjacent to similarly zoned properties with considerable asphalt coverage to serve the respective uses of each property. Proposed setbacks will serve to minimize impacts.

C. No other remedy. There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

There is no other remedy that will not adversely impact the existing auto repair facility at the rear.

**D. Significance.** The requested variance is not substantial.

Given the M-1 Zoning District classification, the requested variance should be considered minor in nature.

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**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed spaces will be designed to provide for proper back-up and maneuvering and will be setback from the north and east property lines.

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**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

The auto and residential uses were both legally established prior to my ownership. This is an attempt to provide for greater compatibility of the uses while still trying to be respectful of the area.

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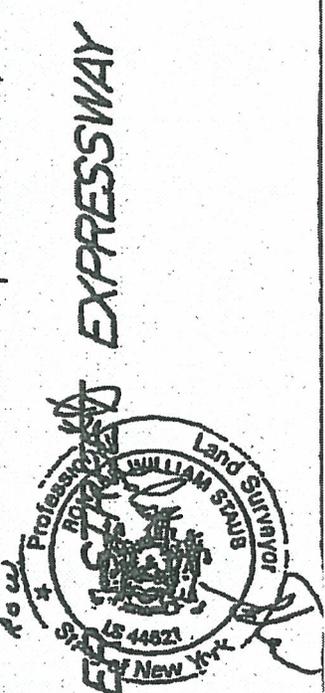
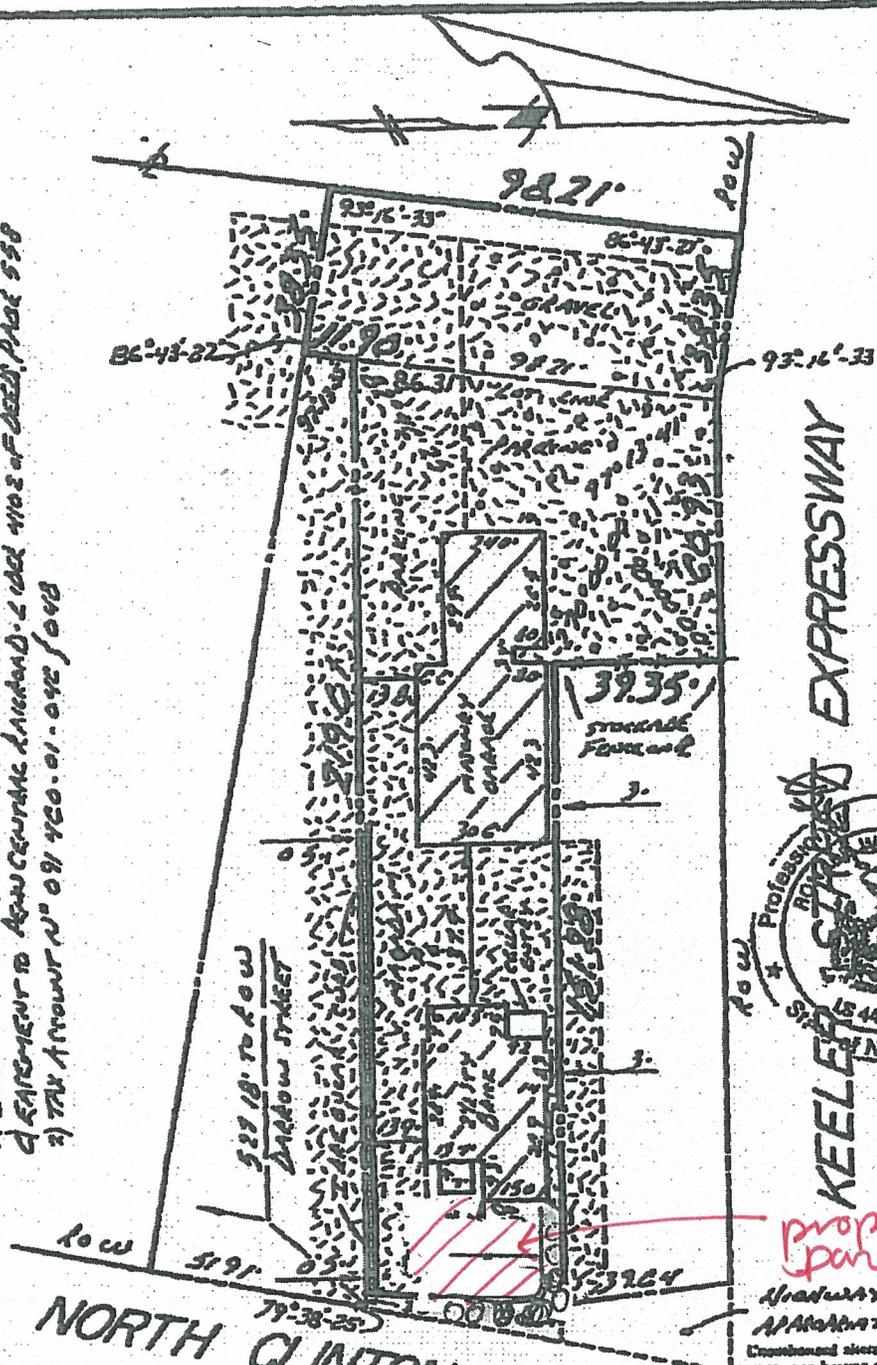
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**REFERENCE:**

- 1) ABSTRACT OF TITLE N° 7017 (A-664)
- 2) DEED 9094 OF DEED, PAGE 500, CLERK 9094 OF DEED, PAGE 500
- 3) N.Y.S. APPROPRIATION, LIBERTY OF MANS, PAGE 225 (MAP 59, PAGE 472)
- 4) DEED 80 OF MANS, PAGE 17, CLERK 80 OF MANS, PAGE 15
- 5) DEED 1247 OF DEED, PAGE 178
- 6) AGREEMENT TO ACQUIRE CENTRAL HIGHWAY, CLERK 1102 OF DEED, PAGE 558
- 7) TR. INSTRUMENT N° 091420-01-042 5048



*proposed parking area*  
 ROADWAY APPROPRIATION

**CERTIFICATION**

I hereby certify to  
 1) Valley National Bank, its successors and/or assigns.  
 2) Hancock & Barclay, LLC  
 3) Four Corners Abstract Corporation  
 4) Joan Snyder  
 that this map was made June 28, 2002 from notes of an Instrument Survey completed June 25, 2002 and references listed above

5) Samuel J. Iannone, Jr., Esq.  
*were PROPERTY CORNERS SHOULD BE SET BY USUAL SURVEY ONLY*

*Ronald W. Staub*  
 RONALD W. STAUB, NYS L.S. #44621

Continued exceptions in addition to a survey map bearing a licensed land surveyor's seal and a violation of section 7200 and division 2 of the New York State Education Law

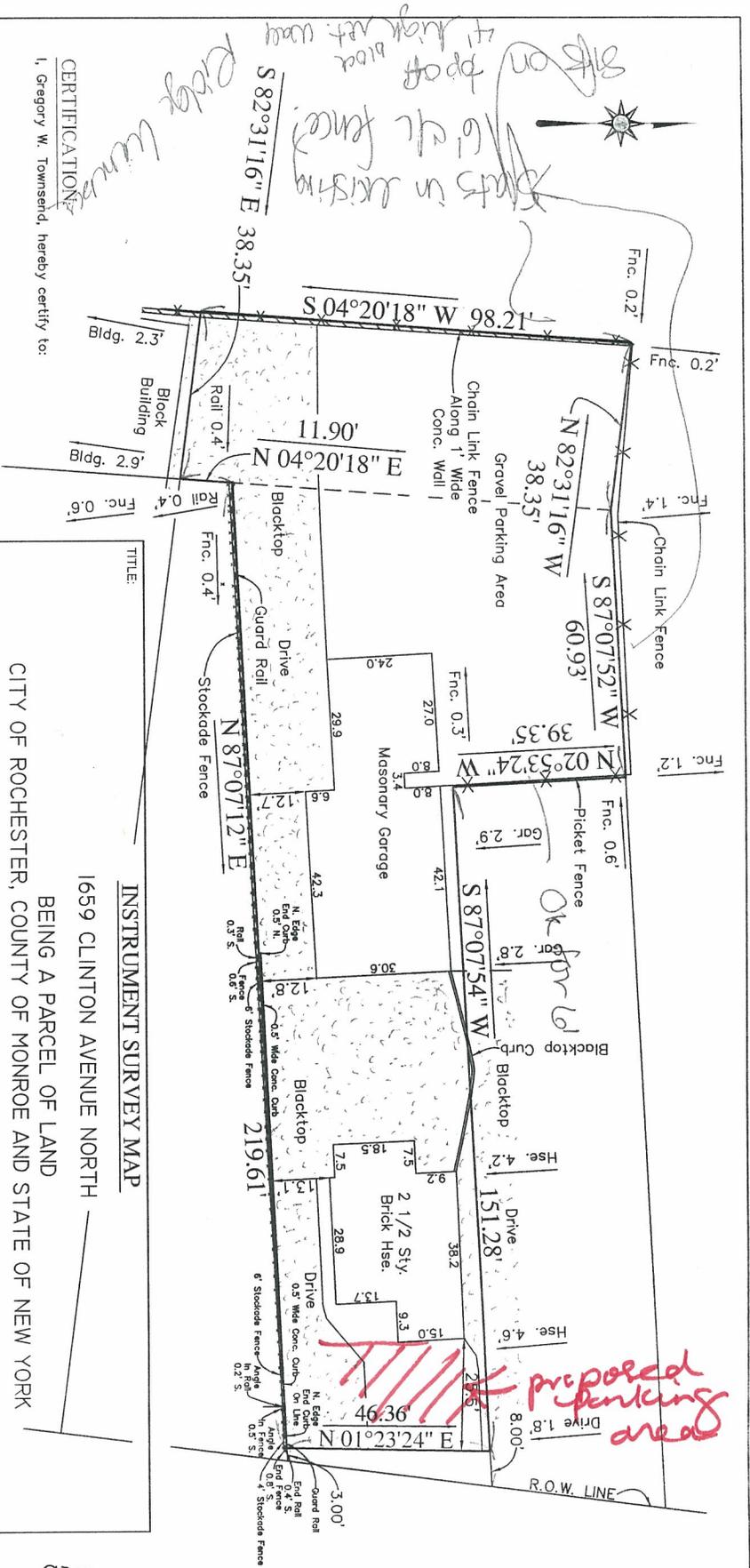
Only copies from the original of this survey made with an original of the land surveyor's combined seal shall be considered to be valid true copies

Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the sole competent governmental agency and lending institution listed herein and to the signature of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

TITLE

**INSTRUMENT SURVEY MAP**

#1059 1001 NORTH CLINTON AVENUE



CERTIFICATION:  
I, Gregory W. Townsend, hereby certify to:

that this map was made from notes of an Instrument Survey and references listed hereon.

DATE: N.Y.S.R.L.S. No. 50249

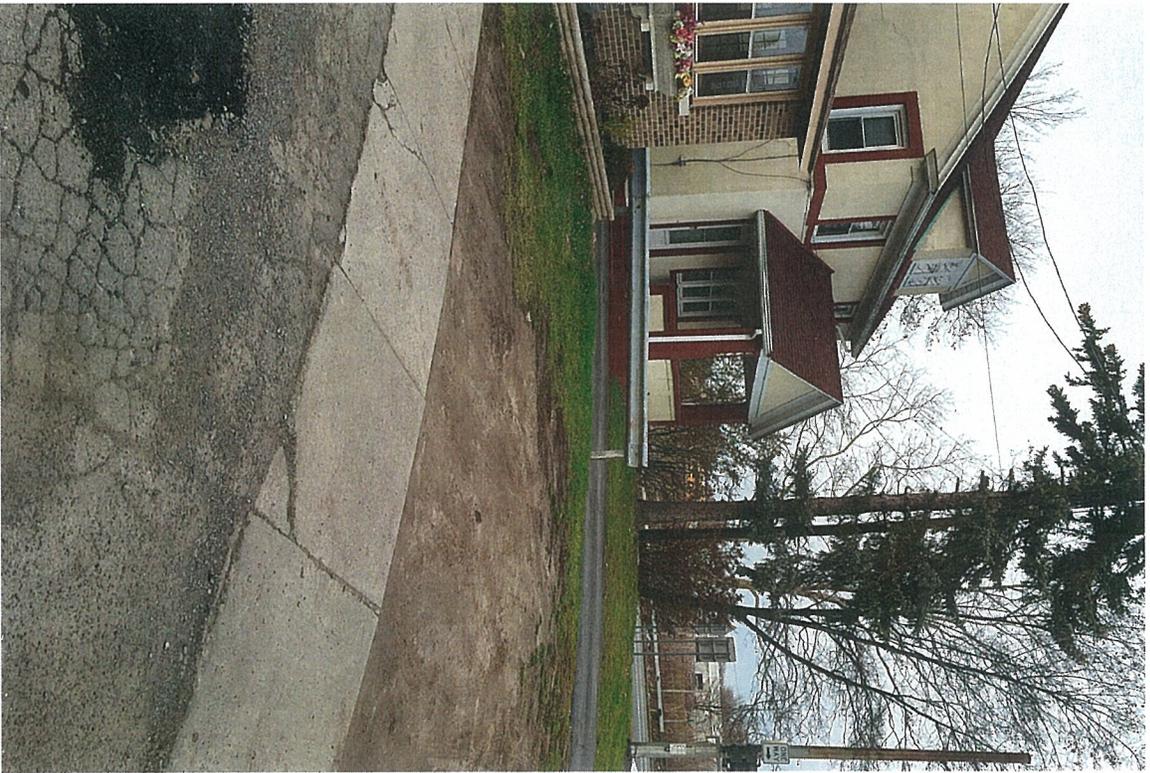
TITLE:  
**INSTRUMENT SURVEY MAP**  
1659 CLINTON AVENUE NORTH  
BEING A PARCEL OF LAND  
CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."  
"Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies."  
"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Professional Land Surveying by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

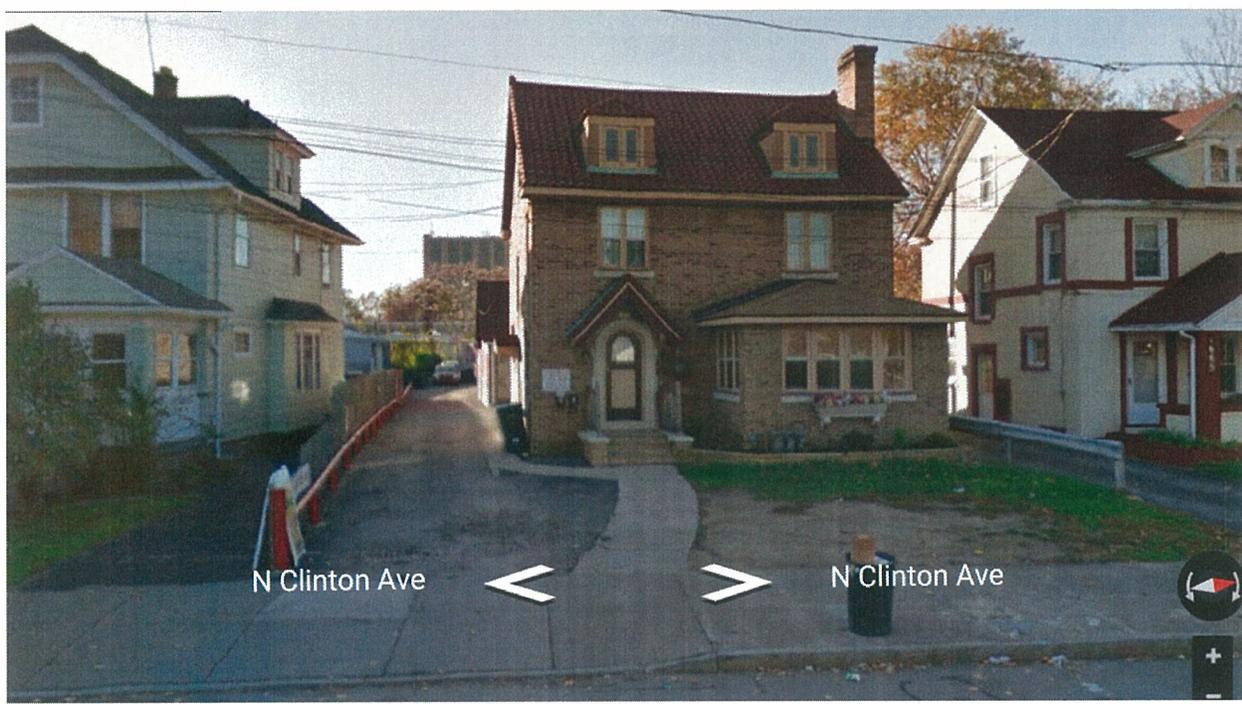
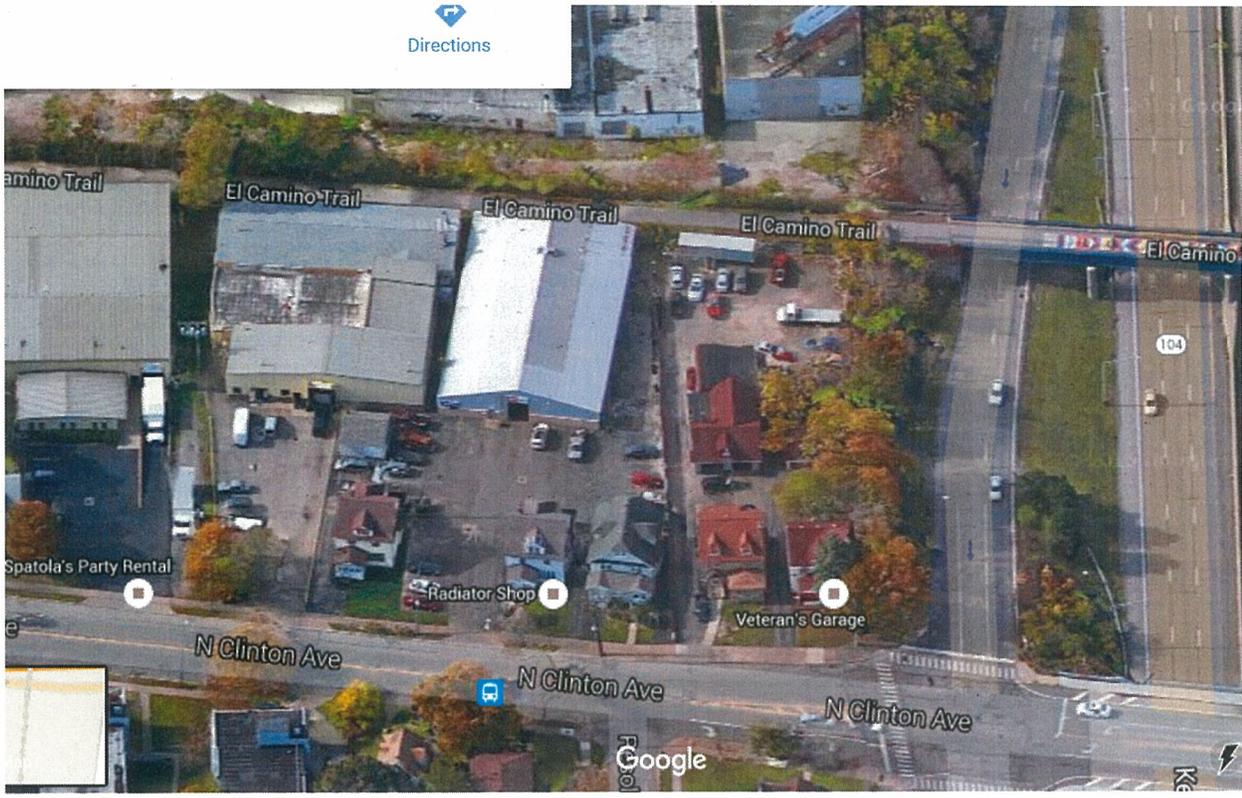
SCALE: 1" = 30'  
TAX ACCOUNT: 91-46-1-46  
RESURVEY:   
DATE: JAN. 9, 2006

TRI-COUNTY LAND SURVEYORS, LLC  
16 EAST MAIN STREET, SUITE 320  
ROCHESTER, NEW YORK 14614  
Phone (585) 263-9550  
Fax (585) 263-3591

CLINTON AVENUE NORTH (R.O.W. VARIES)



Directions





**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

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**Case # 4:** Staff Reviewer: Jill Symonds

**File Number:** V-042-15-16

**Applicant:** David Blauth

**Project Address:** 320 Castleman Road

**Zoning District:** R-1 Low-Density Residential District

**Section of Code:** 120-173

**Request:** **To legalize the driveway expansion of a two-family dwelling, thereby resulting in front yard parking.**

**Analysis:** The subject property is a two-family dwelling with a detached two-car garage facing Edgemont Road. The property is on the corner of Castleman and Edgemont Road and thus has two front yards. The applicant repaved the driveway, including the area to the east of the garage that is approximately 12' x 45'.

