



February 23, 2016

Mr. Andy Ocasio
66 Park Avenue
Rochester, NY 14607

NOTICE OF DECISION

In the matter of a request for a Certificate of Appropriateness to legalize the replacement of front steps, railings and walkway.

On the premises at: 66 Park Avenue

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

Application Number: A-035-15-16

Record of Vote(s):

J. Schick	Hold (motion)
B. McLear	Aye (second)
E. Cain	Aye
C. Carretta	Aye
J. Dobbs	Aye
D. Beardslee	Absent
B. Mayer	Absent

Please take notice that at its hearing of February 3, 2016, the Rochester Preservation Board HELD your application pending receipt of a revised design, as noted in the decision below. The Board asked that you return to its hearing of April 6, 2016 with a proposal to modify the porch landing and stairs to have a more traditional appearance.

For questions or concerns, please contact Peter Siegrist of my staff at 428-7238 or peter.siegrist@cityofrochester.gov.

Rochester Preservation Board

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

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I. FINDINGS OF FACT:

- A. In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board considers quality of design and site development in terms of the relationships to the street, building facades and overall neighborhood character.
- B. Owner Andy Ocasio testified that he was sued by a visitor who tripped on an uneven surface, and he moved quickly to correct the problem. He stated that he considered the project to be landscaping, which he believed did not require a building permit.
- C. Contractor Ben Pattison testified that he lives in the neighborhood and understands the goals of the preservation ordinance. He testified that he built around the old steps and landing, because removing them would have been too costly. He used manufactured stone rather than wood, feeling that wood isn't durable. He said that he has built many steps of this stone, following the directions of the manufacturer, and that they have proven to be solid. He stated that he had Regency Fence make the railings to be similar to those that were there. Because the top of the landing will be less than 30" above the finished grade, he said that guardrails are not required.
- D. Building code official Tim Raymond agreed that guardrails are not required if the landing is less than 30" above grade. However, handrails that comply with the code are required, and the current railings are not compliant. The handrails must extend beyond the top and bottom steps, and must return to a post, wall, etc.
- E. John Lembach, speaking for the Board of the Park-Meigs Neighborhood Association, testified that Mr. Ocasio has operated his business here for over 10 years and should know the preservation regulations. He stated that in just the past 18 months, several neighbors applied to the Preservation Board, and all neighbors were notified. He expressed concern that other unapproved changes may have been made to the property, including installation of vinyl siding, since the preservation district was created. He stated that his organization is inclined to accept the walkway, steps and landing, but finds the railings to be inappropriate to the district's historic character.
- F. Mr. Ocasio responded that when he purchased the house in 1998 it was already sided. He stated that he looked around the neighborhood and found similar porches.
- G. Members stated that the work appears to be well done, but that it would not have been approved if properly proposed. They opposed the extension of the landing beyond the porch columns and the design of the railings.

II. RESOLUTION(S):

The Board found that the landing and railings are inappropriate to the historic visual character of the preservation district, and directed the applicant to return to a future hearing with a proposal to modify the current conditions. The applicant is to work with city staff on this proposal.

III. EVIDENCE:

- A - Application
- B - Photographs of previous and existing conditions
- C - Letter from the Park-Meigs Neighborhood Association
- D - Appearances by Andy Ocasio, Ben Pattison and John Lembach
- E - Site visits by Board members



February 23, 2016

Mr. David Palusio
474 East Avenue
Rochester, NY 14607

NOTICE OF DECISION

In the matter of a request for a Certificate of Appropriateness to legalize a ground sign in the front yard reading 'Pitkin-Powers House' and measuring 5'W x 5'H.

On the premises at: 474 East Avenue

Zoning District: R-3/O-O High-Density Residential District
With Office Overlay
East Avenue Preservation District

Application Number: A-036-15-16

Record of Vote(s):

J. Dobbs	Deny (motion)
B. McLearn	Deny (second)
E. Cain	Deny
C. Carretta	Deny
J. Schick	Deny
D. Beardslee	Absent
B. Mayer	Absent

Please take notice that at its hearing of February 3, 2016, the Rochester Preservation Board DENIED your application, as noted in the decision below. As a result, the sign must be removed. The Board also asked that you submit an application for review of a rooftop addition that was built without approvals.

For questions or concerns, please contact Peter Siegrist of my staff at 428-7238 or peter.siegrist@cityofrochester.gov.

Rochester Preservation Board

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

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I. FINDINGS OF FACT:

- A. In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board considers quality of design and site development in terms of the relationships to the street, building facades and overall neighborhood character.
- B. Owner David Palusio testified that he was unaware that he needed a permit or Preservation Board approval for a sign. He stated that he replaced an earlier sign in a similar location that identified the former Boy Scouts headquarters. He stated that he would hang a small sign below the main sign to indicate a vacancy.
- C. John Lembach, speaking for the Board of the Park-Meigs Neighborhood Association, testified that the sign is thoughtful and has good colors and location, but he expressed concern that the owner failed to seek approvals. He also asked the Board to review a rooftop addition that was also installed without approvals.
- D. Board member Dobbs stated that the photographs of nearby signs included in the application are all of commercial properties, not residential ones. He stated that the sign advertises the building, rather than simply identifying it by number, which is the Board's preference in all the preservation districts. The other members agreed.

II. RESOLUTION(S):

The Board found that the sign is inappropriate to the historic visual character of the property and preservation district and that it must be removed. The Board also asked to review a rooftop addition that was built without approvals.

III. EVIDENCE:

- A - Application
- B - Photographs of the sign and others nearby
- C - Letter from the Park-Meigs Neighborhood Association
- D - Appearances by David Palusio and John Lembach
- E - Site visits by Board members

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