**Code Review:** In accordance with section 120-173, parking for residential uses shall not be located in the required side or front yard setback except in a legal driveway that provides access to the rear yard, a detached or an attached garage. **An area variance is required for the portion of the driveway to the east of the garage.**

**Code Enforcement:** The subject property is in code enforcement for the driveway.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 320 Castleman Rd Roch, 14607

2. APPLICANT: David Blauth COMPANY NAME: Roman

ADDRESS: 188 Edgemont Rd CITY: Roch ZIP CODE: 14607

PHONE: 442-2595 FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: Drive way replacement

ADDRESS: 188 Edgemont Rd CITY: Roch ZIP CODE: 14607

PHONE: 442-2595 FAX: \_\_\_\_\_

4. ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

5. ZONING DISTRICT: \_\_\_\_\_

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_

Drive way replacement.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 2 days

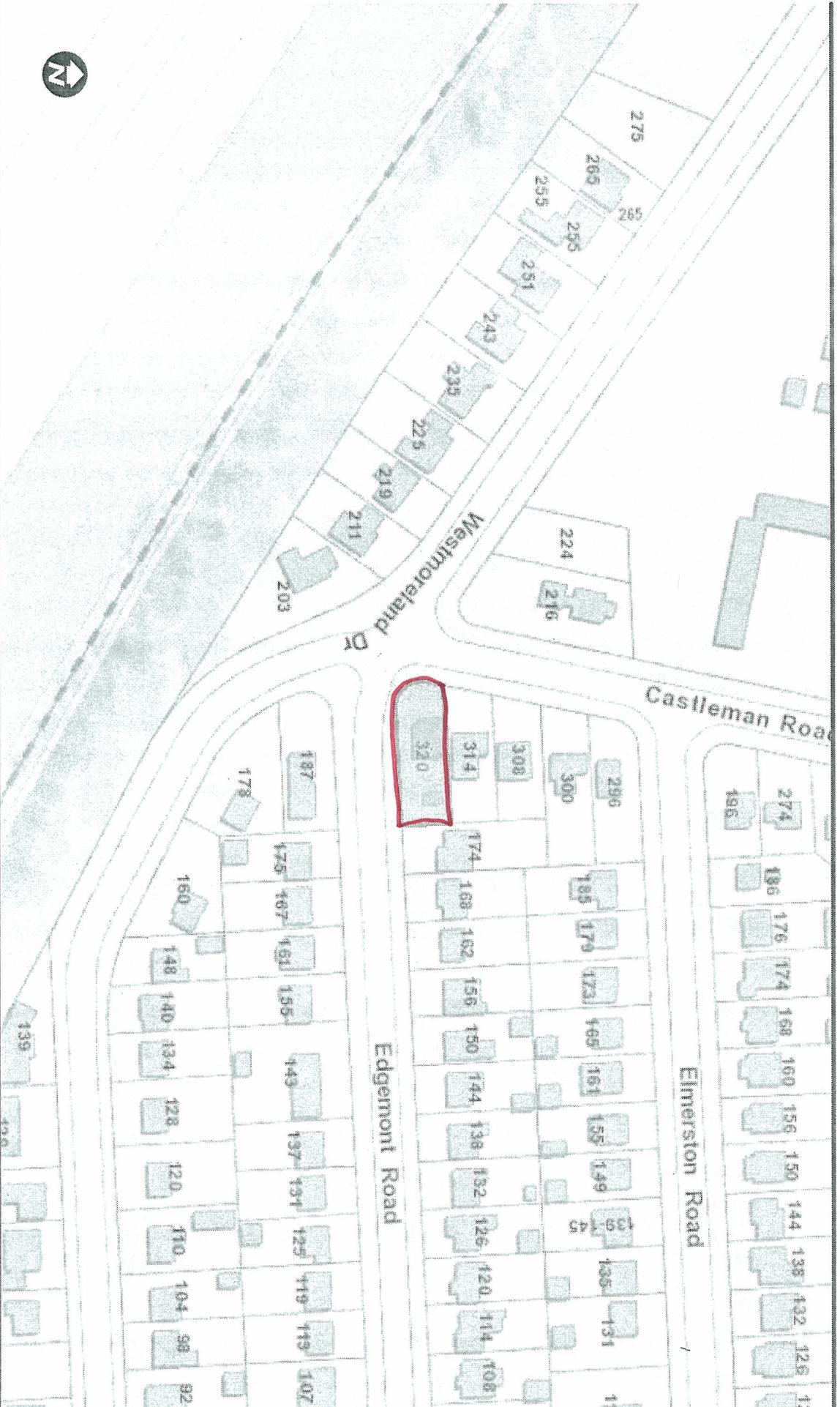
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: David P. Blauth DATE: 12-9-2015

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# 320 CASTLEMAN RD



January 8, 2016

This map is intended for general reference only.  
The City of Rochester makes no representation  
as to the accuracy or fitness of the data presented.

## City of Rochester, NY



City of Rochester, NY  
Lovely A. Warren, Mayor



City of Rochester, NY

AREA VARIANCE  
STATEMENT OF DIFFICULTY  
Section 120-195B(4)(b)

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

A. Benefits. The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

Old Driveway was crack, pot holed and trees had heaved. This caused water damage to the garage.  
The benefits are even look and construction of Driveway, ie. Blacktop & Gravel to and even look of concrete.

B. Essential character of the area. No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

Which with this change it stopped the water damage to my and neighbors property.

C. No other remedy. There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Significance.** The requested variance is not substantial.

replaced cracked Driveway with  
new concret to have all look the  
same.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

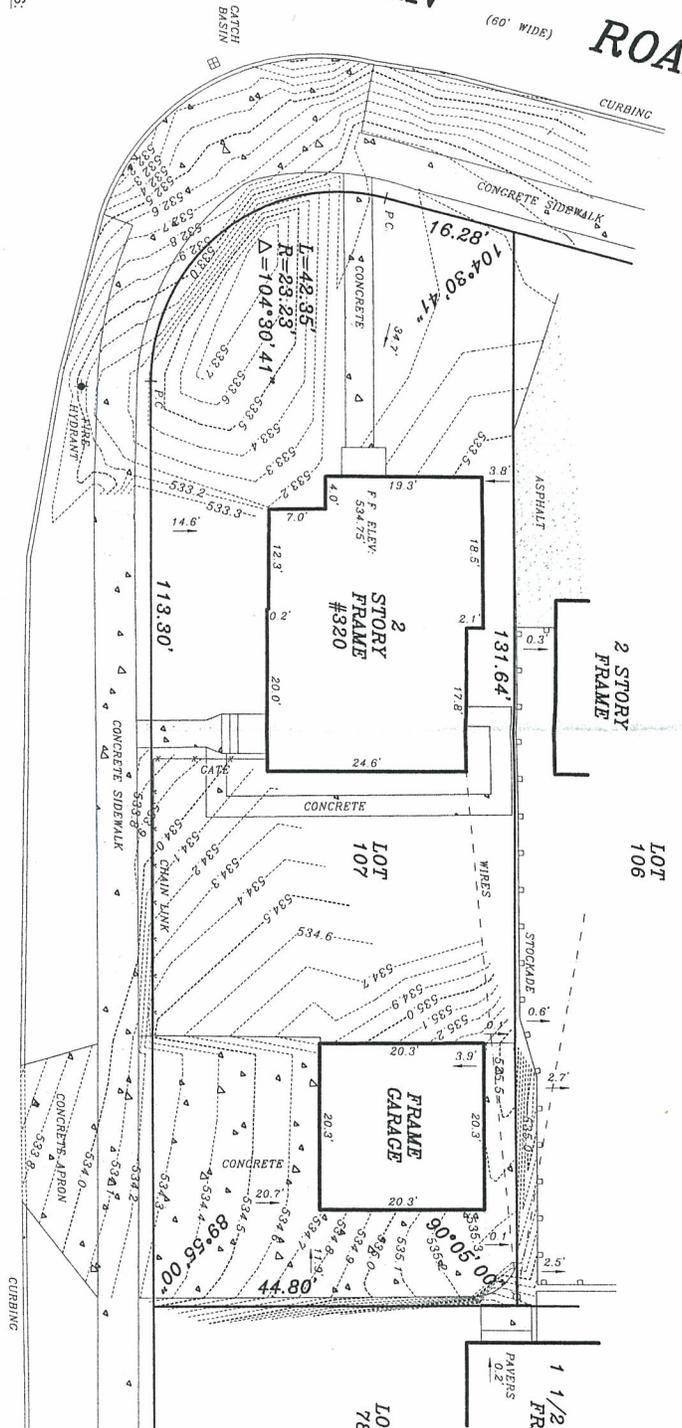
Prevent water to flow into garage and  
neighbors property.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

Contractor said he had a permit  
but, didnt. I'm requesting a variance  
for to get a extended drive way permit.  
I purchest home in 1980 and it had  
a ekele Driveway.

# CASTLEMAN ROAD

(60' WIDE)



# EDGE MONT ROAD

(60' WIDE)

REFERENCES:  
 LIBER 8037 OF DEEDS, PAGE 482  
 LIBER 59 OF MAPS, PAGE 18

NOTES:  
 ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NYS CORRS NETWORK BY USING GPS AND ARE ON NAVD 88 DATUM.

CONTOURS SHOWN HEREON ARE IN 0.1 FOOT INTERVALS.  
 PARCEL TAX ID #135-84-1-69

WE, O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P. C., CERTIFY TO DAVID P. BLAUTH THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOVEMBER 10, 2015.

*Thomas A. Rodak*  
 THOMAS A. RODAK, P.L.S. #050246



**O'NEILL-RODAK**  
 LAND SURVEYING ASSOCIATES, P.C.  
 LAND SURVEYORS - PLANNERS  
 BOUNDARY CONSULTANTS  
 FLOOD ZONE DETERMINATIONS  
 ALTAACSM SURVEYS

5 SOUTH FITZLUUGH STREET  
 ROCHESTER, NY 14614  
 PHONE (585) 325-7520 FAX (585) 325-1708  
 e-mail onellirodak@frontiernet.net

CLIENT		MR. DAVID P. BLAUTH	
SCALE	DATE	PROJECT NO.	
1" = 15'	11/12/2015	2015-1117	

MAP OF A SURVEY  
 LOT 107  
 UNIVERSITY HEIGHTS  
 CITY OF ROCHESTER  
 MONROE COUNTY, NEW YORK







**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

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**Case # 5:** Staff Reviewer: Jill Symonds

**File Number:** V-043-15-16

**Applicant:** Matthew Denker & Laura Beth Lincoln

**Project Address:** 37 Eagle Street

**Zoning District:** R-3 High-Density Residential District

**Section of Code:** 120-28

**Request:** **To waive certain lot, area, and yard requirements associated with the construction of a two-family dwelling and a two-car garage with a studio apartment above.**

**Analysis:** Preliminary Site Plan Review Findings (SP-008-15-16) for the project analysis are attached.

This proposal went before the Zoning Board on October 22, 2015. The Board failed to reach four concurring votes, and the request was therefore deemed a denial. The proposal has been revised and the changes are listed below (those most applicable to the variance request are highlighted):

1. **Moved the garage to the east 4 feet (and the house 2 feet to the east) to create a parking space on the West side of the garage. Designed pavers on the west and north side of the garage.**
2. **Creates a lawn area where the Asphalt driveway was.**
3. Shrunk the porch on the west side of the house and put stairs off the North side with pavers to Beaver street to increase the size of the lawn space.
4. Added storage space to the garage. Mech. Space would be under the stairs.
5. On the house we dropped the upper roof one foot and increased the window sizes to minimize the space between the window head and the roof line.
6. Made the triangle window smaller and also added that to the carriage house.
7. Cut outs in the stair guardrails are a lilac pattern which we feel is appropriate for the area.
8. Removed the clevis and pin rods for the canopies.

**Code Compliance:**

**Section 120-28** provides the following requirements:

1. The lot of a two-family dwelling must be 6,000 sq. ft., where 4,117 sq. ft. is provided.
2. The front yard setback along Eagle Street must be 20', where 10'-6" is proposed.
3. The side yard setbacks for the 2-family dwelling must be a minimum of 5' with a combined total of 15'. In this case, 7'-4" and 5'-1" is proposed.
4. The side yard setbacks for the 1-family dwelling must be a minimum of 5' with a combined total of 15'. In this case, 5' and 10' is proposed. An area variance is no longer required for this item.
5. The rear yard setback for the 1-family dwelling must be 20', where 9' is provided.
6. Both the single family and the 2-family dwellings require building coverage of no more than 35% and lot coverage of no more than 50%. In this case, building coverage is 42% and lot coverage is 56%.

**Code Enforcement:**

The subject property is not in code enforcement.

**Next Steps:**

Should the Zoning Board approve this variance request, the Rochester Preservation Board must review the design of the two-family dwelling, which is located in the Cornhill Preservation District.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 37 Eagle Street

2. APPLICANT: Matthew Denker & Laura Beth Lincoln COMPANY NAME: \_\_\_\_\_

ADDRESS: 13436 Via Varra CITY: Broomfield ZIP CODE: 80020

PHONE: 917-755-2472 FAX: \_\_\_\_\_

E-MAIL ADDRESS Denkman@gmail.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: Robert Fornataro

ADDRESS: 387 East Main St. CITY: Rochester ZIP CODE: 14604

PHONE: 585-232-8300 FAX: 585-232-9221

4. ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

5. ZONING DISTRICT: R-3

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_

See attached

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 2 years

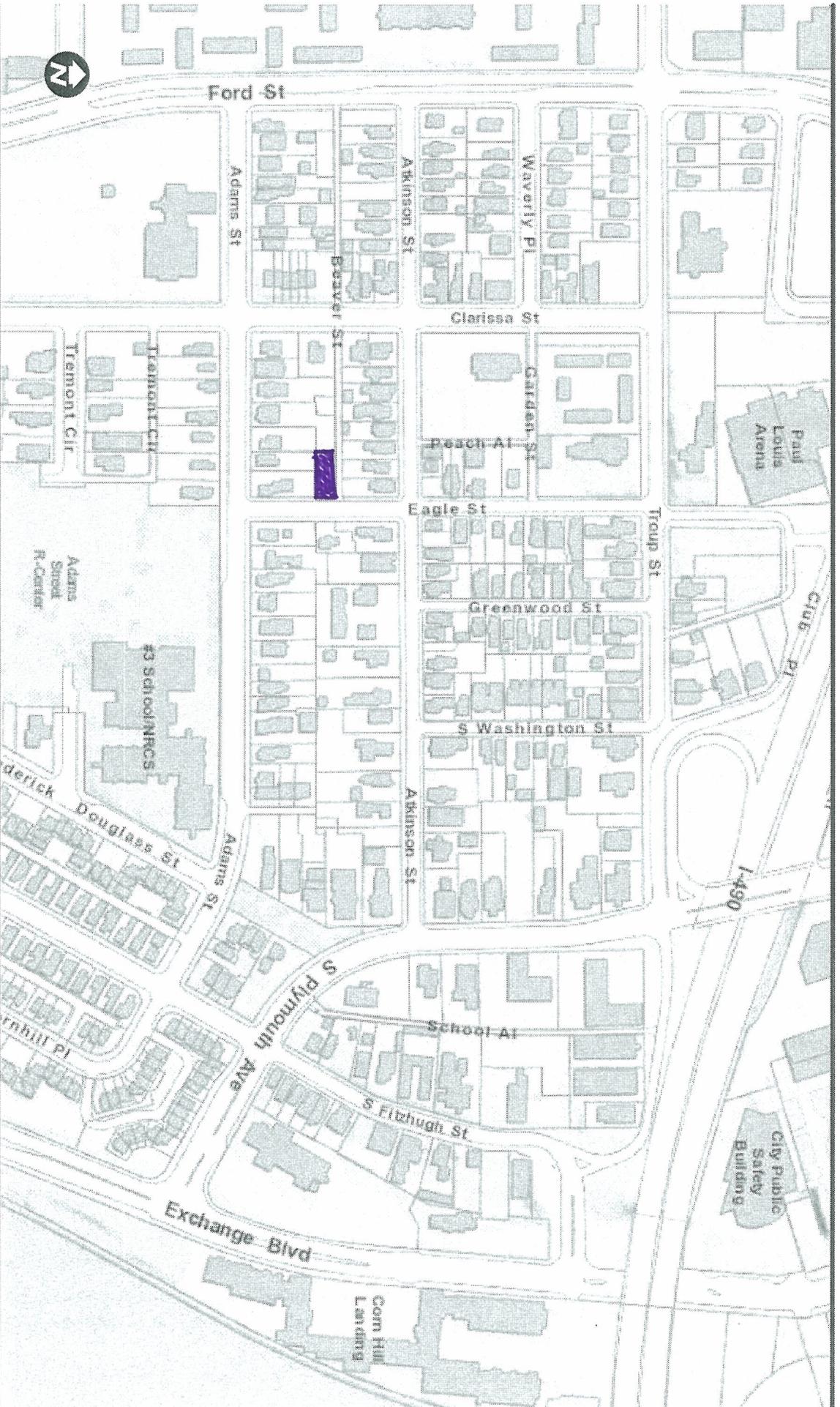
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 9/21/15

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: [Signature] DATE: 9/21/15

# 37 EAGLE ST



October 2, 2015

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

## City of Rochester, NY



City of Rochester, NY  
Lovely A. Warren, Mayor



September 17, 2015

Mr. Robert Fornataro  
SWBR Architects  
387 E. Main Street  
Rochester, NY 14604

**Site Plan #008-15-16 Preliminary Findings  
37 Eagle Street**

Dear Rob:

We have completed a review of your proposal to construct a two-family dwelling and a separate garage with a single-family dwelling above. Our review is mandated by section 120-191D(3)[10] of the Rochester Zoning Code because the project is within a district listed in the National Register of Historic Places.

Our review is intended to define our understanding of your project and to identify any concerns pursuant to the zoning code and environmental regulations. Please read this carefully, and please contact Peter Siegrist at [peter.siegrist@cityofrochester.gov](mailto:peter.siegrist@cityofrochester.gov) or 428-7238 with any questions, concerns or comments.

**Project Scope:**

The proposal is to construct a 2½ story house with a one-bedroom apartment in the basement and a three-bedroom apartment on the upper floors, and a separate building in the rear containing a two-car garage with a studio apartment above. The empty lot is about 4100SF and sits on the corner of Eagle and Beaver Streets in the Corn Hill Preservation District. City records show that a building was demolished here in 1968.

**Findings:**

1. The proposed level of density meets the purpose statement for the R-3 zone:

"The R-3 High-Density Residential District protects, preserves and enhances existing residential areas of higher density which include multifamily dwellings mixed with other housing types. The R-3 High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining and enhancing existing residential areas. The R-3 District may include various housing types ranging from single-family detached to high-density apartments. The district adds to the urban character of Rochester and provides diversity in housing types particularly in proximity to Community Center and Village Center Districts."

2. Multiple principal uses are permitted on a single parcel in a residential zone, per Zoning Code section 120-26. Both the one-family and two-family dwellings are considered principal uses; that is, the one-family house and garage is not accessory to the two-family house and does not meet the definition of an accessory structure.



This distinction is important relative to setbacks and heights. In an R-3 zone, a building accessory to a principal use may be built up to side or rear property lines, rather than set back. This would eliminate two required area variances. However, if the building is considered accessory to the front house, an area variance would be needed for the building's height: the maximum allowable height of an accessory building in an R-3 zone is 15', where that of the proposed building is 22' to the midpoint of the roof.

3. At 4156SF, the parcel is nonconforming for a single-family (5000SF are required) and a two-family (6000SF are required). Section 120-201 limits use of a nonconforming lot to a single-family dwelling:

§120-201 Nonconforming lots of record.

- A. In any district in which single-family dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this chapter, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot.

The parcel is conforming for a multifamily dwelling, defined as "a dwelling designed for or occupied by more than two families". If they occupied a single building, the proposed two one-bedroom units and one three-bedroom unit would require a parcel size of 3800SF. By definition, however, the two buildings cannot be considered a multifamily dwelling.

4. Since Beaver Street meets the definition of an alley, not a street, the lot has one front yard facing Eagle Street, side yards on the north and south, and a rear yard on the west.

To set the required *minimum* front yard setback, the zoning code allows a choice between the average setback on the two adjoining lots, the average setback of the lots on this side of the block, or 20'. On this short block of Eagle Street there is just one house, and its primary façade faces another street. Its setback from Eagle Street varies along the length of the building, with about one-third of the wall coming to within 5' of the right-of-way. The house just to the north—but across narrow Beaver Street and thus not adjoining or on the block—also faces another street, and is set back from Eagle Street about 10'. Therefore, an average setback does not exist, so the minimum required setback is 20', while only 12'-10" is proposed. An area variance is required for not reaching the 20' setback. Since shallow front yards are very common in this neighborhood, this variance is not substantial.

The allowable *maximum* front yard setback is a choice between the average of the two adjoining lots or the lots on this side of the block (the code does not give a fixed number as an option). Since an average setback does not exist, the proposed setback is sufficient.

5. Each side yard setback for the two-family house must be at least 5', and the setbacks together must be at least 15'. The proposed setbacks of 5'-1" and 7'-4" exceed the 5' minimum but total only 12'-5". An area variance is required to permit the substandard combined setbacks.
6. The side yard setbacks for the one-family house must meet the same 5'/15' rules. Again, both yards exceed the 5' minimum, but together total only 13'-8". An area variance is required to permit the substandard combined setbacks.
7. The rear yard setback for the two-family house is sufficient. The rear yard setback for the one-family house must be the greater of 20' or one-third the height of the building. The

height of the building, measured to the midpoint of the sloped roof, is 22', one-third of which is just over 7'. Thus, an area variance is required to permit the proposed rear yard setback of 5'-1" rather than 20'.

8. Both buildings are much shorter than the maximum allowable building height, which is two times the lot frontage, or  $2 \times 41.56' = 83'$ .
9. In the R-3 zone, unlike other residential zones, there is no limit on the amount of a lot that may be covered with buildings, pavement, decks, pools, etc.
10. Off-street parking is required at the rate of one space per dwelling unit, or three spaces here. Three spaces are shown: two in the garage and one on a 9'-wide paved driveway.
11. The driveway opening to Beaver Street is proposed to be 32' wide, which is permissible onto an alley. Beaver Street has no curbs, so no work is needed in the public right-of-way.
12. The boundary of the Com Hill Preservation District bisects the parcel, which was two parcels when the district was created in 1977. City Council records show the line was established by metes and bounds, not by parcel address, so the front half of the project is in the district and the back half outside. Therefore, the Preservation Board must review the design of the two-family house but not the one-family.

#### **Environmental Review**

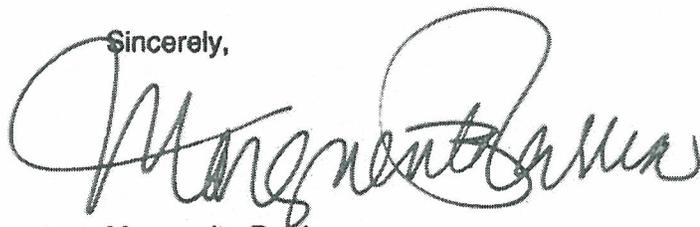
Pursuant to New York State Environmental Conservation Law and Chapter 48 of the Rochester City Code, the proposed expansion is a Type II Action, not needing further review under the environmental regulations.

#### **Next steps**

Site plan approval and a certificate of zoning compliance would follow issuance of area variances from the Zoning Board of Appeals and a Certificate of Appropriateness from the Rochester Preservation Board.

**If any work is found to be necessary in the public right-of-way, permits would be required from the Department of Environmental Services. Contact Jim Quackenbush, Permit Inspector, at 428.6791 (office), 281.6292 (mobile) or [james.quackenbush@cityofrochester.gov](mailto:james.quackenbush@cityofrochester.gov).**

Sincerely,



Marguerite Parrino  
Interim Director of Planning and Zoning

xc: Jim Quackenbush, City Dept. of Environmental Services

### **37 Eagle Street Project Description**

The proposed project is a two family residence and a one family residence on the same parcel: a two and a half story home with a basement apartment and a studio apartment above the garage/carriage house. This development format is found in pre-1920s neighborhoods throughout Rochester and its surrounding villages. The style of the buildings is a modern interpretation of traditional Upstate New York residential structures. The scale, massing, rooflines, and exterior materials coordinate well with the existing built form of the Corn Hill neighborhood.

The uses are permitted in the R-3 High Density Residential District. According to the purpose statement in the Zoning Code, the R-3 District “enhances existing residential areas of higher density.” As the site is currently a vacant parcel, this project represents a significant investment in, and enhancement of, the Corn Hill neighborhood and the City of Rochester in general.



City of Rochester, NY

AREA VARIANCE
STATEMENT OF DIFFICULTY
Section 120-195B(4)(b)

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

A. Benefits. The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

SEE ATTACHED SHEETS

B. Essential character of the area. No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

SEE ATTACHED SHEETS

C. No other remedy. There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

SEE ATTACHED SHEETS

## AREA VARIANCE STATEMENT OF DIFFICULTY

### Section 120-195B(4)(b)

#### *Attachment*

#### **General Notes on Variances Required**

1. Area variance for not reaching the 20' setback

We respectfully disagree with the reported interpretation of the front yard requirement in the code. As stated in 120-28, the 20 foot setback applies only if there are no other houses on the block. In the case of 37 Eagle Street, there are two other houses on the block between Adams and Atkinson: 98 Adams Street and 65 Atkinson Street. They are both corner lots, and by the code definition of a front yard, each of these houses has one on Eagle Street. The average Eagle Street setback on these two parcels is approximately 9'-5." Therefore, we believe no variance is required for the proposed 12'-10" setback. We believe being forced to comply with an arbitrary 20' front yard would be out of character with the rest of the historic neighborhood and create a negative impact on our block.

2. Area variance to permit the substandard combined setbacks (two-family house)

3. Area variance to permit the substandard combined setbacks (one-family house)

In reviewing the preliminary findings, we have made every effort to comply and have modified the design of the single family dwelling to comply with the side yard requirements.

4. Area variance to permit the proposed rear yard setback

**A. Benefits.** The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

1. Area variance for not reaching the 20' setback

Our project benefits from a more functional rear yard and a better designed site plan. As the proposed 12'-10" setback better conforms to the other houses in the neighborhood, there are no detriments. We believe that having the arbitrary and excessive 20' setback

would be considerably more detrimental to a neighborhood, and believe the neighborhood also benefits from a more contextual house without it.

2. Area variance to permit the substandard combined setbacks (two-family house)  
In siting and sizing the house as is, we gain more usable interior space and create a strong architectural element on the south façade. As the combined side yard setback is only exceeded for 8' of the south façade, any detriment to the neighborhood is minimal.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
With the current design we benefit from a fuller utilization of the site and the accommodation of all required on-site parking. This outweighs any minor detriment to neighboring properties. The placement of the single family home (carriage house apartment) also benefits the neighborhood by eliminating the need for a curb cut on Eagle street and reducing demand for on-street parking by providing all spaces on-site.

**B. Essential character of the area.** No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

1. Area variance for not reaching the 20' setback  
No undesirable change will be produced with a 12'-10" setback. As previously stated, complying with the 20' setback would produce an undesirable change.
2. Area variance to permit the substandard combined setbacks (two-family house)  
No undesirable change will be produced with 8' of the house having a 12'5" combined setback.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
No undesirable change will be produced with a 5'-1" rear setback. The rear of the yard abuts rear yard parking for 106-108 Adams Street accessed from the alley. The physical form of a carriage house is not significantly different from other accessory structures in the area including the garage at 98 Adams Street that has an accessory unit above it.

**C. No other remedy.** There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

1. Area variance for not reaching the 20' setback  
Complying with the 20' setback, disregarding the established pattern of the neighborhood, is not feasible.
2. Area variance to permit the substandard combined setbacks (two-family house)  
Moving the staircase internally to the house would adversely affect the available living space in the house and is not feasible.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
Complying with a 20' rear yard setback would not allow for the required on-site parking. When combined with the other yard variances, the site becomes unbuildable.

**D. Significance.** The requested variance is not substantial.

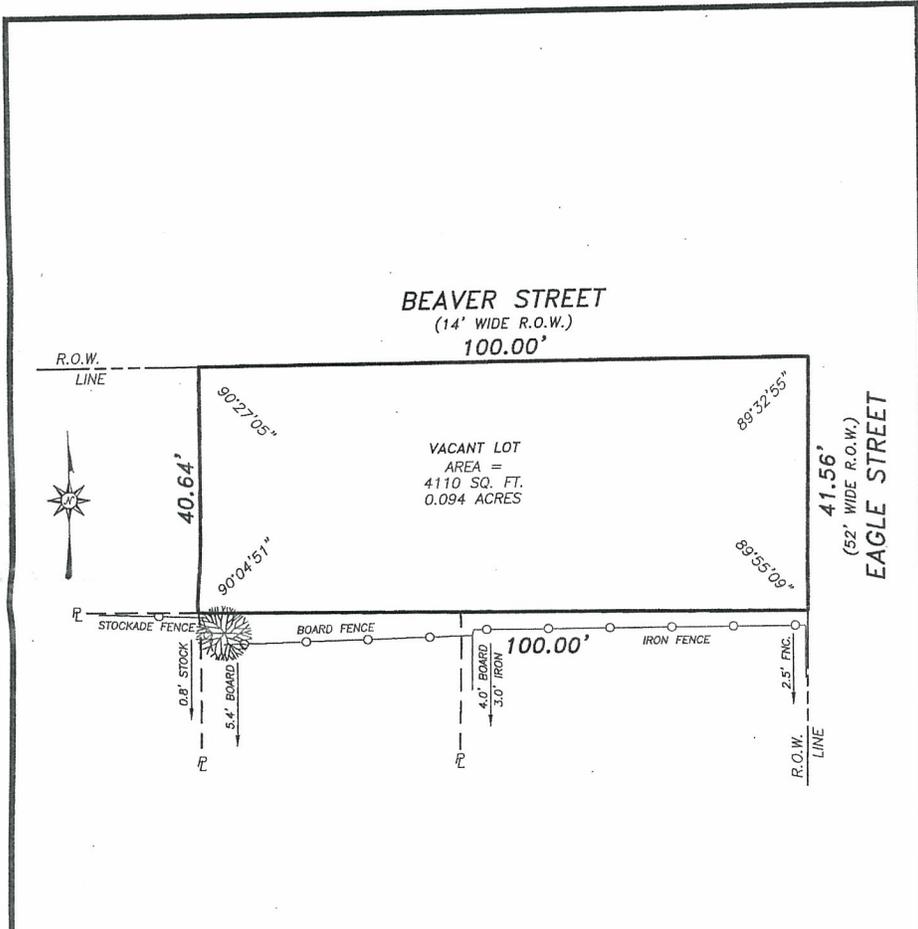
1. Area variance for not reaching the 20' setback  
Nearly all houses in the immediate vicinity fail the 20' setback test, meaning this is common and not substantial.
2. Area variance to permit the substandard combined setbacks (two-family house)  
It should be noted that the side yard setbacks each meet the 5' minimum width while not meeting the 15' combined width for 8' of the building. Most houses in the immediate vicinity fail the combined 15' setback test. The rational purpose for a 15' combined setback – to accommodate a driveway – is not present due to alley access to the site. Therefore this is not substantial.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
The rear yard abuts a parking lot for a non-adjacent house, and thus does not create any substantial impact on a neighbor.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

1. Area variance for not reaching the 20' setback  
The proposed setback is more in character with the neighborhood than the required one – no adverse effect or impact.
2. Area variance to permit the substandard combined setbacks (two-family house)  
There are no houses within 15' of either lot line – no adverse effect or impact.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
The rear yard abuts a parking lot for a non-adjacent house – no adverse effect or impact.

**F. Not self created.** The alleged difficulty was not self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

1. Area variance for not reaching the 20' setback  
The parcel's physical size was not created by our project. There are many small parcels in the city, and in a neighborhood containing and zoned for dense residential development, it is beyond us that the zoning code imposes requirements at odds with creating and enhancing compact, walkable, urban living.
2. Area variance to permit the substandard combined setbacks (two-family house)  
The parcel's physical size was not created by our project. There are many small parcels in the city, and in a neighborhood containing and zoned for dense residential development, it is beyond us that the zoning code imposes requirements at odds with creating and end enhancing compact, walkable, urban living.
3. Area variance to permit the substandard combined setbacks (one-family house)  
We have eliminated this variance with a redesign.
4. Area variance to permit the proposed rear yard setback  
The parcel's physical size was not created by our project. There are many small parcels in the city, and in a neighborhood containing and zoned for dense residential development, it is beyond us that the zoning code imposes requirements at odds with creating and end enhancing compact, walkable, urban living.



**CERTIFICATION:**

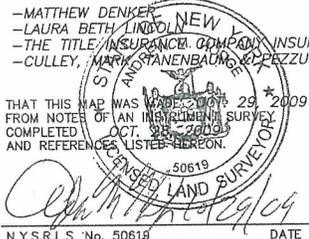
I, ANDREW M. HODGE, HEREBY CERTIFY TO:

- MATTHEW DENKER
- LAURA BETH LINCOLN
- THE TITLE INSURANCE COMPANY INSURING THE TITLE
- CULLEY, MARK STANENBAUM & SPEZZULO, LLP.

THAT THIS MAP WAS MADE BY ME ON OCT. 29, 2009  
FROM NOTES OF AN INSTRUMENT SURVEY  
COMPLETED OCT. 28, 2009  
AND REFERENCES LISTED HEREON.

**REFERENCES:**

- 1.) LIBER 10139 OF DEEDS, PAGE 73.
- 2.) ABSTRACT OF TITLE NOT PROVIDED.



N.Y.S.R.L.S. No. 50619 DATE

**TITLE:**  
**INSTRUMENT SURVEY MAP**  
**37 EAGLE STREET**  
**BEING PART OF TOWN LOT No. 52 SITUATE IN THE**  
**CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK**

\*Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law.  
\*Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies.  
\*Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.\*

**TRI-COUNTY LAND SURVEYORS, LLC.**

16 EAST MAIN STREET SUITE 320  
ROCHESTER, NEW YORK 14614  
Phone (585) 263-9950  
Fax (585) 263-3591

SCALE:  
1" = 20'

TAX ACCOUNT:  
121.460-1-12

JOB NO.:  
1352-09

DATE:  
OCT. 29, 2009

Revised Drawings

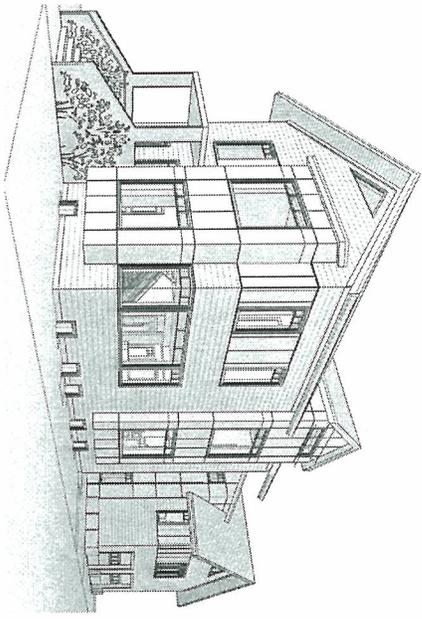
# DENKER-LINCOLN RESIDENCE

## 37 EAGLE STREET

### ROCHESTER, NY 14608

CLIENT: DENKER-LINCOLN  
SWBR PROJECT #: 14745  
PLANNING AND ZONING  
SUBMISSION

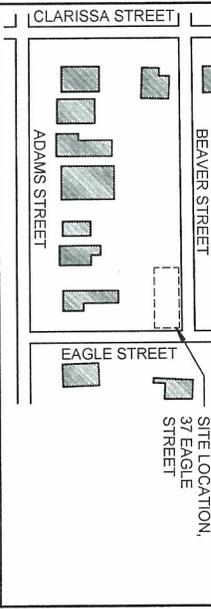
ARCHITECT &  
STRUCTURAL ENGINEER:  
SWBR ARCHITECTURE,  
ENGINEERING & LANDSCAPE  
ARCHITECTURE, P.C.  
387 EAST MAIN STREET  
ROCHESTER, NEW YORK 14604  
PHONE: (585) 232-8300  
FAX: (585) 232-9221



#### DRAWING INDEX

- G-000 TITLE SHEET
- A-001 SITE PLAN
- A-101 BASEMENT UNIT
- A-102 FIRST FLOOR PLAN
- A-103 SECOND FLOOR PLAN
- A-104 ATTIC FLOOR PLAN
- A-105 LOFT UNIT
- A-106 3D MASSING
- A-107 PERSPECTIVE
- A-201 EXTERIOR ELEVATIONS
- A-202 EXTERIOR ELEVATIONS

#### KEY PLAN



387 East Main Street  
Rochester, NY 14604-4300  
Phone: 585.232.9221  
www.swbr.com

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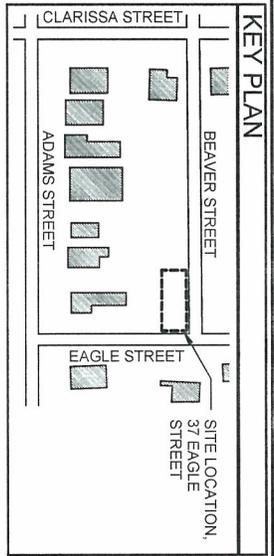
PROJECT:  
37 EAGLE ST

CLIENT:  
Mr. Matthew Denker and  
Mrs. Laura Beth Lincoln  
1965 30th Street Apt 205  
Boulder, Colorado 80301

DRAWING TITLE  
TITLE SHEET

DRAWING NO.  
G-000

ISSUE DATE  
12/04/15



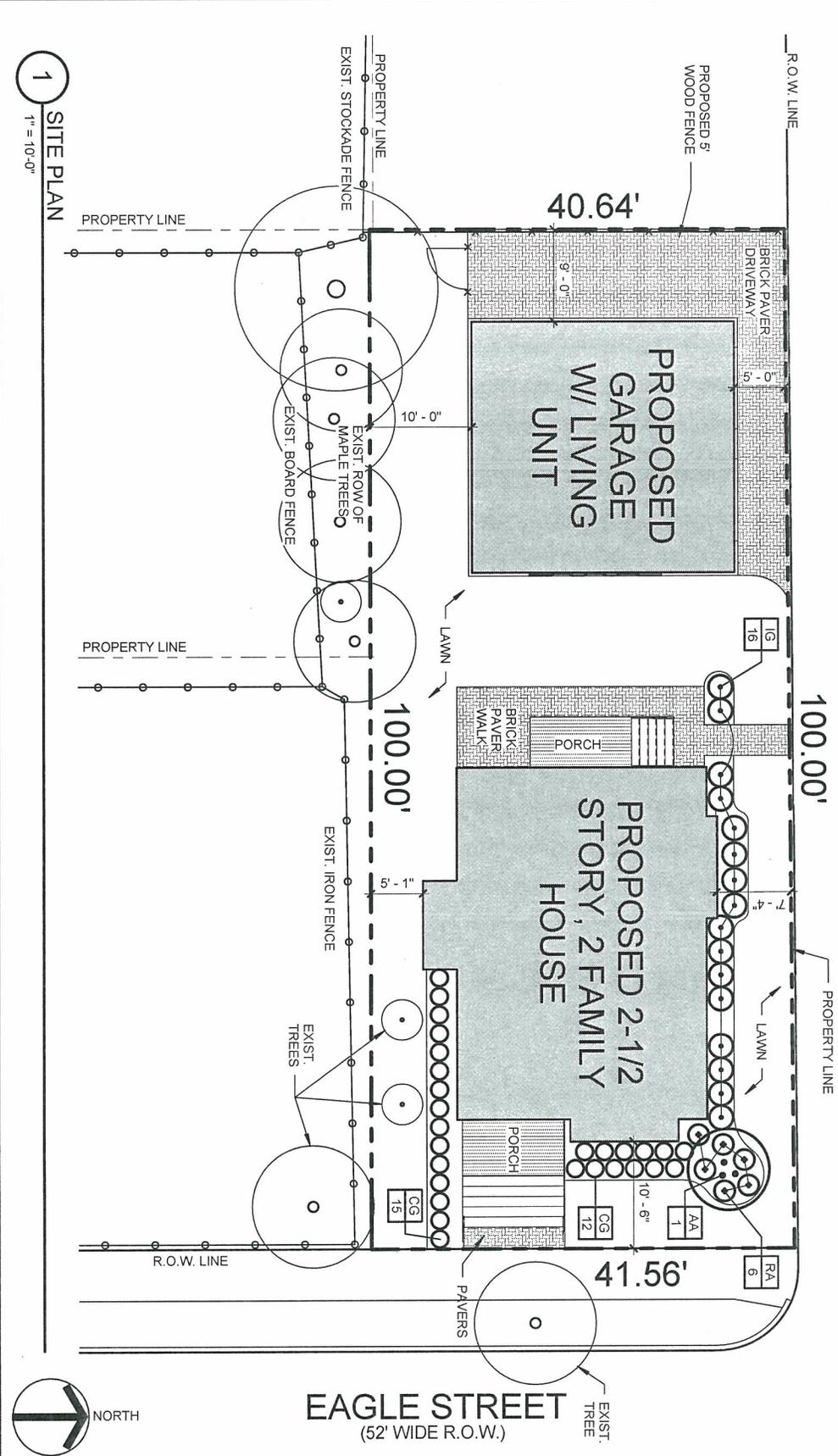
**KEY PLAN**

**PLANT MATERIALS SCHEDULE**

KEY	NO.	SCIENTIFIC NAME	COMMON NAME	ROOT	SIZE
AA	1	American arbutus, Autumn Brilliance	Downy Serviceberry	BB	2.5" - SHRUB FORM
CG	27	Callamagnosis acutiflora Karl Foerster	Feather Reed Grass	CG	No. 1
IG	16	Ilex glabra 'Shamrock'	Inkberry	BB	36"
RA	6	Rhus aromatica 'Go-low'	Fragrant Sumac	CG	No. 3

**SITE INFORMATION**

FLOOR AREA RATIO: 75%  
 TOTAL FLOOR AREA: 3,103 SF  
 LOT SIZE: 4,117 SF  
 BUILDING COVERAGE: 2,288 SF  
 PERCENT OPEN SPACE: 1,711 SF  
 42%



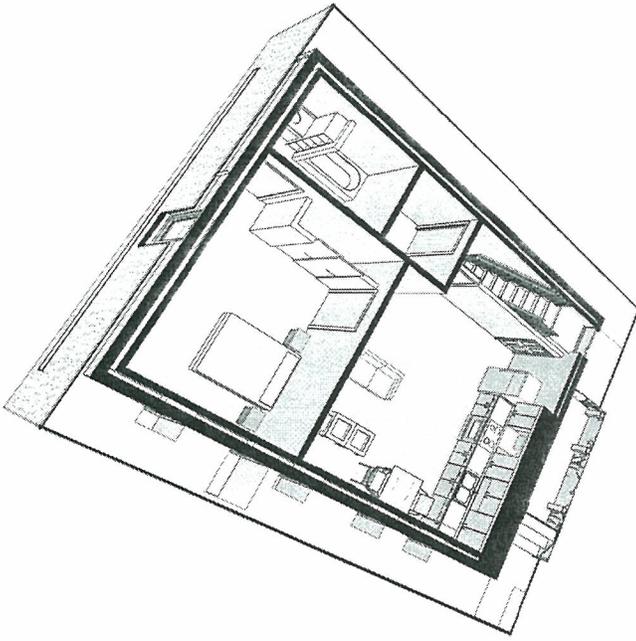
**CLIENT:**  
Mr. Matthew DeLuca and  
Mrs. Laura Beth Lincoln  
1965 30th Street Apt. 205  
Boulder, Colorado 80301

**PROJECT:**  
37 EAGLE ST

**DRAWING NO.:**  
A-001

**ISSUE DATE:**  
12/04/15

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Rochester, NY 14604-2107  
Phone: 585.252.9221  
Fax: 585.252.9221  
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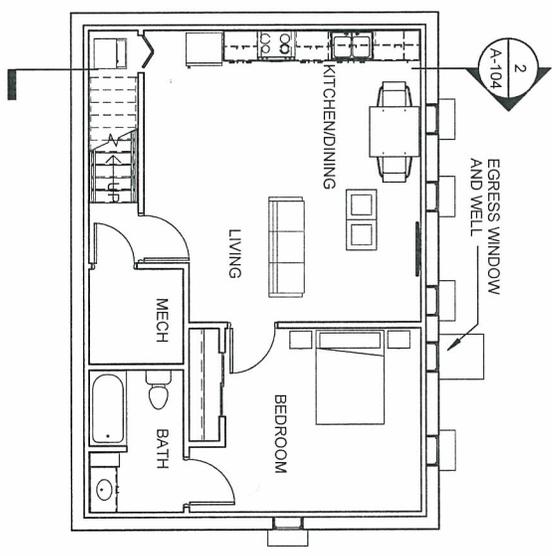
**BASEMENT UNIT**

1

**BASEMENT FLOOR PLAN**

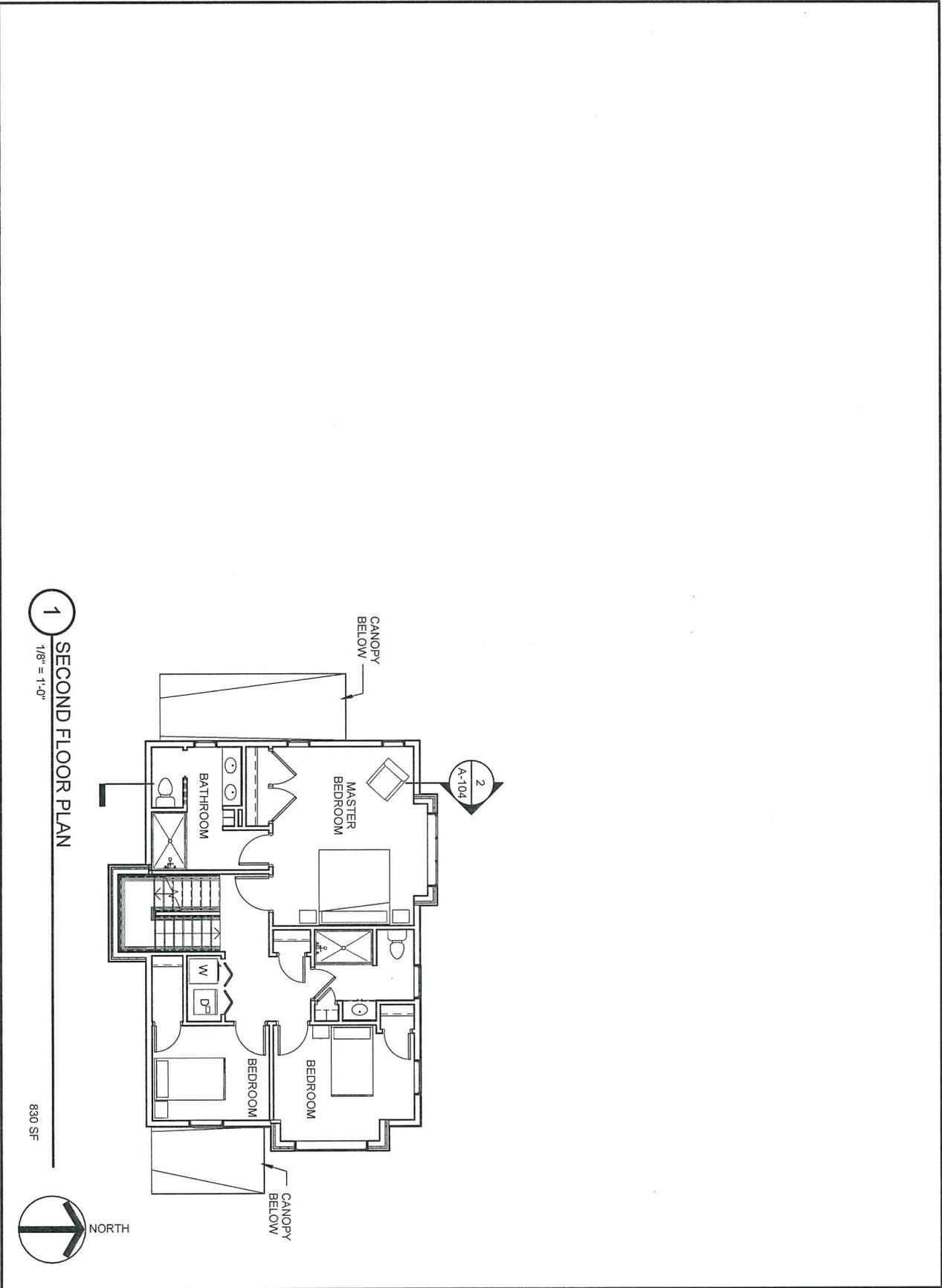
1/8" = 1'-0"

705 SF



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<p><b>CLIENT:</b> Mr. Matthew Denker and Mrs. Laura Denker Lincoln 1965 50th Street Apt. 205 Boulder, Colorado 80301</p>	<p><b>PROJECT:</b> 37 EAGLE ST ROCHESTER, NY</p>	<p><b>DRAWING TITLE:</b> BASEMENT UNIT</p>
<p><b>DRAWING NO:</b> A-101</p> <p>Drawn By: SDP Checked: RF Proj. Mgr.: JD Proj. No.: 14745</p>	<p><b>ISSUE DATE:</b> 12/04/15</p>	



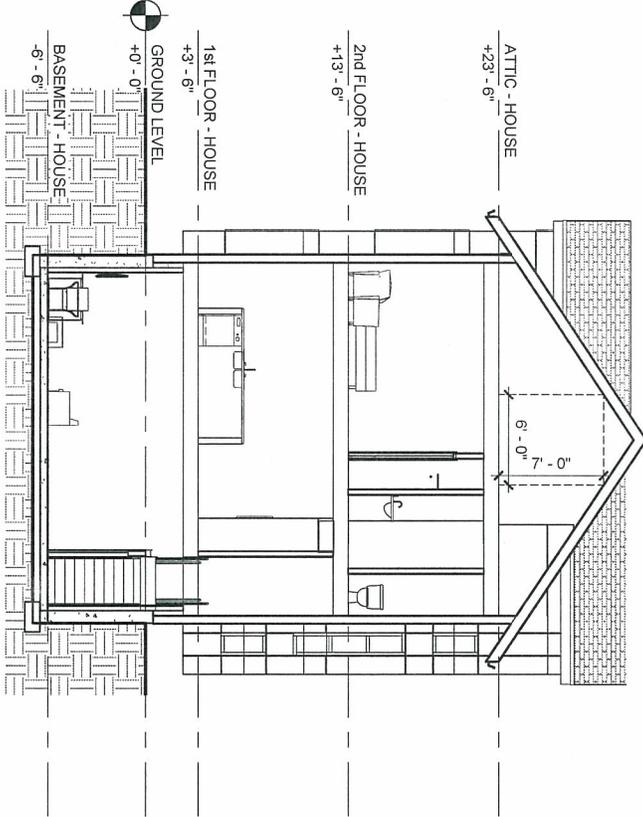


**1**  
 SECOND FLOOR PLAN  
 1/8" = 1'-0"

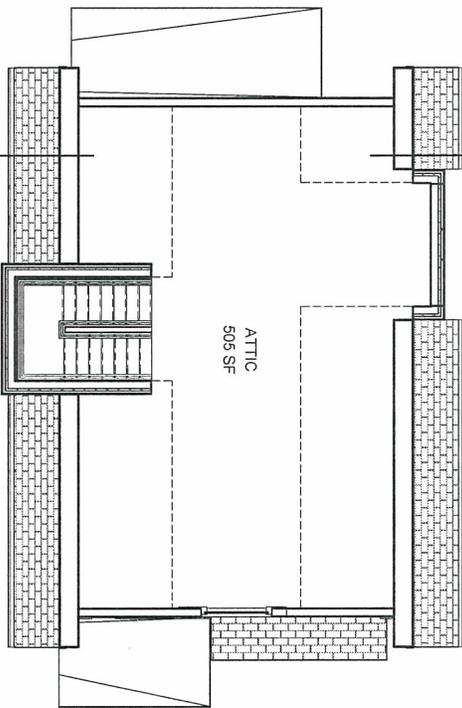
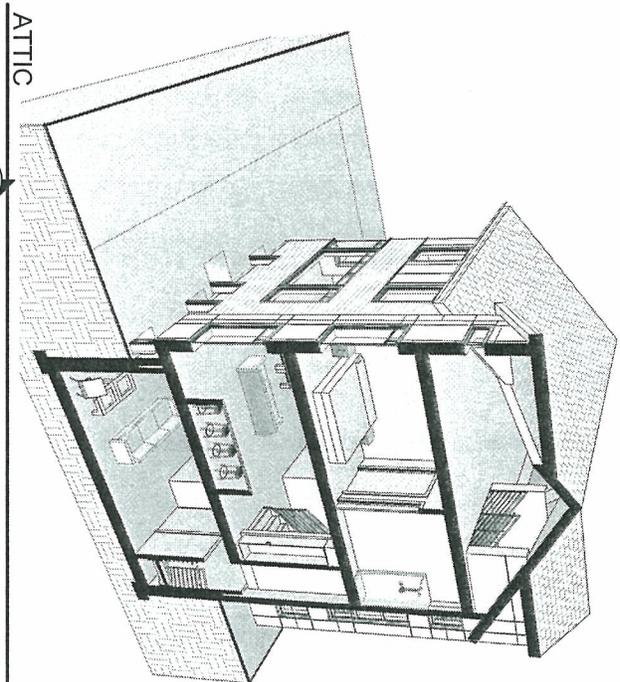
830 SF



 <b>SW BR</b> ARCHITECTS 387 East Main Street Rochester, NY 14604-2407 Phone 585.232.0221 Fax 585.232.0221 www.swbrf.com	PROJECT: 37 EAGLE ST	CLIENT: Mr. Matthew Denker and Mrs. Laura Beth Lincoln 1885 30th Street Apt. 205 Boulder, Colorado 80501	DRAWING NO: A-103 checked: RF proj mgr: JLS proj lck: 14745	DRAWING TITLE: SECOND FLOOR PLAN	ISSUE DATE: 12/04/15
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**2** BUILDING SECTION  
1/8" = 1'-0"



**1** ATTIC - HOUSE  
1/8" = 1'-0"

503 SF

**SW  
BR**

SWAN ARCHITECTS

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ROCHESTER, NEW YORK

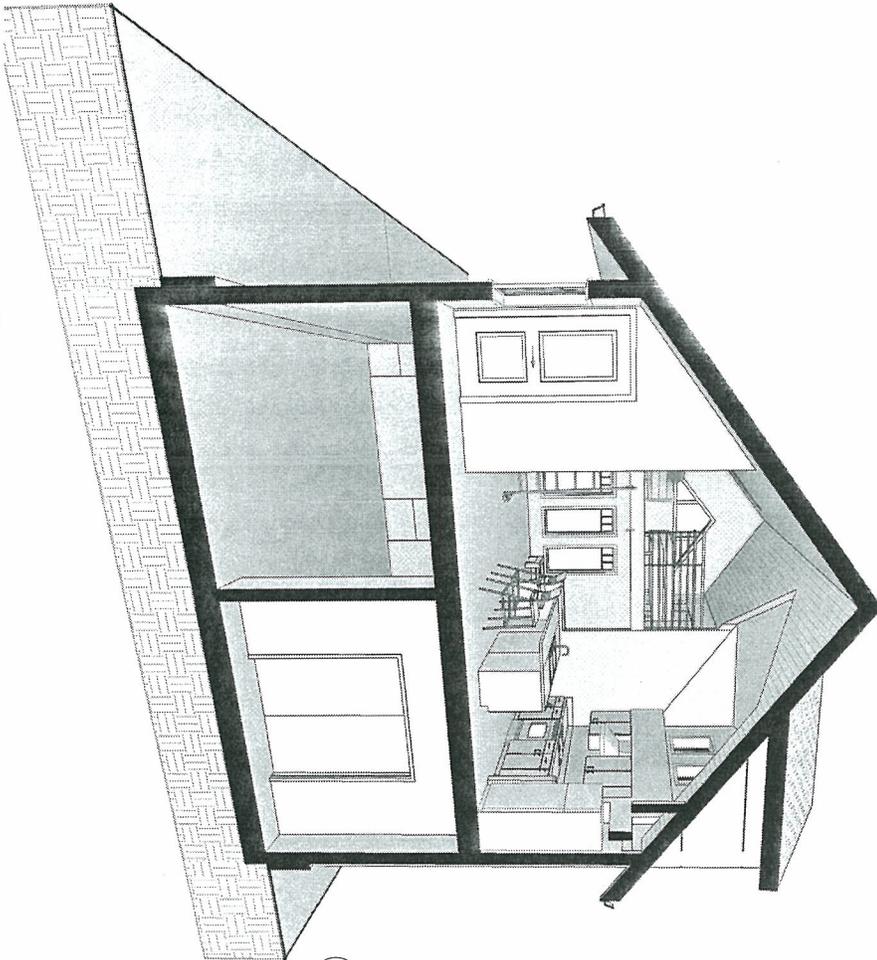
**PROJECT:**  
37 SINGLE ST

**CLIENT:**  
Mr. Andrew Denker and  
Mrs. Laura Denker  
1965 30th Street Apt. 205  
Boulder, Colorado 80301

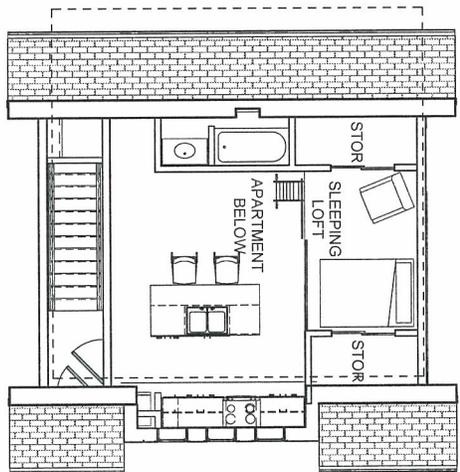
**DRAWING TITLE**  
ATTIC FLOOR PLAN

<b>DRAWING NO.</b> A-104	Checked By: SJP Reviewed By: JD Proj. No.: 14745
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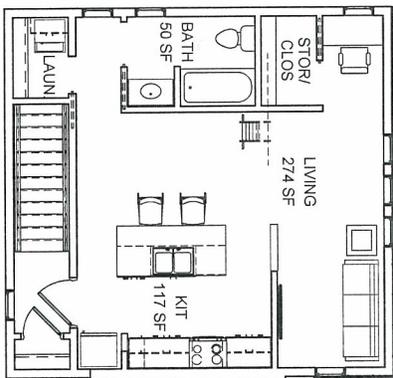
**ISSUE DATE**  
12/04/15



CARRIAGE UNIT



2 SECOND FLOOR PLAN - LOFT  
1/8" = 1'-0"



1 SECOND FLOOR PLAN - MAIN  
1/8" = 1'-0"  
738 SF

 <p>387 East Main Street Rochester, NY 14604-2107 Voice: 585.232.8300 Fax: 585.232.9221 www.swbr.com</p>	<p>PROJECT: 37 ENGEL ST</p>	<p>CLIENT: Mr. Matthew Denker and Mrs. Laura Beth Lincoln 1665 20th Street A pt. 205 Rochester, Colorado 80501</p>	<p>ISSUE DATE 12/04/15</p>
	<p>PROJECT: 37 ENGEL ST</p>	<p>ISSUE DATE 12/04/15</p>	<p>ISSUE DATE 12/04/15</p>



3D MASSING



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ROCHESTER, NEW YORK

PROJECT:  
 37 ENGLE ST

CLIENT:  
 Mr. Matthew DePina and  
 Mrs. Laura Beth Lencze  
 1965 30th Street Apt. 205  
 Boulder, Colorado 80301

DRAWING TITLE  
 3D MASSING

DRAWING NO.	Created By	DATE
A-106	checked: RIF	
	proj mgr: JB	
	proj no: 14745	

ISSUE DATE  
 12/04/15



PERSPECTIVE



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 ROCHESTER, NEW YORK

1

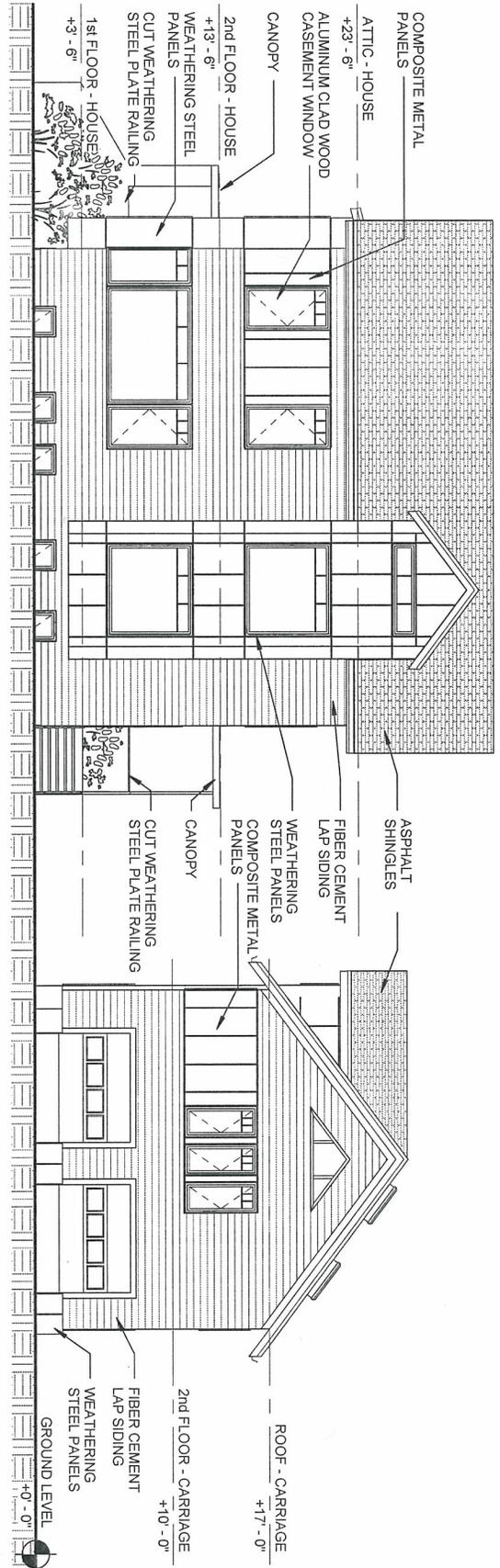
PROJECT:  
 37 EAGLE ST

CLIENT:  
 Mr. Matthew Denker and  
 Mrs. Linda Beth Lincoln  
 1865 90th Street Apt. 205  
 Boulder, Colorado 80301

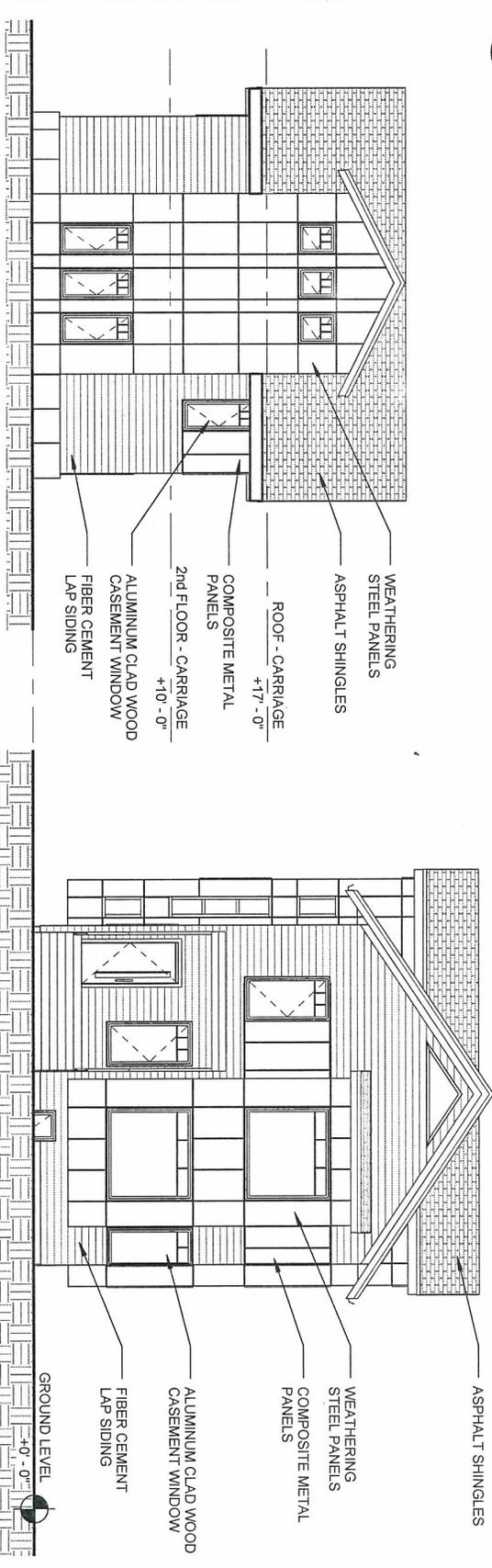
DRAWING TITLE  
 PERSPECTIVE

DRAWING NO. A-107	designed by SDP
	checked by RF
	proj mgr. JS
	proj no. 14745

ISSUE DATE  
 12/04/15



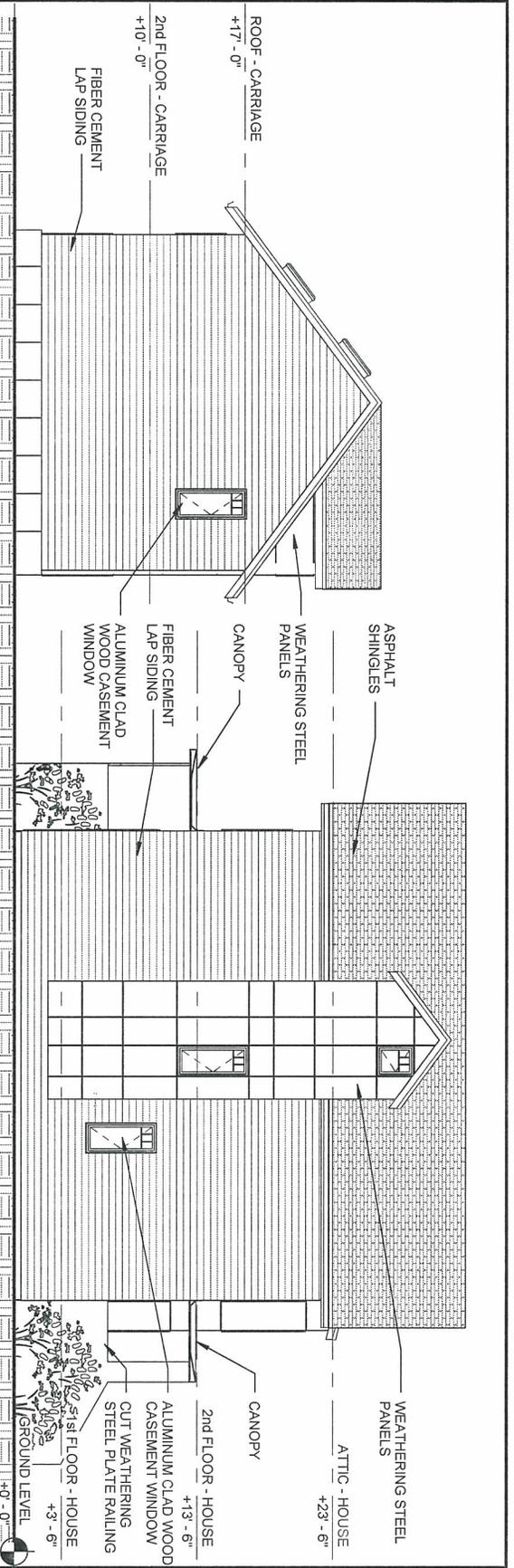
**3** EXTERIOR ELEVATION - NORTH  
1/8" = 1'-0"



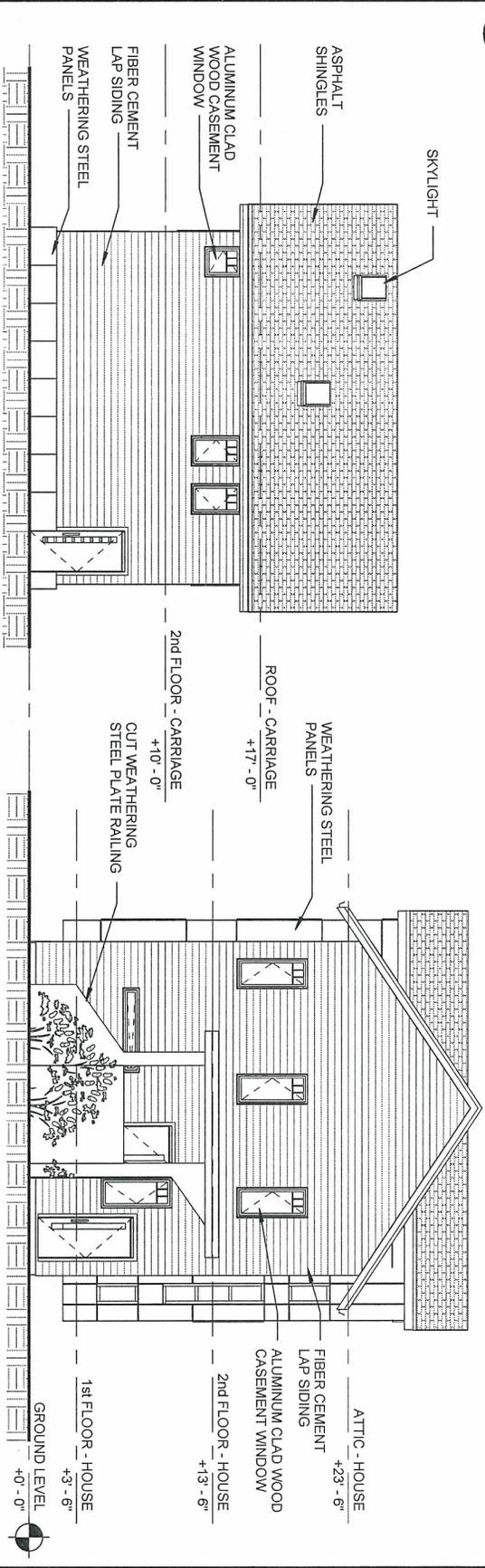
**2** EXTERIOR ELEVATION - GARAGE - EAST  
1/8" = 1'-0"

**1** EXTERIOR ELEVATION - HOUSE - EAST  
1/8" = 1'-0"

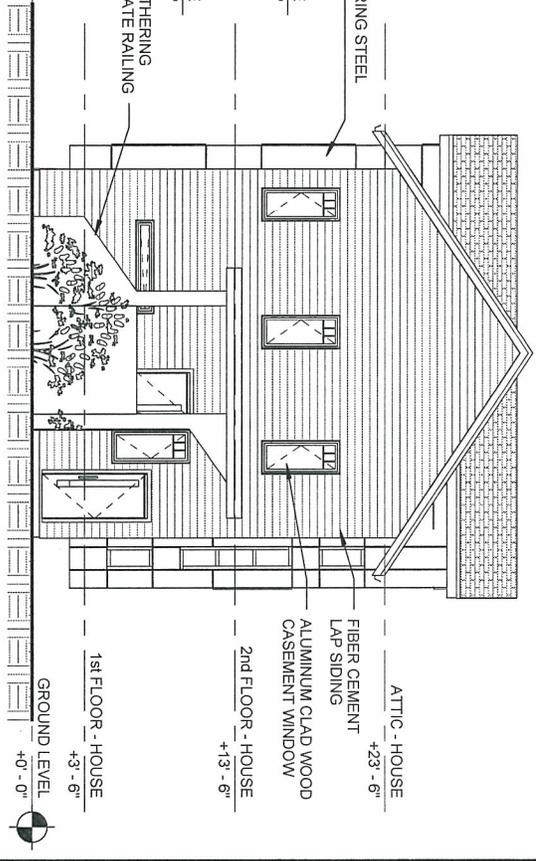
 <p>387 East Main Street Rochester, NY 14604-2107 Phone: 585.232.9221 W.W.S.W.B.F. .COM</p>	<p>PROJECT: 37 ENGLE ST</p>
	<p>CLIENT: Mr. Matthew Denker and Mrs. Laura Beth Lincoln 1965 30th Street N. Pt. 205 Boulder, Colorado 80501</p>
<p>DRAWING NO: A-201</p>	<p>DRAWN BY: SDP CHECKED: RF DATE: 12/14/15</p>
<p>ISSUE DATE: 12/04/15</p>	<p>DRAWING TITLE: EXTERIOR ELEVATIONS</p>



**1**  
EXTERIOR ELEVATION - SOUTH  
1/8" = 1'-0"



**2**  
EXTERIOR ELEVATION - GARAGE - WEST  
1/8" = 1'-0"

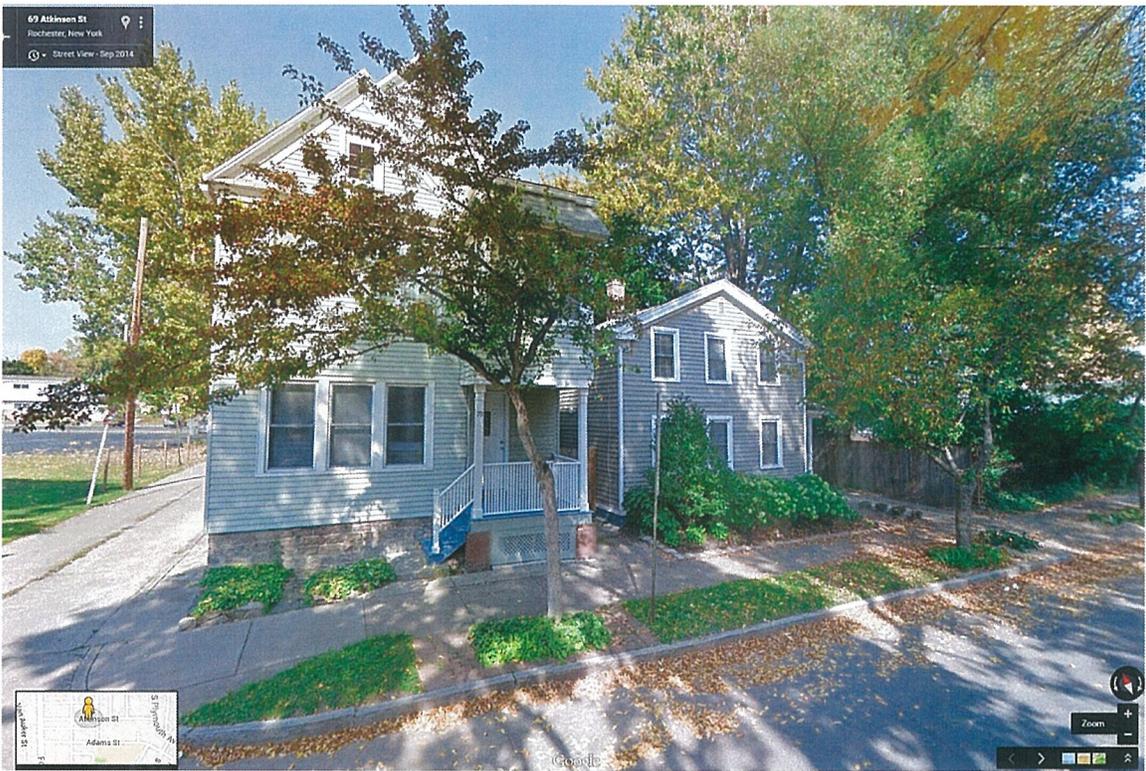


**3**  
EXTERIOR ELEVATION - HOUSE - WEST  
1/8" = 1'-0"

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<p>PROJECT: 37 FADE ST</p>	<p>CLIENT: Mr. Matthew Denker and Mrs. Laura Beth Lincoln 1965 39th Street Apt. 205 Boulder, Colorado 80501</p>
<p>DRAWING NO. A-202</p>	<p>ISSUE DATE 12/04/15</p>
<p>DRAWING TITLE EXTERIOR ELEVATIONS</p>	<p>DESIGNED BY: SDP CHECKED BY: RFB PROJECT MGR: JLD PLOT NO.: 14745</p>









**ZONING BOARD OF APPEALS  
STAFF REPORT  
January 21, 2016**

**Area Variance**

---

<b>Case # 6:</b>		Staff Reviewer: Jill Symonds
<b>File Number:</b>	V-044-15-16	
<b>Applicant:</b>	Daniel P. Green	
<b>Project Address:</b>	114 Field Street	
<b>Zoning District:</b>	R-3 High-Density Residential District	
<b>Section of Code:</b>	120-166	
<b>Request:</b>	<b>To convert the first floor commercial space into two apartments, not meeting certain dwelling unit conversion standards.</b>	
<b>Analysis:</b>	Preliminary Site Plan Review Findings (SP-018-15-16) for the project analysis are attached.	
<b>Code Compliance:</b>	Section 120-166 sets out the dwelling unit conversion standards, which are designed to prevent the overcrowding of dwelling units and to ensure satisfactory amenities as conversions take place. This application does not meet some of the following standards: <ul style="list-style-type: none"><li>• <u>Lot size</u>: The lot size for a multi-family dwelling must be at least 9,000 sq. ft., whereas 114 Field Street is 5,356 sq. ft.</li><li>• <u>Parking</u>: On January 25, 2015, the City Planning Commission will consider a request to establish ancillary parking areas at 110 &amp; 116 Field Street to accommodate the parking needs for all of the uses at of 110, 114, and 116 Field Street. Therefore, the Zoning Board does not have to address the parking.</li></ul>	
<b>Code Enforcement:</b>	The subject property is not in code enforcement.	

**PROJECT INFORMATION**

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 110, 114, 116 Field Street

2. APPLICANT: Daniel P. Green COMPANY NAME: \_\_\_\_\_

ADDRESS: 195 Vassar St CITY: Rochester ZIP CODE: 14607

PHONE: (585)329-6743 FAX: \_\_\_\_\_

E-MAIL ADDRESS DanielPGreen@gmail.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: self

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

4. ATTORNEY: Paul Mura

ADDRESS: 2 State Street CITY: Rochester ZIP CODE: 14614

PHONE: (585)262-5140 FAX: (585)232-3164

E-MAIL ADDRESS paulemura@hotmail.com

5. ZONING DISTRICT: R1

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_

\* 114 Field St. aka Angelus Bake Shop. convert vacant commercial space on first floor  
into two residential 2 bedroom apartments

\* 110 Field St. add 1090 sq ft of new parking

\* 116 Field St. add 900 sq ft of new parking

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 18 months

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.



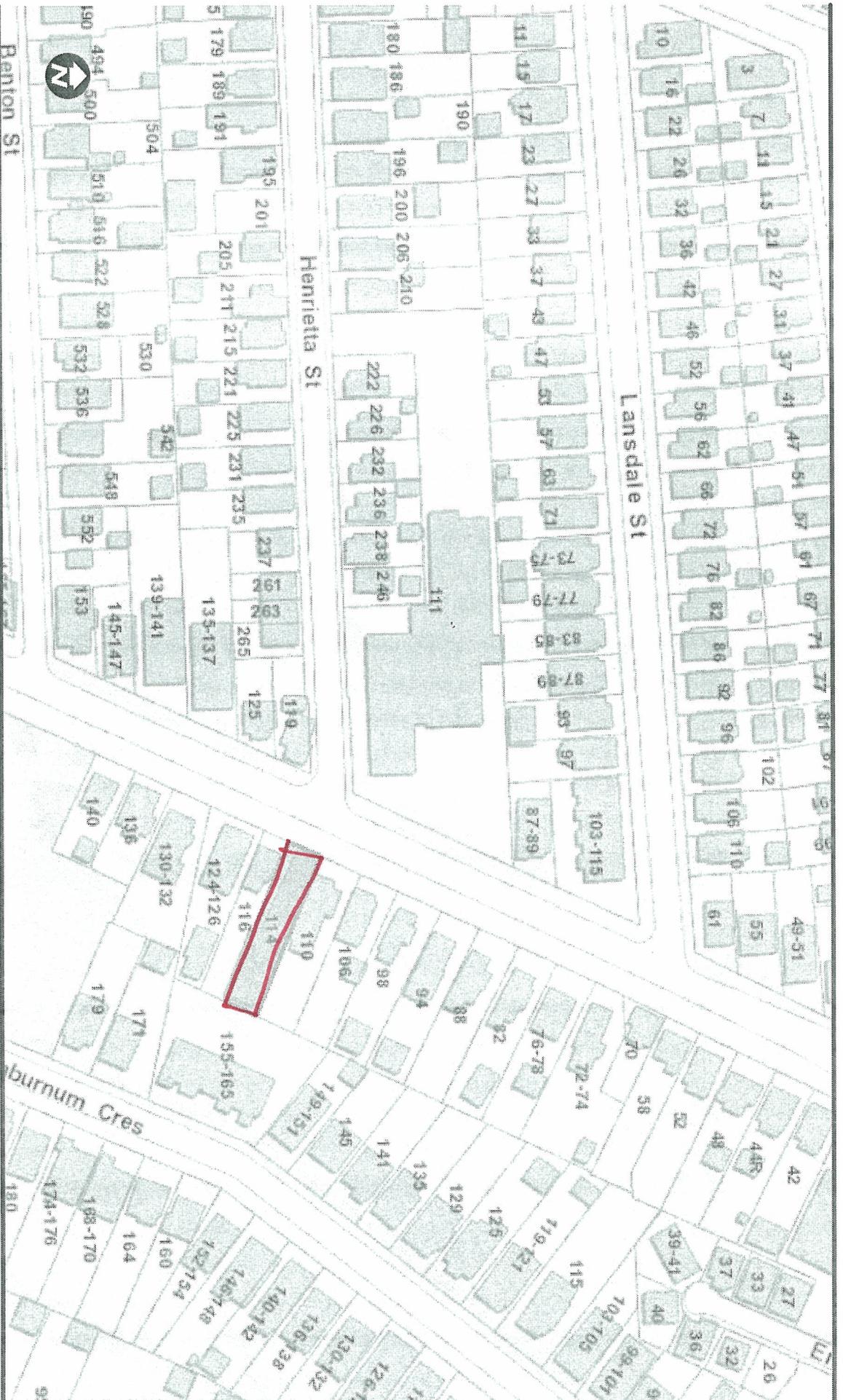
SIGNATURE: Daniel P. Green DATE: 12/3/15

Digitally signed by Daniel P. Green  
DN: cn=Daniel P. Green, o=du,  
email=DanielPGreen@gmail.com, c=US  
Date: 2015.06.08 08:32:57 -0400

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# 114 FIELD ST



January 8, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

## City of Rochester, NY



City of Rochester, NY  
Lovely A. Warren, Mayor



December 7, 2015

Mr. Daniel Green  
195 Vassar St  
Rochester, NY 14620

**Re: Preliminary Site Plan Findings  
SP-018-15-16, 110, 114 & 116 Field Street  
Zoning: (R-1) Low Density Residential District**

Dear Mr. Green:

A preliminary review of your application to convert the first floor of a commercial building at 114 Field Street into two residential units and establish ancillary parking on the two adjacent single family parcels at 110 & 116 Field Street has been completed.

The following findings & recommendations have resulted from this review. It is your responsibility to familiarize yourself with the content of this document.

**Existing Conditions:**

The site is located in an R-1 Low Density Residential District on the eastern side of Field Street and consists of three parcels all owned by the applicant. Two of the lots are single family homes: 110 Field Street is a 1,366 sqft three bedroom unit; 116 Field Street is a 744 sqft two bedroom unit.

114 Field Street is a two story masonry building with 1<sup>st</sup> floor commercial space and a 2<sup>nd</sup> floor apartment. Permit records indicate the building was used as a bakery as early as 1912, and was later a gift shop. Between 1953 and 1964 it was used for the processing, storage and wholesale of drink mixes by Fee Brothers. It was then used as a photo lab and offices until around 2000. Assessment records indicate the presence of a 2<sup>nd</sup> story residential unit which was legalized through a Certificate of Nonconformity in May of 2014 and is currently an occupied 1,100 sqft two bedroom apartment.

No parking spaces are available on-site at 114 Field Street, but the parcel has a driveway which leads to a parking area behind the house at 116 Field Street. 116 Field Street does not have a full driveway to access this parking area. Permit records show a shared parking relationship has existed between 114 and 116 Field Street in the past. In 1964 a variance was approved to change the use of 114 Field Street to a photo lab and to establish off-street parking at 116 Field Street. In 1980 a Special Permit was issued at 116 Field Street to establish 5 spaces of ancillary parking for 114 Field Street, however this permit is null and void due to the extended period of vacancy in the commercial space.

The properties directly adjacent to the site include a single-family residence to the north, a two-family apartment with a single-family cottage in the rear yard to the south, and a large five-family building to the rear of the entire site. Other properties in the immediate vicinity

are a mix of residential buildings including some single family homes but primarily two to four unit residences. School 35 and a large commercial building used by Frontier Telephone are also located on the same block.

**Scope of the Project:**

The applicant proposes a change in use on the first floor of an existing commercial space at 114 Field Street to two residential units: a two-bedroom 1,375 sqft apartment, and a two-bedroom 1,464 sqft apartment. The second floor will remain a two-bedroom apartment.

Because no parking is available on-site, ancillary parking will be established on each of the two adjacent parcels. Three parking spaces will be added to 110 Field Street (six total), the layout of which will allow vehicles to turn around before exiting the site preventing the need to back up over the right-of-way. Three additional parking spaces were proposed for 116 Field Street, but upon site plan review committee recommendation, the applicant removed one space adjacent to 116 Field Street in order to provide space for vehicles to turn around before exiting the site. A total of four spaces are now proposed.

Parking areas will be expanded by installing Turfstone™ interlocking permeable concrete pavers in order to mitigate potential drainage issues that would otherwise occur if regular pavement was used.

**Code Compliance:**

1. **Minor Site Plan Review.** Minor Site Plan Review approval by the Director of Planning and Zoning is required when floor area designated for nonresidential use is converted to residential use. The proposal seeks to convert vacant commercial space into two residential apartments (three units total).
2. **Area Variance.** An area variance is required from the Zoning Board of Appeals to waive the Dwelling Unit Conversion standards which are required for the proposed conversion of nonconforming nonresidential floor area to residential use. The proposal adheres to all of the standards to increase the number of dwelling units except the following standards which will require a waiver:
  - No building located on a lot of less than 9,000 square feet shall be converted to create a multiple-family dwelling as per 120-166A(3). The lot at 114 Field Street is 5,356 sqft. If this lot were to be combined with either 110 or 116 Field Street the new parcel would meet the lot area requirement, but neither the applicant nor the site plan review committee is in favor of this option.
3. **Special Permit.** A Special Permit is required from the City Planning Commission to establish ancillary parking lots at 110 Field Street and 116 Field Street as per 120-9A and subject to 120-131 of the Zoning Code.

Requirements of 120-131:	In Compliance?
A. Ancillary parking lots and garages shall only be allowed in the district where the principal use is located or a less restrictive district.	Yes. 114 Field Street is located in an R-1 District and the proposed parking lots at 110 and 116 Field Street are in the same R-1 District.
B. Ancillary parking lots and garages shall be subject to all the provisions of § 120-173, Off-street parking, and all the lot, area, yard and bulk requirements of the applicable zoning district.	<p>Yes.</p> <p><u>Section 120-173. Off-street parking:</u>  The proposed ancillary parking lots are in accordance with all off-street parking requirements for the three parcels.</p> <p><u>Section 120-11. Lot, area, and yard requirements in the R-1 District:</u></p> <ul style="list-style-type: none"> <li>• Lot coverage – the proposal is in compliance because there is no increase in lot coverage, see Finding #4 Lot Coverage.</li> </ul> <p>All other lot frontage, lot area, and setback requirements relate to principal structures and uses. The ancillary lots are accessory uses.</p> <p><u>Section 120-12. Bulk requirements in the R-1 District:</u>  Bulk requirements relate to principal structures and uses. The ancillary lots are accessory uses.</p>
C. Ancillary parking lots and garages shall be used exclusively for parking of passenger vehicles.	Yes.
D. Ancillary parking lots and garages shall be equipped and controlled to discourage illegal parking, vandalism and other unlawful or nuisance-creating activities. When so equipped and controlled, such lots and garages may be open 24 hours a day.	Yes. Not necessary for the residential lots in question.
E. No commercial repair work or services of any kind shall be conducted in any ancillary parking lot or garage.	Yes. None proposed.
F. No sign of any kind other than designating entrances, exits and conditions of use shall be maintained on any ancillary parking lot or garage.	Yes. None proposed.

**SEQF/Chapter 48 Compliance:**

In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as an Unlisted Action. A Negative Declaration was issued on December 2, 2015, indicating that the proposed action is one which will not have a significant impact on the environment.

**Findings:**

1. **Citywide Design Guidelines.** In accordance with 120-159C of the Citywide Design Guidelines and Standards, a window should be reinstalled on the front façade at 114 Field Street in order to restore/retain the storefront features. The applicant has agreed to a single window with multiple panes and mullions consistent with the existing window treatments and existing storefront design.
2. **Parking Requirements.** The two single family units at 110 and 116 Field Street each requires one off-street parking space with a maximum of three each. In order to establish the three, two-bedroom apartments at 114 Field St, a minimum of four parking spaces are required with a maximum of six spaces. A total of ten spaces are proposed. Parking requirements will be fulfilled through the establishment of ancillary parking lots at 110 & 116 Field Street.

3. **Parking Lot Design.**  
**Recommended Parking Design Changes**

An alternative site design is recommended by the Site Plan Review Committee to improve the maneuvering and circulation on-site and reduce the impact of this proposal on neighboring properties, especially the cottage at 124 ½ Field Street adjacent to proposed parking at 116 Field Street. Recommended changes are illustrated on the alternative site design on page 7 and outlined below.

- **116 Field Street**
  - Reconfigure parking and reduce the total number of spaces to three in order to: increase the designated turn around area; maintain an 800+ sqft area of green space in the rear yard; prevent overdevelopment of the site; and reduce the impact on the adjacent cottage. This would reduce the amount of permeable pavers by approximately 350 sqft.
  - Remove a small portion of pavement in order to shift spaces slightly from the cottage to accommodate new landscape screening (see Finding #6. Screening & Fencing).
  - Add a strip of pavement adjacent to the building at 114 Field Street to improve access to parking spaces and site maneuvering (no net increase in pavement due to removal above).
- **110 Field Street**
  - Create a more regularly shaped permeable paver area by removing a portion of existing pavement and adding a strip of pavement on the northern edge of the existing driveway. This would result in a slight reduction of pavement and create a uniform transition area between the pavement and permeable pavers.

**Drainage**

Turfstone™ interlocking permeable concrete pavers are proposed for parking expansion in order to support the weight of vehicles parked above, while allowing water to drain through the dedicated space between the pavers. The site plan review committee requires the use of washed stone: between the pavers instead of the proposed grass, and for the compacted base layer below the pavers rather than asphalt or cement in order to allow drainage into the ground. The proposal also

includes the installation of river rock in areas of the rear yards bordering lot lines to assist with drainage and prevent stormwater runoff from leaving the sites. Any additional stormwater on 116 Field Street will be mitigated by an existing catch basin on-site.

Additional permeable surfaces including grass and landscaping are present in the front and rear yards of 110 and 116 Field Street. Snow storage will be located in the grassed areas in these rear yards.

Overall, the proposed stormwater management techniques appear to be sufficient to address stormwater on-site and have been reviewed and approved by Tom Mann, Permit Office Manager, Bureau of Planning and Zoning.

4. **Lot Coverage.** While the existing sites currently exceed 50% of the lot coverage, the proposal does not increase lot coverage on any of the sites. Changes or additions to the existing impervious pavement are not proposed, and the permeable pavers are not counted in the lot coverage calculation (see table below). The Site Plan Review Committee's Recommended Alternative Site Design on page 7 illustrates two areas appropriate to convert to pavement in exchange for two other areas that should be converted from pavement to landscaping and concrete pavers, which would result in no net increase in lot coverage.

Lot Coverage								
Address	Existing					Proposed		
	Lot Size (sqft)	Structures (sqft)	Impervious Pavement (sqft)	Total Impervious Coverage	Lot Coverage	Permeable Pavers (sqft)		Lot Coverage
						As Proposed	Alt. Design	
110 Field St	6,505	1,664	2,373	4,037	62%	760	767	62%
114 Field St	5,356	3,838	1,060	4,898	91%	0	0	91%
116 Field St	4,212	853	1,340	2,193	52%	818	466	52%

5. **Required Easements.** Easements will be required between 114 Field Street and each of the adjacent parcels at 110 and 116 Field Street to ensure ancillary parking and access to it is maintained in the future should any of the three sites be sold to a new owner. 114 Field Street will require easements to use both driveways, and ancillary parking areas. Each of the single family homes will retain the use of at least one parking space. 116 Field Street will require an easement for the use of the driveway at 114 Field Street. The applicant has agreed that easements are necessary and has submitted a draft easement for 114 and 116 Field Street as an example of what will be filed.
6. **Screening & Fencing.** 110 Field Street has a four foot tall wood fence in the rear yard on the northern property line. A four foot chain link fence is located in the rear yard of 116 Field Street on the south property line adjacent to the neighboring

cottage. Chain link fence is also present on the property to the rear of all three parcels.

**116 Field Street**

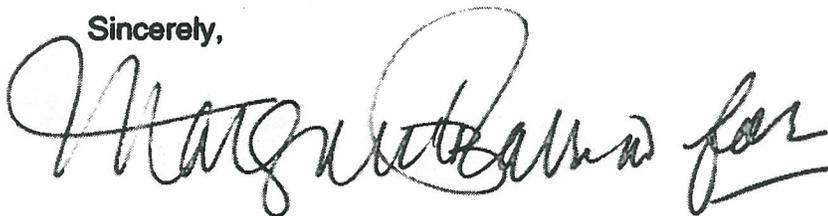
The Site Plan Review Committee recommendations below regarding 116 Field Street are illustrated on the alternate site design on page 7 and are intended to reduce the visual and audible effects of vehicles entering and exiting the site on residents at the adjacent cottage at 124 ½ Field Street:

- the addition of an approximately five foot wide hedgerow between the proposed parking and the adjacent cottage, and the removal of proposed river rock to accommodate this;
- the shifting of two parking spaces to accommodate the additional landscaping above and reduce the overall size of the parking area;
- the addition of a six foot high stockade fence in place of the chain link fence along the southern property line.

A copy of these findings will be provided to the Zoning Board of Appeals (ZBA) and City Planning Commission (CPC) so that they may be taken into consideration while making a determination on your request for an Area Variance and Special Permit approval. Final Site Plan Review approval will not be issued until the Notice of Decisions have been issued and all conditions imposed by the ZBA and CPC have been addressed, as well as any additional requirements as noted in these findings.

Please contact Tom Kicior, Senior City Planner at 428-7762 or [Thomas.Kicior@cityofrochester.gov](mailto:Thomas.Kicior@cityofrochester.gov) if you have any questions regarding these preliminary findings.

Sincerely,

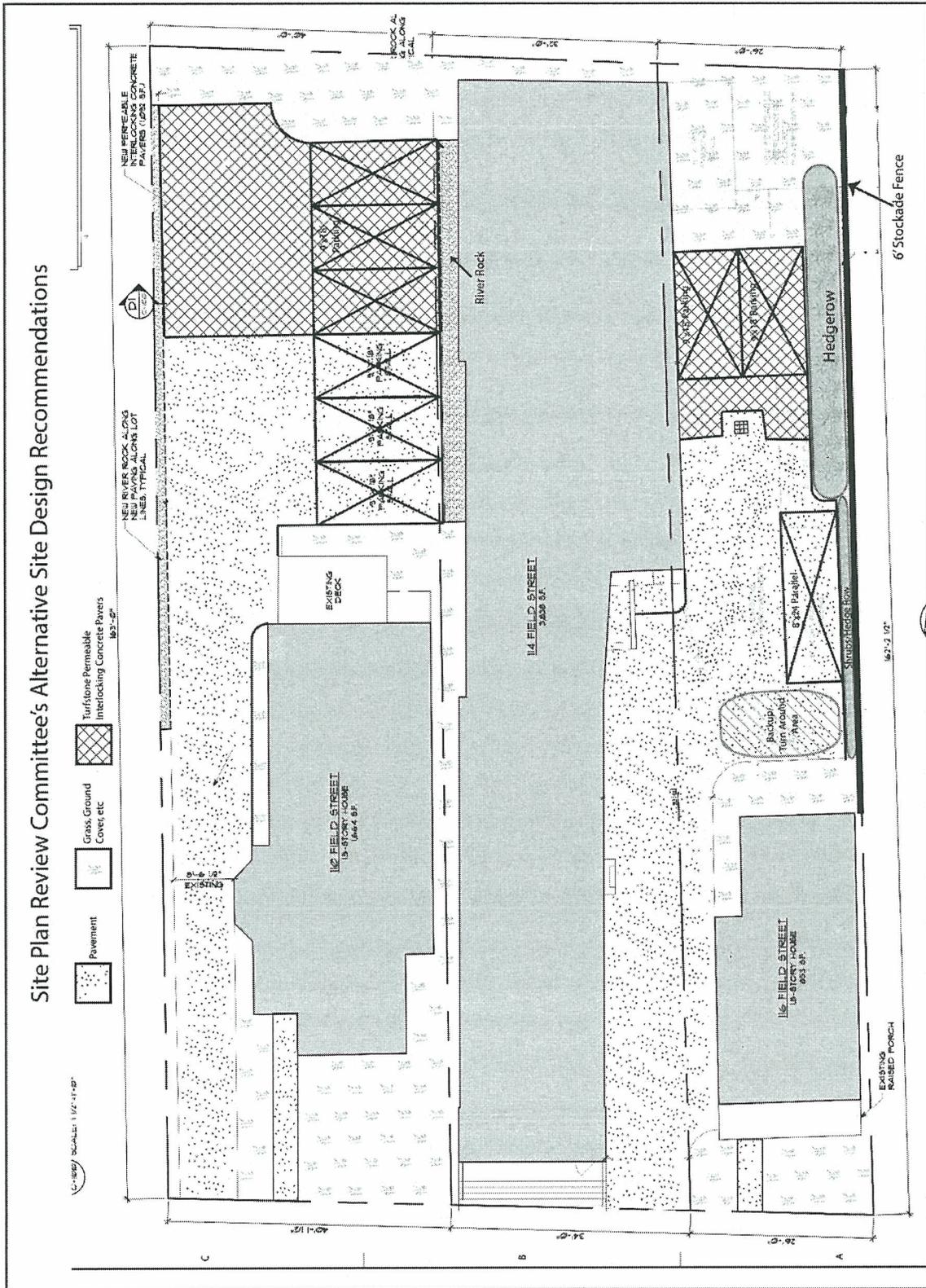
A handwritten signature in black ink, appearing to read "Zina Lagonegro for". The signature is fluid and cursive, written over a white background.

**Zina Lagonegro, AICP, EIT**  
**Director of Planning and Zoning**

xc :

**Peter Siegrist, Bureau of Planning and Zoning**  
**Tom Mann, Bureau of Planning and Zoning**

Site Plan Review Committee - Recommended Alternative Site Design



**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: Site Plan Review

**PROJECT:** Location: 110, 114, and 116 Field Street  
Applicant: Daniel Green  
Description: To convert the first floor of a commercial building at 114 Field Street into two residential units and establish ancillary parking on the two adjacent single family parcels at 110 & 116 Field Street.

**REASON(S) FOR DETERMINATION:** The proposal consists primarily of the reuse of an existing structure with minimal site disturbance for parking expansion. The site does not contain sensitive natural features. No significant impacts are anticipated with respect to air and water quality, local animal habitats, historic structures or archaeological resources. The project is consistent with the character of the surrounding neighborhood. Existing community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate the proposed project.

**LEAD AGENCY:** City of Rochester, Bureau of Planning and Zoning

**AGENCY CONTACT PERSON:** Tom Kicior, Senior City Planner  
Bureau of Planning and Zoning, (585) 428-7762

**DATE ISSUED:** December 2, 2015

**FILE REFERENCE NUMBER:** SP-018-15-16



City of Rochester, NY

AREA VARIANCE
STATEMENT OF DIFFICULTY
Section 120-195B(4)(b)

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

A. Benefits. The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

- \* current state has no legal use and there is no ability for it to generate income to support maintenance, taxes, insurance, nor income generation.
\* continue to restore and preserve an interesting neighborhood icon.
\* Prevent issues from developing associated with the vacant downstairs. e.g. graffiti, vandalism
\* Drainage plan mitigates issues associated with traditional approaches. Environmental and municipal advantages

B. Essential character of the area. No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

neighborhood character will be preserved. Property will be brought up to code and no longer be vacant. This property will be converted into luxury apartments which will bring up and exceed neighbors. Across the street is a large commercial building (Frontier) complete with heavy and constant utility trucks. Directly behind is a four family townhouse structure. Adjacent on the south is a run down rental with an additional sub standard half house behind it. Neighbors to the north have many deferred maintenance items. My properties will elevate the surroundings. This three family residential building will not adversely affect the character of this area's single family zoning

C. No other remedy. There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

- \* without this variance, the property has no future other than to remain vacant and decay
\* It is my experience over 25 years of being a city landlord that to attract and retain good tenants, off-street parking must be provided or the optimal building use will be compromised. I do not see any use of the property that does not include minor expansion of the parking
\* not realistic modern commercial space; residential more appropriate
\* hasn't been used commercially for 10+ years

**D. Significance.** The requested variance is not substantial.

\* expanding the parking coverage is not a major change to the properties and is not inconsistent with other properties nearby

\* converting the charming space of the former angelus bake shop into luxury apartments preserves and extends use of this space into a use that respectfully balances the historical aesthetic against economics. No additional structures are being proposed.

\* converting the property to a multi-family in an area with many multi-family units is not significant

\* It's less of an impact if the building was to be used as residential rather than commercial space.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

\* no adverse effects

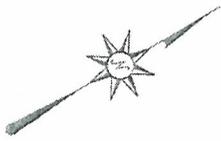
\* storm-water parking expansion design mitigates environmental impacts

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

\* pre-existing condition. Bought the properties in December 2012 in degraded condition.

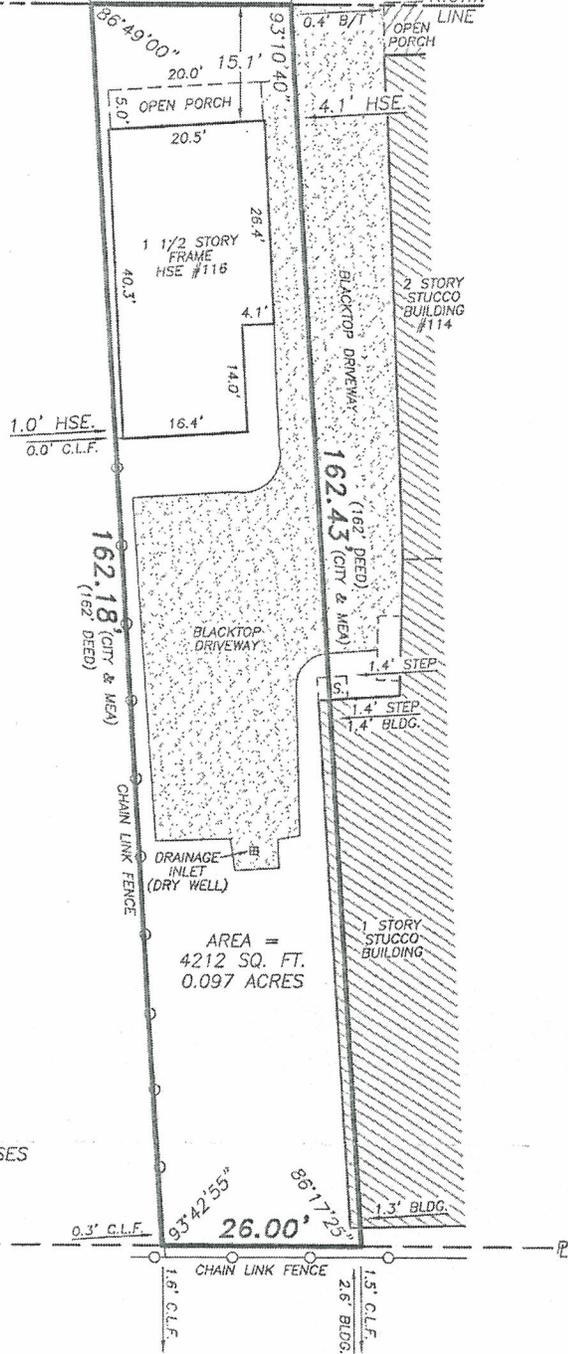
\* Brought upstairs into code compliance and is now rented out as a premium residential apartment.





**FIELD STREET**  
(66' WIDE R.O.W.)

692.80' TO THE R.O.W. OF PINNACLE ROAD  
26.00'  
34' TO THE NORTH LINE OF PREMISES CONVEYED TO FRANCIS COLLINS PER L-639 D, PC-328 R.O.W.



**REFERENCES:**

- 1.) LIBER 7853 OF DEEDS, PAGE 45.
- 2.) ABSTRACT OF TITLE No. 174470 (STEWART TITLE).

**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- PAUL MURA, ATTORNEY
- THE TITLE INSURANCE COMPANY INSURING THE PREMISES
- DANIEL P. GREEN

THAT THIS MAP WAS MADE NOVEMBER 29, 2012 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOVEMBER 19, 2012 AND REFERENCES LISTED HEREON.



NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD.

TITLE: **INSTRUMENT SURVEY MAP**  
**116 FIELD STREET**  
 PART OF LOT No. 52, SECOND DIVISION,  
 TOWNSHIP No. 13, RANGE No. 7, CITY OF ROCHESTER,  
 COUNTY OF MONROE, STATE OF NEW YORK

\*Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law.\*

\*Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies.\*

\*Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the easiness of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.\*



**TRIPLE POINT LAND SURVEYING, LLC.**

16 EAST MAIN STREET SUITE 320  
ROCHESTER, NEW YORK 14614  
Phone (585) 263-9950  
Fax (585) 263-3591

SCALE:

1" = 20'

TAX ACCOUNT:

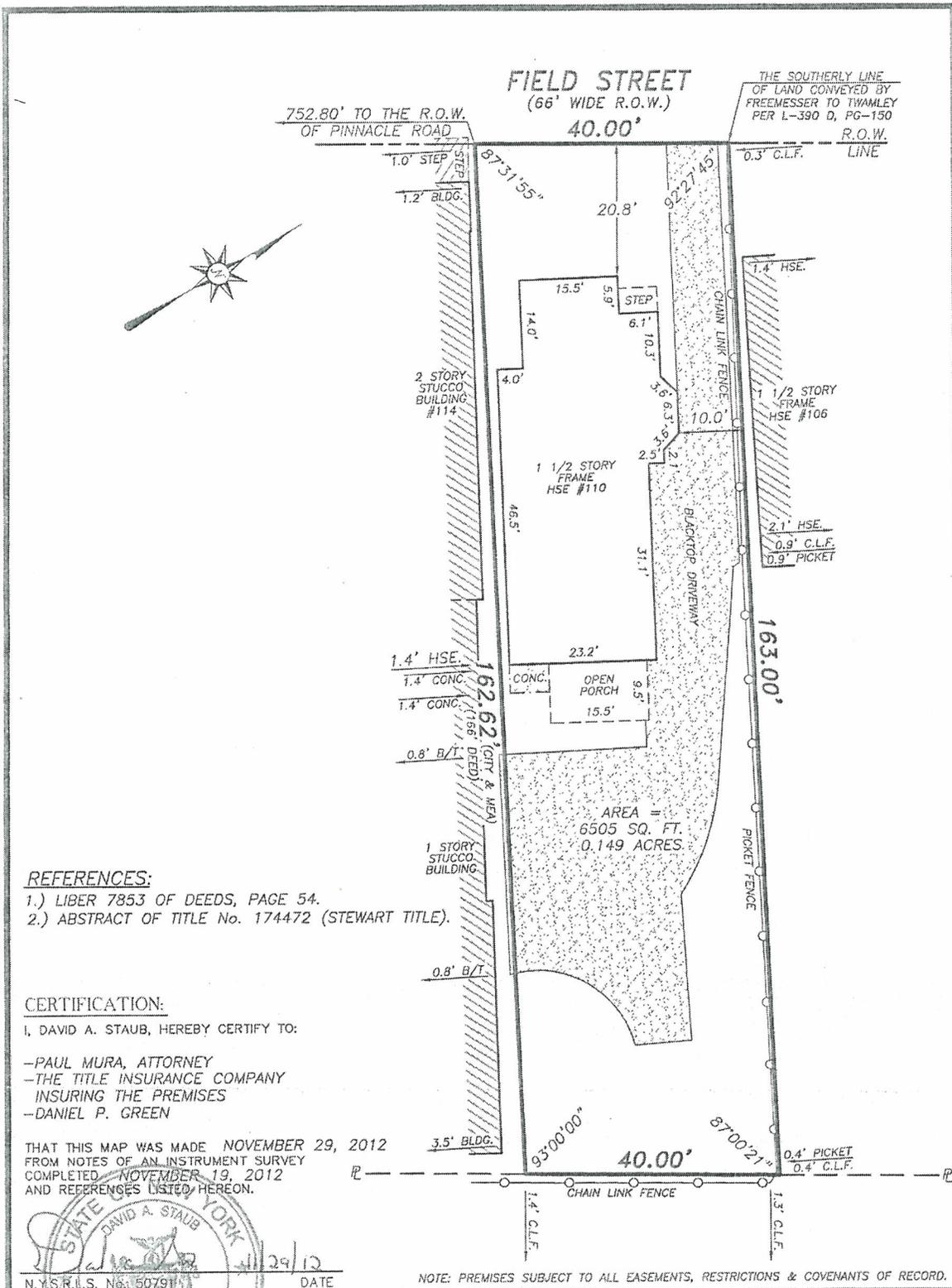
121.75-2-82

JOB NO.:

1462-12

DATE:

NOV. 29, 2012



**REFERENCES:**

- 1.) LIBER 7853 OF DEEDS, PAGE 54.
- 2.) ABSTRACT OF TITLE No. 174472 (STEWART TITLE).

**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- PAUL MURA, ATTORNEY
- THE TITLE INSURANCE COMPANY INSURING THE PREMISES
- DANIEL P. GREEN

THAT THIS MAP WAS MADE NOVEMBER 29, 2012 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOVEMBER 19, 2012 AND REFERENCES LISTED HEREON.

DAVID A. STAUB  
 N.Y.S.R.L.S. No. 050791  
 DATE 11/29/12

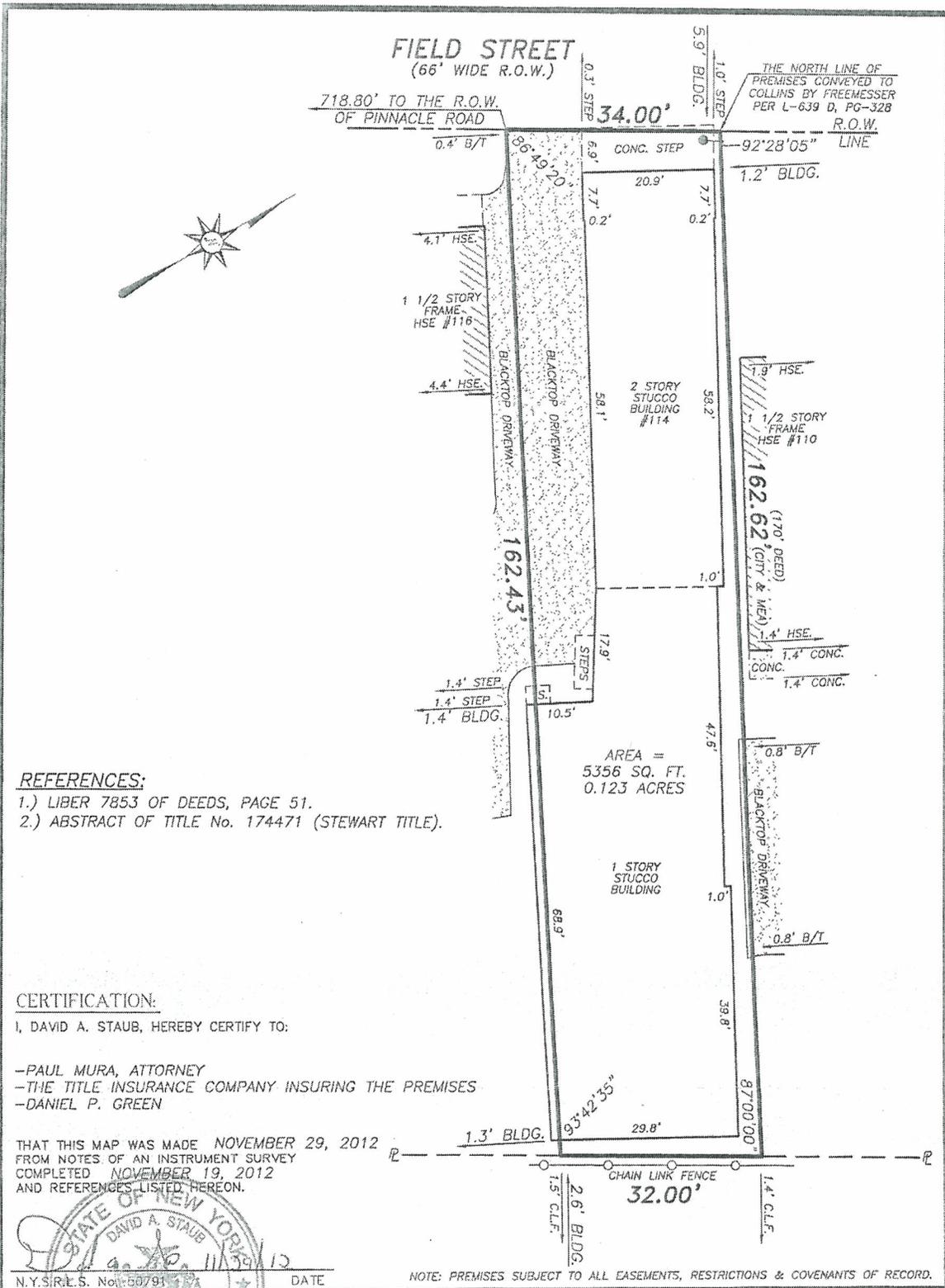
NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD.

TITLE: **INSTRUMENT SURVEY MAP**  
**110 FIELD STREET**  
 BEING PART OF LOT No. 52, SECOND DIVISION,  
 TOWNSHIP No. 13, RANGE No. 7, CITY OF ROCHESTER,  
 COUNTY OF MONROE, STATE OF NEW YORK

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."  
 "Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."  
 "Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

**TRIPLE POINT LAND SURVEYING, LLC.**  
 16 EAST MAIN STREET SUITE 320  
 ROCHESTER, NEW YORK 14614  
 Phone (585) 263-9950  
 Fax (585) 263-3591

SCALE: 1" = 20'	TAX ACCOUNT: 121.75-2-84	JOB NO.:	DATE:
		1455-12	NOV. 29, 2012



**REFERENCES:**

- 1.) LIBER 7853 OF DEEDS, PAGE 51.
- 2.) ABSTRACT OF TITLE No. 174471 (STEWART TITLE).

**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- PAUL MURA, ATTORNEY
- THE TITLE INSURANCE COMPANY INSURING THE PREMISES
- DANIEL P. GREEN

THAT THIS MAP WAS MADE NOVEMBER 29, 2012 FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOVEMBER 19, 2012 AND REFERENCES LISTED HEREON.

STATE OF NEW YORK  
 DAVID A. STAUB  
 LICENSED SURVEYOR  
 050791  
 N.Y.S.R.L.S. No. 050791 DATE

NOTE: PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD.

TITLE: **INSTRUMENT SURVEY MAP**  
**114 FIELD STREET**  
 BEING PART OF LOT No. 52, SECOND DIVISION,  
 TOWNSHIP No. 13, RANGE No. 7, CITY OF ROCHESTER,  
 COUNTY OF MONROE, STATE OF NEW YORK

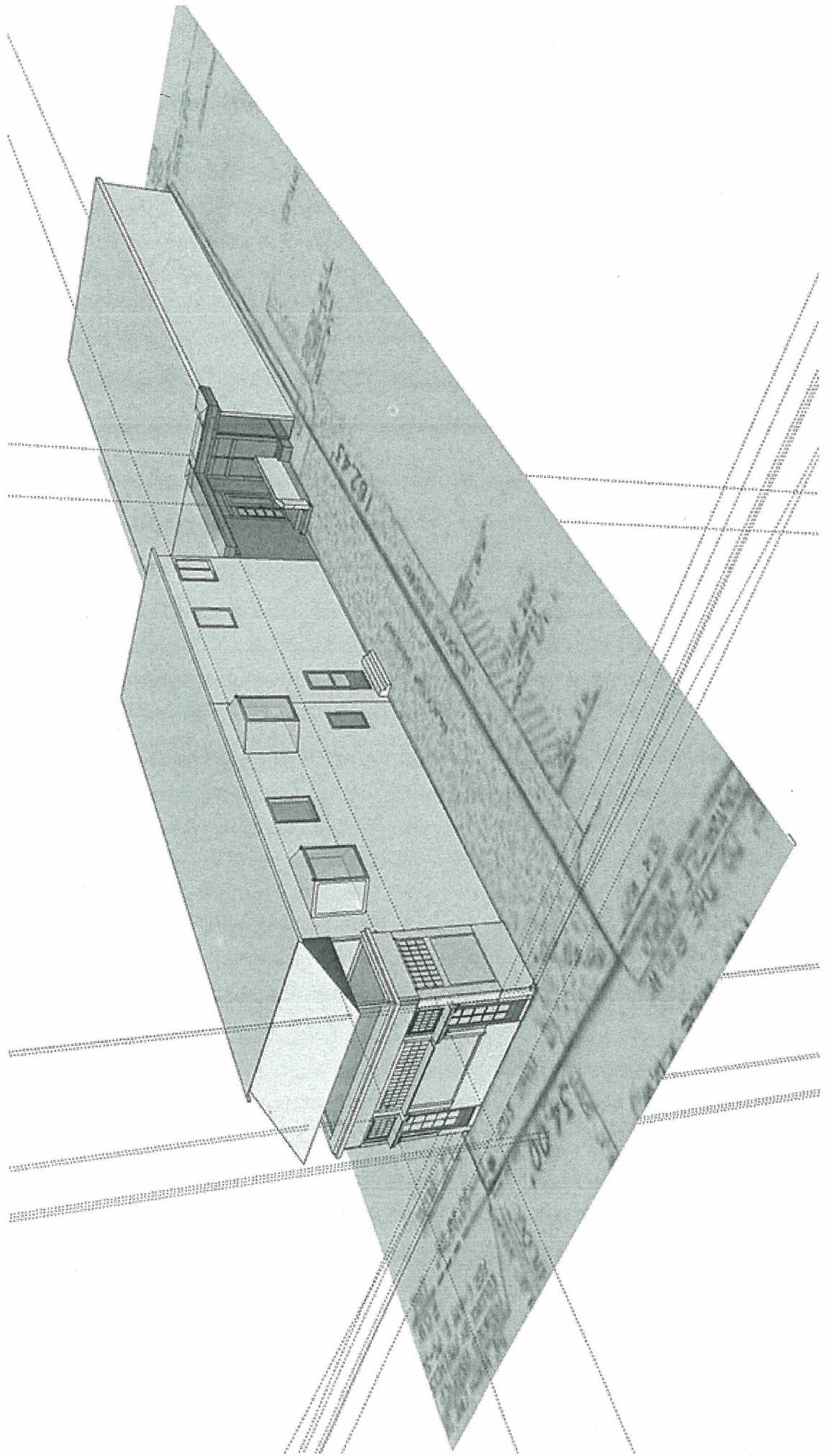
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law."  
 "Only copies from the original of this survey marked with an original of the land surveyor's red ink seal shall be considered to be valid true copies."  
 "Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

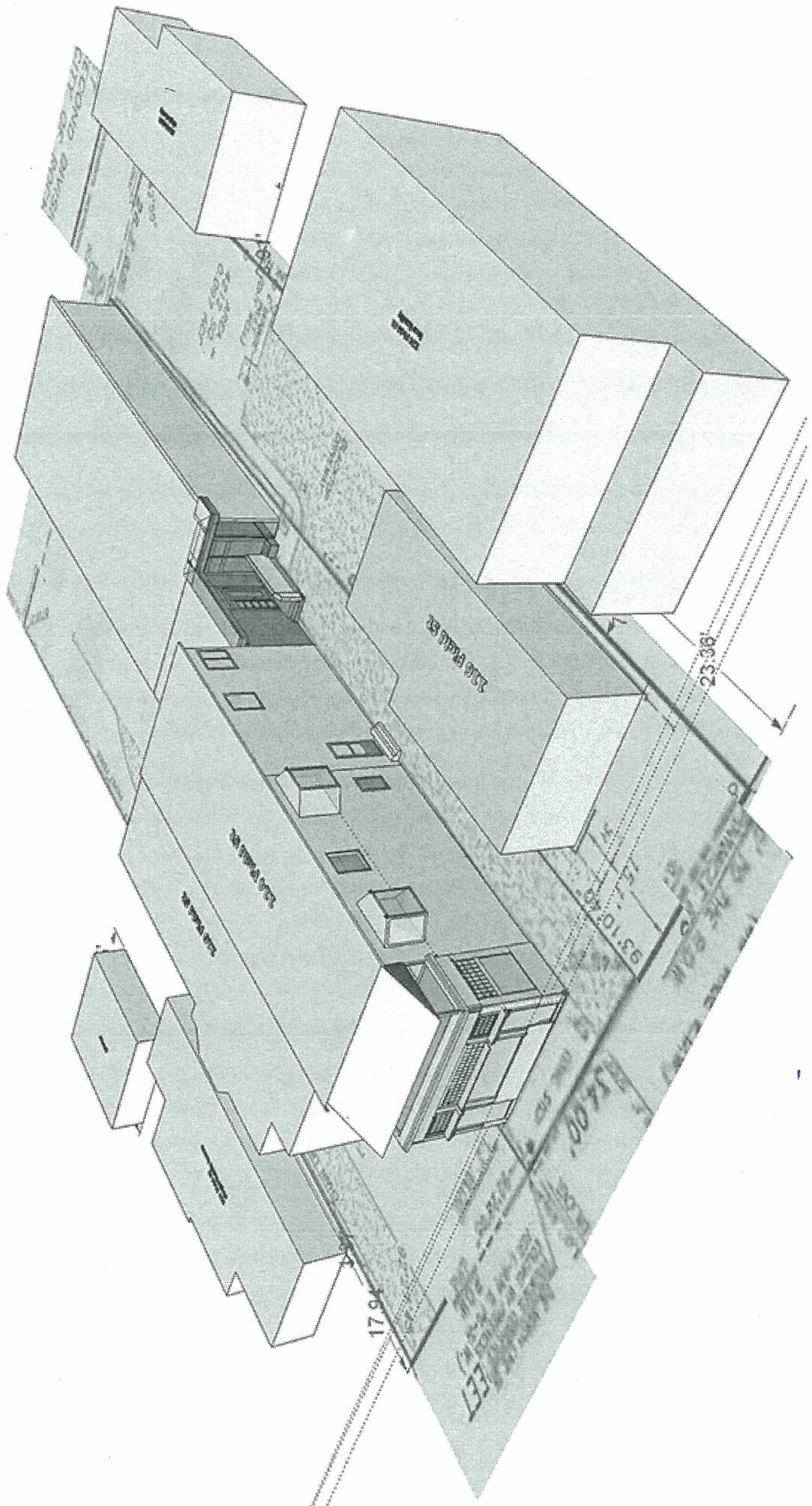
**TRIPLE POINT LAND SURVEYING, LLC.**  
 16 EAST MAIN STREET SUITE 320  
 ROCHESTER, NEW YORK 14614  
 Phone (585) 263-9950  
 Fax (585) 263-3591

SCALE: 1" = 20'	TAX ACCOUNT: 121.75-2-83	JOB NO.:	DATE:
		1461-12	NOV. 29, 2012

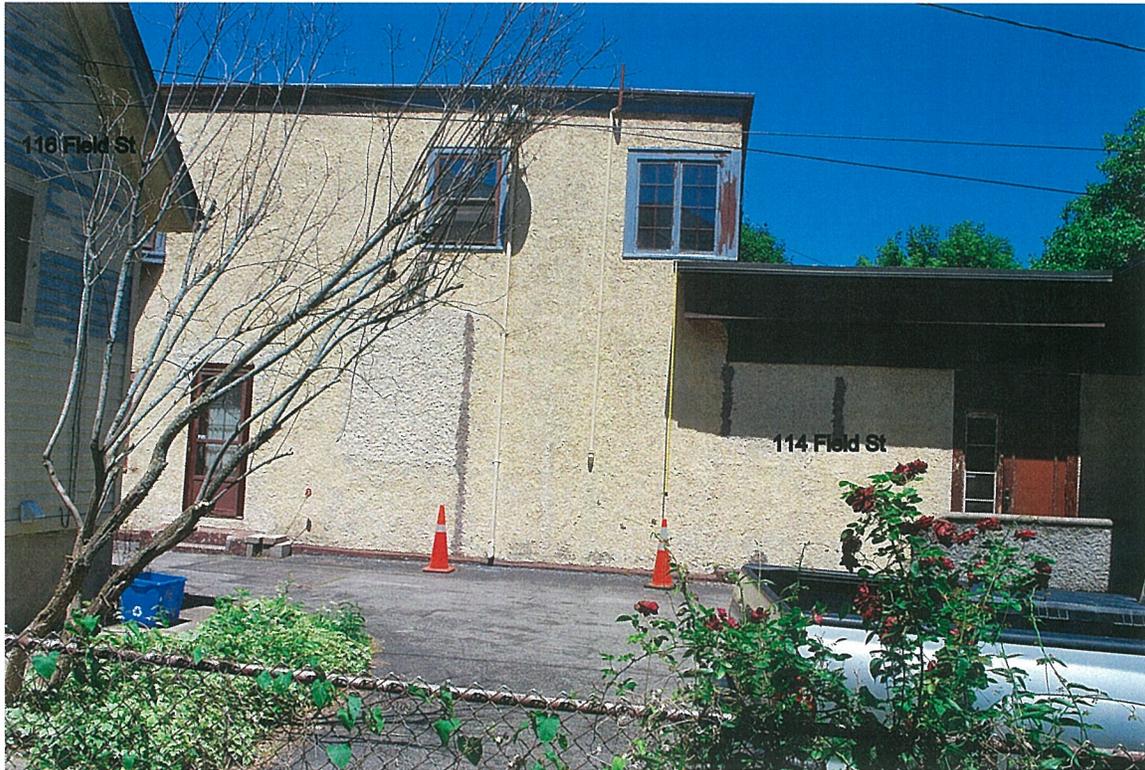


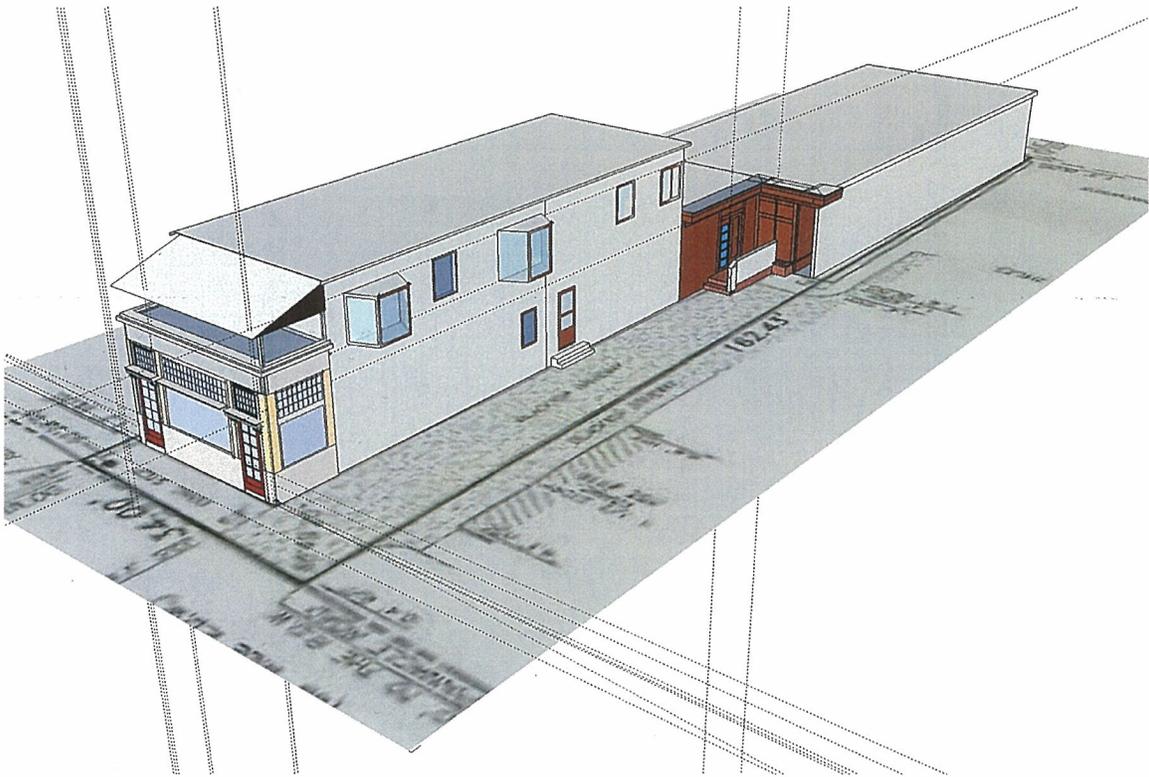














*more photos in file*

December 2015

Joseph Schmidlin  
landlord at 124-126 Field St

Letter of Support

I am the landlord of the neighboring property directly to the south of 116 Field St. I have seen many positive changes to Dan's properties since he bought them and recommend the city allow the conversion of 114 Field St to apartments with additional parking at 116 and 110 Field St.

Some of the changes that I'm aware of include painting the exteriors of #116 and #114 Field St, a new roof and chimney at #116 Field St. Dan is there doing a lot of the work personally and is a hands-on landlord. The quality of the tenants has gone up since he bought these properties.

I support the development into apartments because I think quality tenants will be recruited and the conversion will raise the overall level of that area compared to it staying vacant reverting to commercial space.

I don't think parking additional cars behind #116 Field will adversely impact my tenants in the rear cottage. The existing parking has never caused any complaints and I don't think an expansion will create any new problems for me. There exists now some landscaping along the common lot line that we both maintain consisting of roses, small trees, and bushes, so I'm happy with what's there now and don't feel additional plantings or fences are needed and may in fact be detrimental.

Regards,

A handwritten signature in black ink, appearing to read 'Joseph Schmidlin', with a long horizontal flourish extending to the right.

Joseph Schmidlin

December 28, 2015

re: 110, 114, 116

Field Street

Joseph Jatteau  
445 Rockingham Street  
Rochester, N.Y. 14620

To whom it may concern,

As a resident of this area for 73 years,  
a active landlord for 40+ years, own five  
adjacent properties to 114 Field Street, I  
would approve of the proposal of Don Greene's

Don is an active landlord and shows a  
genuine interest in the neighborhood and  
it's future!

My brother Mike and I have always felt  
we were the only landlords in the area  
maintaining their properties!

We welcome Don's positive presence!

Joseph R. Jatteau



**ZONING BOARD OF APPEALS  
STAFF REPORT  
December 17, 2015**

**Area Variance**

---

**Case # 7:**

Staff Reviewer: Jill Symonds

**File Number:** V-045-15-16

**Applicant:** Ray Trotta

**Project Address:** 10 Prince Street

**Zoning District:** R-3 High-Density Residential District

**Section of Code:** 120-166

**Request:** **To convert a former school building to twelve apartments, not meeting certain dwelling unit conversion standards.**

**Background:** The subject property is a 3-story building that is legal as classrooms. The applicant is proposing to change the use to twelve 1-bedroom apartments.

**Code Compliance:** Section 120-166 requires 1-bedroom apartments to be a minimum of 650 sq. ft. An area variance is required for the unit size of the apartments, which range in size from 323 sq. ft. to 574 sq. ft.

**Code Enforcement:** The subject property is not in code enforcement.

**PROJECT INFORMATION**

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 10 Prince Street, Rochester, NY 14607

2. APPLICANT: Raymond F. Trotta COMPANY NAME: HollandTrotta, Inc.

ADDRESS: 1255 University Ave., Suite 240 CITY: Rochester, NY ZIP CODE: 14607

PHONE: 585-703-6562 FAX: NA

E-MAIL ADDRESS Ray@htprojectsolutions.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: Andrew Hintenach, AIA

ADDRESS: 92 Pulteney Street CITY: Geneva ZIP CODE: 14456

PHONE: 585-748-5522 FAX: NA

4. ATTORNEY: NA

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

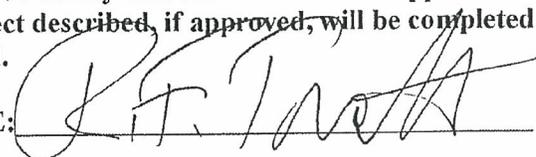
5. ZONING DISTRICT: R-3

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_

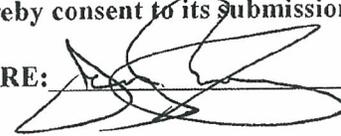
Adaptive re-use of former Cobblestone School to luxury market-rate apartments.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) 4 Months

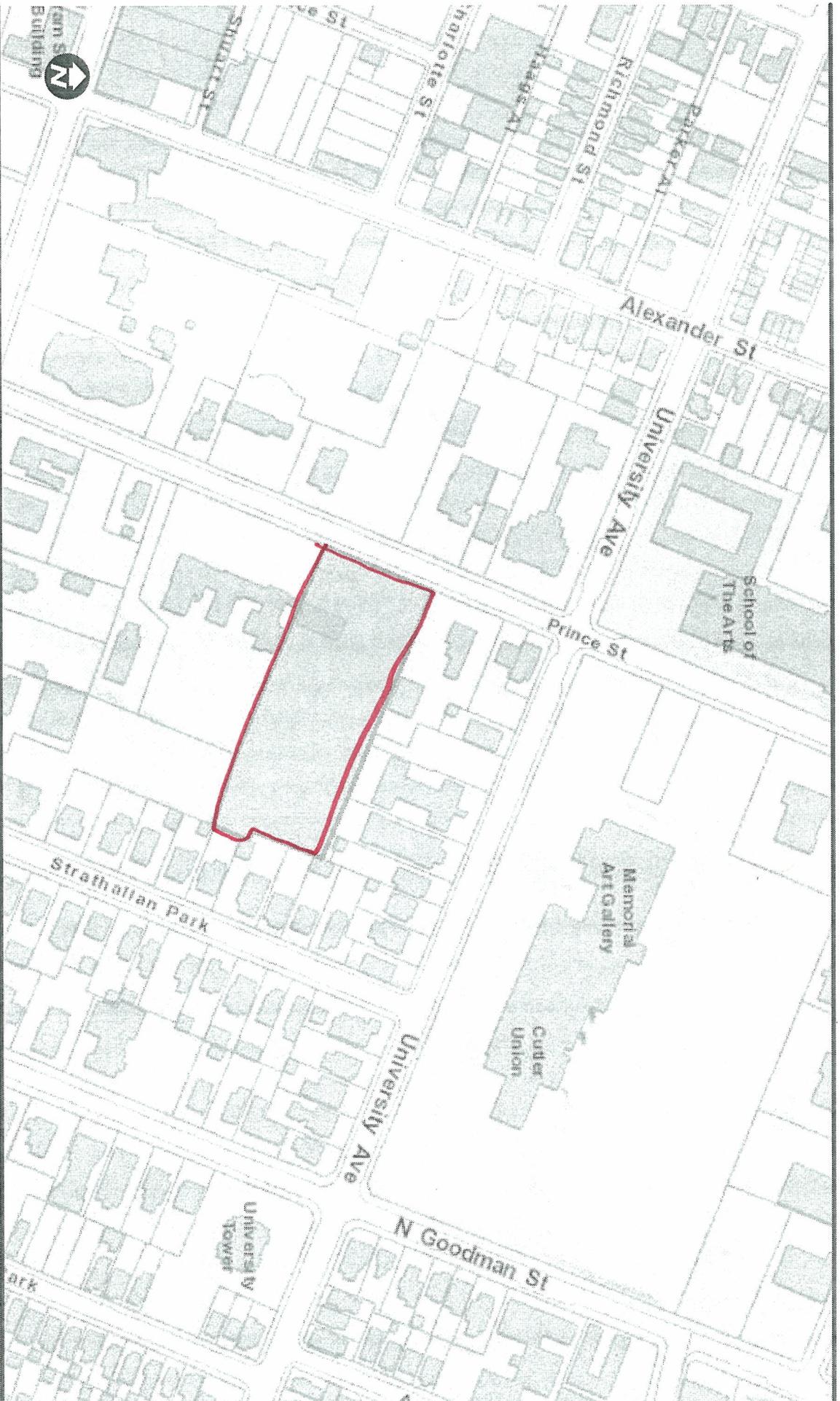
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:  DATE: 01/04/16

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE:  DATE: 1/4/16

# 10 PRINCE ST



January 8, 2016

This map is intended for general reference only.

The City of Rochester makes no representation as to the accuracy or fitness of the data presented.

## City of Rochester, NY



City of Rochester, NY  
Lovely A. Warren, Mayor



City of Rochester, NY

AREA VARIANCE
STATEMENT OF DIFFICULTY
Section 120-195B(4)(b)

An area variance shall be granted only if the applicant can establish the existence of EACH of the following conditions:

A. Benefits. The benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community by the granting of the variance.

- This development compliments the immediate and surrounding neighborhood with residential luxury units.
Converting a vacant building along a premier street back to active use.
Adding to and strengthening the number of residential units in downtown Rochester.
Economic benefits to the local markets, restaurants, drycleaners, etc.
Meeting the demand of young professionals looking for luxury apartments in the City.
Increase in walking, biking, Park use be adding more residential units.

B. Essential character of the area. No undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance.

- Positive change will occur by taking a vacant, unoccupied building and repurposing it to residential units.
The character of the area will be strengthened by renovating and restoring this 1910 building.
This adaptive reuse compliments and adds to the immediate and surrounding neighborhood of rental & private residents.

C. No other remedy. There is no other means feasible for the applicant to pursue, other than the granting of this area variance.

- Rentals for professionals wanting to live in the City has skyrocketed. Smaller luxury units addresses that market.
The variance being requested complies with the NYS building code's minimum room areas (R304.1 - R304.4)
To make the project economically feasible, a certain number of units need to be constructed. If granted the variance, no exterior changes to the building would be required and thus reinforcing the character of the neighborhood.

**D. Significance.** The requested variance is not substantial.

The Area Variance being requested is minor

There is no exterior alterations other than repairs in kind.

Unit sizes meets NYS Building Code.

**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Physical Environment will be improved with the renovation of this vacant structure.

**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

It is self created by the economics, current market standards regarding size and amenities as well remaining within the existing footprint of the building.

The variance is due to the City's Zoning Code intended to protect citizens from sub-standard living conditions.

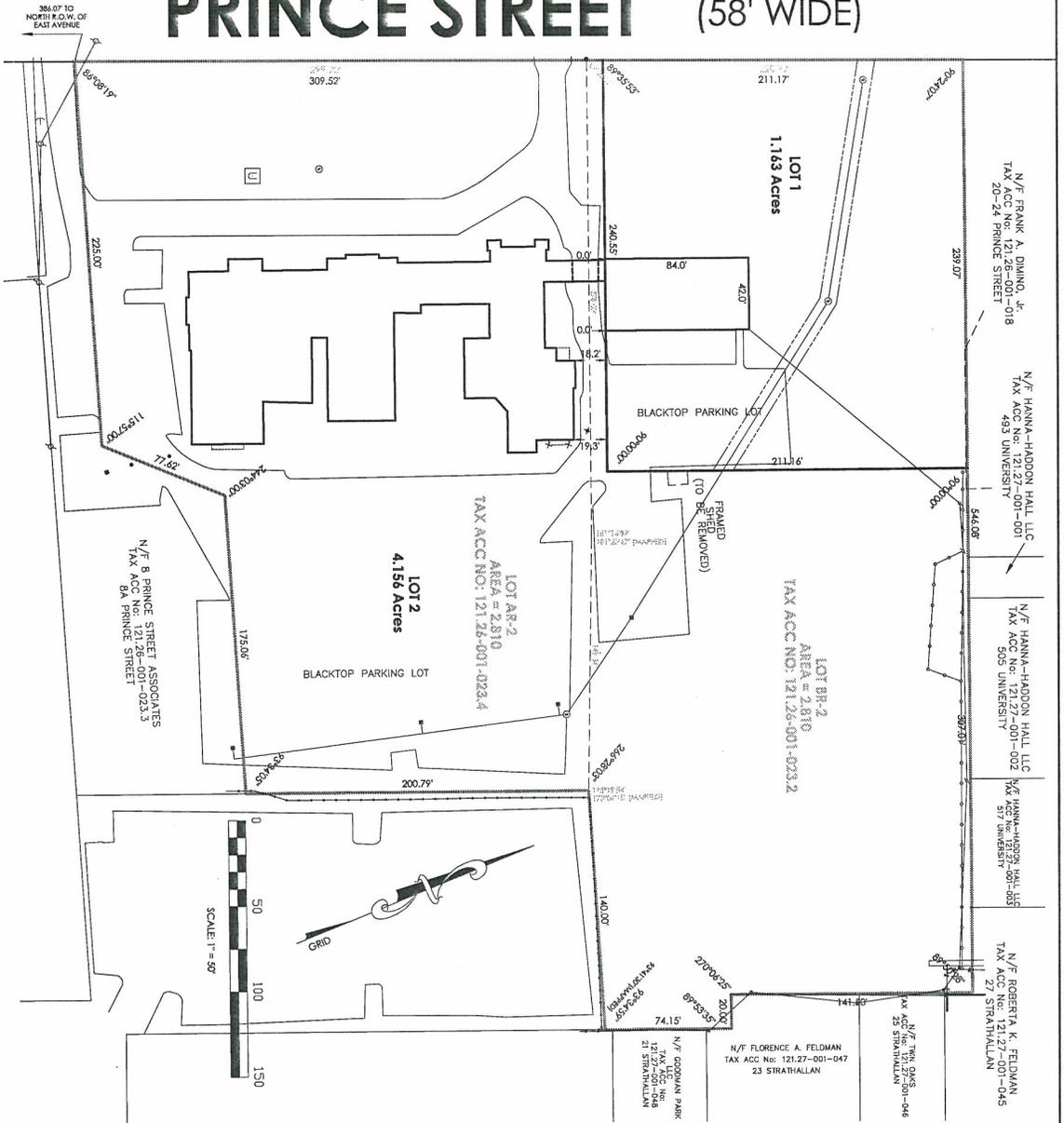
The unit sizes being proposed are in keeping with today's luxury rental market.



**CERTIFICATIONS:**  
 THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS COMPLETED ON 8/10/2015 FROM NOTES OF A FIELD INSTRUMENT SURVEY PERFORMED ON 8/4/2015.

**RICHARD E. MAIER, L.S.** 0920491  
**LAND SURVEYING**  
 RICHARD E. MAIER, P.L.S.,  
 PROFESSIONAL LAND SURVEYOR  
 539 MANITOU ROAD  
 HILTON, NEW YORK 14468  
 (585) 392-6134

# PRINCE STREET (58' WIDE)

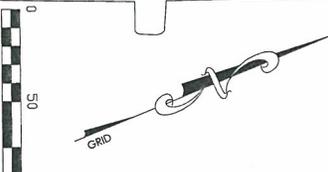


**ABSTRACT REFERENCE:**  
 NOTE THIS SURVEY IS SUBJECT TO ANY FACTS WHICH A COMPLETE AND UPDATED ABSTRACT OF TITLE MAY REVEAL.

**DEED REFERENCES:**  
 LIBER 1183 OF DEEDS PAGE 382  
 LIBER 1201 OF DEEDS PAGE 271  
 LIBER 220 OF MAPS PAGE 29  
 LIBER 238 OF MAPS PAGE 27

**UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF EDUCATION LAW. COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S LICENSED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY.**

**SURVEY CONTROL:**  
 THE DEVELOPER'S CONTRACTOR'S ATTENTION IS DIRECTED TO LOCAL LAW NO. 24 OF 1992 WHICH PROVIDES FOR THE DISTURBANCE OR DESTRUCTION OF GEODETIC SURVEY MONUMENTS. THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS, RIGHT-OF-WAY MONUMENTS, CONTROL MONUMENTS, AND STREET MONUMENTS. CALL THE MONROE COUNTY GEODETIC SURVEY OFFICE FOR THE HORIZONTAL DATUM IS REFERENCED TO THE NEW YORK STATE PLAIN DATUM OF 1983. THE MONUMENT SHALL BE SET FROM THE CENTERLINE THROUGH A PERMETER SURVEY WITH A INDICATED ACCURACY OF 1:10,000 OR BETTER.  
 ALL DISTANCES SHOWN ARE GROUND.  
 NEAREST GEODETIC MONUMENT IS MORE LESS 1,200' FROM THE SITE.



ALEXANDER STREET		PRINCE STREET	
UNIVERSITY AVENUE		UNIVERSITY AVENUE	
EAST AVENUE		STRATHALLAN PARK	
NORTH GOODMAN STREET		NORTH GOODMAN STREET	

CITY OF ROCHESTER  
 N.T.S.

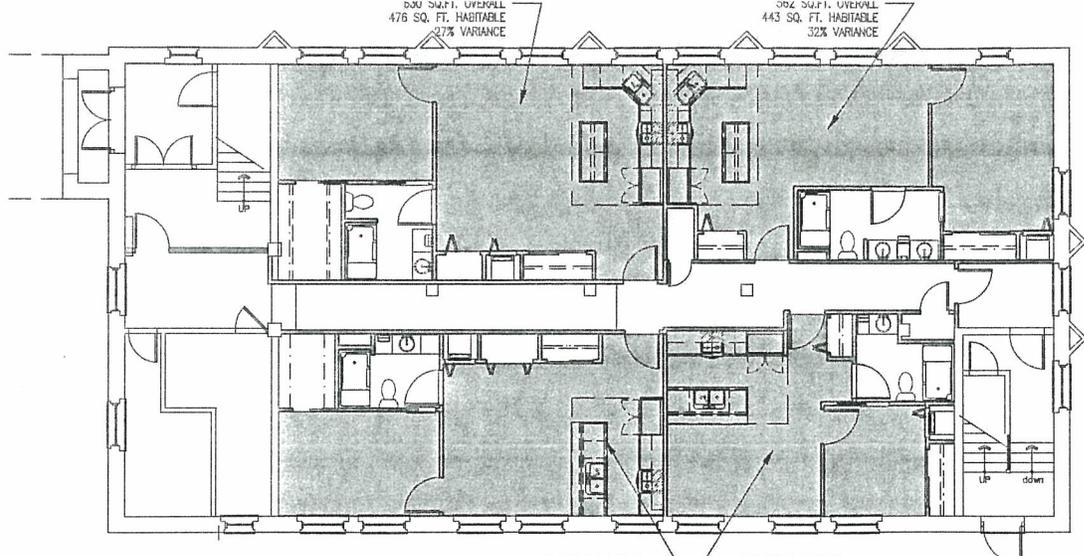
**MONROE COUNTY PRECISE SURVEY**  
 THIS PLAN IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 239-K, ARTICLE 17 OF THE MONROE COUNTY MONUMENTATION LAW. A SEPARATE APPROVAL IS REQUIRED FOR SITE CONSTRUCTION.  
 FOR GENERAL MUNICIPAL LAW:  
 COUNTY HIGHWAY SUPERINTENDENT, DATE, FOR THE MONROE COUNTY MONUMENTATION LAW;  
 MONROE COUNTY SURVEYORS OFFICE, DATE, FOR THE MONROE COUNTY MONUMENTATION LAW;  
 MONROE COUNTY DEPARTMENT OF HEALTH, REALTY SURVEYING DIVISION, DATE, FOR THE MONROE COUNTY MONUMENTATION LAW;  
 MONROE COUNTY CLERK.

**MONROE COUNTY TREASURER**  
 I, THE UNDER SIGN TREASURER OF MONROE COUNTY, THE REAL PROPERTY TAX AND SCHOOL TAXES AGAINST THE LAND DESCRIBED HEREIN HAVE BEEN PAID THROUGH  
 ROBERT FRANKLIN  
 MONROE COUNTY TREASURER  
 BY: \_\_\_\_\_

- LEGEND**
- BOUNDARY LINE
  - ADJOINER BOUNDARY LINE
  - BRUSH/TREE LINE
  - MONUMENT
  - IRON PIPE OR PIN
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - UTILITY POLE
  - EASEMENT LINES
  - UTILITY LINES
  - E.G.K. LINE
  - CONTIGUOUS

**PRINCE STREET SUBDIVISION**  
 SITUATED IN PART OF  
 TOWN LOT'S 58&59, TOWNSHIP 13, RANGE 7  
 CITY OF ROCHESTER  
 STATE OF NEW YORK  
 SCALE: 1" = 50' DATE: 8/4/2015 JOB NO.: 15-208 T.M. NO.: 121.26-001-023.3



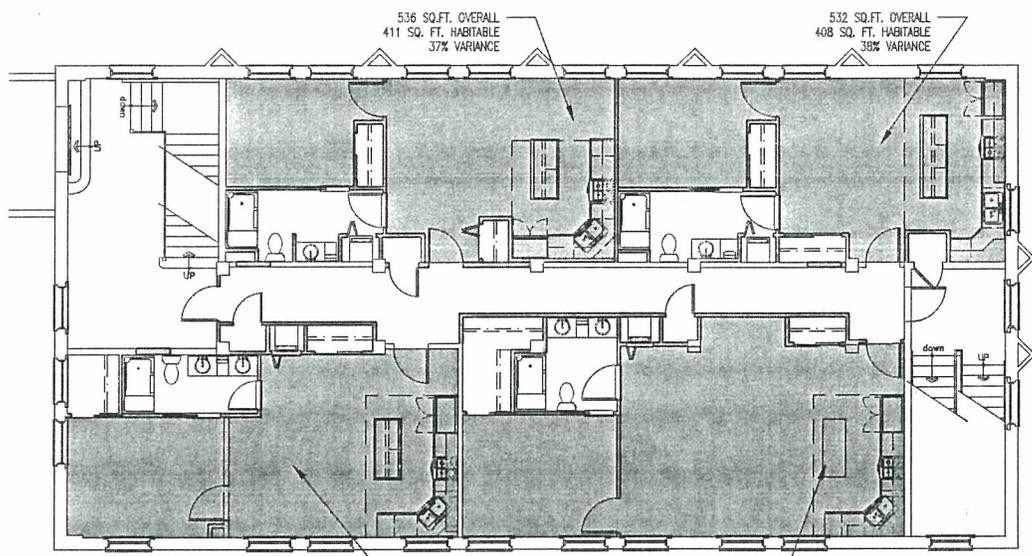


1 FIRST FLOOR PLAN  
A4 1/8" = 1'-0"



526 SQ.FT. OVERALL  
396 SQ. FT. HABITABLE  
40% VARIANCE

425 SQ.FT. OVERALL  
323 SQ. FT. HABITABLE  
50% VARIANCE



2 SECOND FLOOR PLAN  
A4 1/8" = 1'-0"

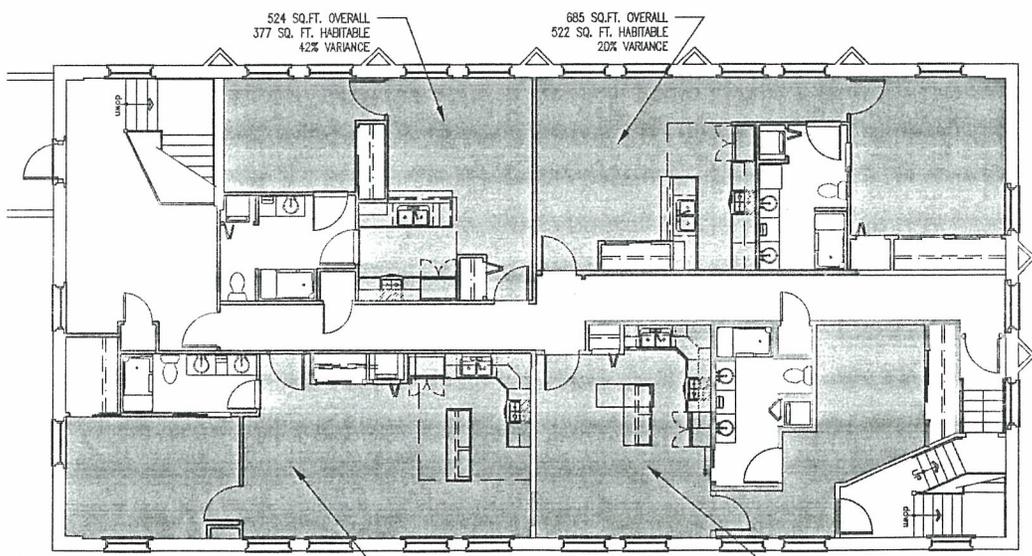


536 SQ.FT. OVERALL  
411 SQ. FT. HABITABLE  
37% VARIANCE

532 SQ.FT. OVERALL  
408 SQ. FT. HABITABLE  
38% VARIANCE

562 SQ.FT. OVERALL  
449 SQ. FT. HABITABLE  
31% VARIANCE

722 SQ.FT. OVERALL  
574 SQ. FT. HABITABLE  
12% VARIANCE



3 THIRD FLOOR PLAN  
A4 1/8" = 1'-0"



524 SQ.FT. OVERALL  
377 SQ. FT. HABITABLE  
42% VARIANCE

685 SQ.FT. OVERALL  
522 SQ. FT. HABITABLE  
20% VARIANCE

648 SQ.FT. OVERALL  
529 SQ. FT. HABITABLE  
19% VARIANCE

588 SQ.FT. OVERALL  
438 SQ. FT. HABITABLE  
33% VARIANCE



















*more photos in file.*



more photos in file