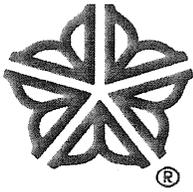


**CASE #1 WAS WITHDRAWN FROM THE  
AGENDA BY THE APPLICANT.**



ZONING BOARD OF APPEALS  
STAFF REPORT  
May 19, 2016

Area Variance

Case # 2:

Staff Reviewer: Jill Symonds

**\*Held by the Applicant from the 04/21/16 Hearing**

**File Number:** V-063-15-16

**Applicant:** James A. Boglioli, Esq.

**Project Address:** 980 West Ridge Road

**Zoning District:** C-3 Regional Destination Center District

**Section of Code:** 120-177

**Request:** To legalize the existing 20' tall kiosk sign for "Delta Sonic" which includes a proposed LED display, not meeting certain sign requirements.

**Background:** The subject property is an automatic car wash and gas station facility. The parcel lies partially in the City of Rochester and partially in the Town of Greece. In 1988, the City issued a permit for a 10'-8" x 8' wide freestanding, illuminated sign. Since that time, the sign was increased to 20' tall without a permit. The request is to renovate and legalize the existing 20' tall kiosk sign, which includes a 3'-6" x 7' LED display.

*The variance application was scheduled for the 03/24/16 and 04/21/16 public hearing and has been held twice. The application has not changed since it was originally submitted.*

**Code Compliance:** Section 120-177D provides that the property is permitted to have maximum signage of 10% of the primary building façade per lot including:

- Attached signs identifying uses or services on the premises not exceeding 1.5 square feet for every foot of building frontage; and/or
- 1 detached sign located in the front yard not exceeding 50 square feet in size per side and posted no more than 15 feet in height from the finished grade of the lot. **Area variance required because the kiosk sign is 20' in height and has a sign face of approximately 100 sq. ft.**

The proposed **LED sign** may or may not be in compliance with the following:

- 120-177F(1) - Signs shall relate through their design, size and height to pedestrians and conform to the surrounding character.
- 120-177F(3) - No more than 50% of the sign face may be covered with text or graphics.
- 120-177F(6) - No sign shall consist of strings of lights or contain blinking, flashing, intermittent, rotating, glaring, or moving lights or other attention-attracting devices.
- 120-177F(7) - Any illuminated sign shall employ only lights emitting a light of constant intensity.

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

# 990 W RIDGE RD

Everett St



May 5, 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

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 990 West Ridge Road, Rochester, New York

2. APPLICANT: James A. Boglioli, Esq COMPANY NAME: Delta Sonic Car Wash Systems, Inc.

ADDRESS: 570 Delaware Avenue CITY: Buffalo ZIP CODE: 14020

PHONE: 716-878-9626 FAX: 716-886-1026

E-MAIL ADDRESS JMB@Benderson.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: James Rumsey, RA

ADDRESS: 570 Delaware Ave CITY: Buffalo ZIP CODE: 14032

PHONE: 716-878-9626 FAX: 716-886-1026

4. ATTORNEY: James A. Boglioli

ADDRESS: 570 Delaware Avenue CITY: Buffalo ZIP CODE: 14032

PHONE: 716-878-9626 FAX: 716-886-1026

E-MAIL ADDRESS JMB@Benderson.com

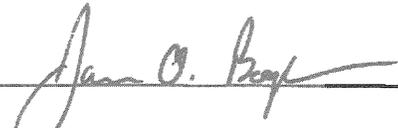
5. ZONING DISTRICT: C-3

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

Delta Sonic is proposing to renovate an existing 20' high freestanding sign. While there will be no change to the height of the existing sign, Delta Sonic is proposing to add a brick facade to the sign as well as to replace an existing acrylic sign panel with a new LED display.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 1 month

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: 01-20-16

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: 01-20-16

BUILDING BUREAU  
ROOM 121  
ZIP CODE: 14032  
10:14AM Mar 4/16  
14 0002 001 BVD  
#20512  
Zonings \$250.00  
INFO 930 W RIDGE  
CHECK \$250.00



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 property is an existing carwash, gas station and convenience store located at 990 West Ridge Road. As demonstrated by the site plan and photograph attached as Exhibit A, the property is improved with an existing freestanding sign which is currently 20' high. The existing sign contains electronic changeable gas price numbers in addition to a white acrylic face with a fixed image on the panel. Delta Sonic is proposing to renovate the existing sign to add brick to the sign to make it more visually attractive. The sign will remain at its existing height of 20'. In addition, Delta Sonic is proposing to replace the existing acrylic panel located under the gas price numbers with new LED display. The LED display is a significant benefit to Delta Sonic based on the nature of its business and will enable it to advertise different promotions and sales in connection with the car wash, gas station and convenience store. As discussed below, while there is a significant benefit to Delta Sonic, there will be no detriment to the health, safety and welfare of the neighborhood or the community by granting the variance relief because the sign is presently existing at a height of 20' and because the property exists on West Ridge Road in a highly commercial area with similar signage.

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 change produced in the character of the neighborhood or a detriment to nearby properties by granting the variance. As demonstrated by the aerial photograph attached as Exhibit B, the property is located in a commercial area of West Ridge Road. The sign currently exists at a height of 20' and maintaining the height will not change the current condition and the existing character of the neighborhood. Moreover, the addition of an LED display to the existing sign is consistent to other signs that have been developed in the area, including the Fastrac Gas Station and eCars USA. Photographs of the other signs in the area which maintain an LED display are attached as Exhibit C. In addition, the existing proposal will result in an aesthetic improvement to the existing sign with the addition of brick to match the existing gas station building. Based on the fact that the sign already exists at a height of 20' and that other LED displays have been installed on signs in the area in which the Delta Sonic is located, there will not be an undesirable change in area character or detriment to nearby properties.

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 way to develop an LED display without the sough-after variance. The applicant is seeking to have a changeable message center to advertise sales and associated car wash/convenience store items. Moreover, the height is an existing condition and the applicant cannot demolish the existing sign due to the associated cost and need for the existing sign.

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

The variance relief is not substantial for two reasons. First, with respect to the height of the sign, Delta Sonic is not asking to change the existing sign and is simply seeking to maintain the sign as it currently exists for height. Second, with respect to the LED display, the addition of this display will not increase the size of the sign and simply replaces an existing sign panel. The LED display is consistent with other LED displays which have been developed on West Ridge Road. The Court stated in *Matter of Easy Home Program v. Trotta*, 276 A.D.2d 553 (2d Dept. 2000), that the fact that a variance may seem substantial on paper does not justify the denial of an application if there is no demonstrated harm to the community. In the present case, there is no demonstrated harm to the community and therefore the variance is not substantial.

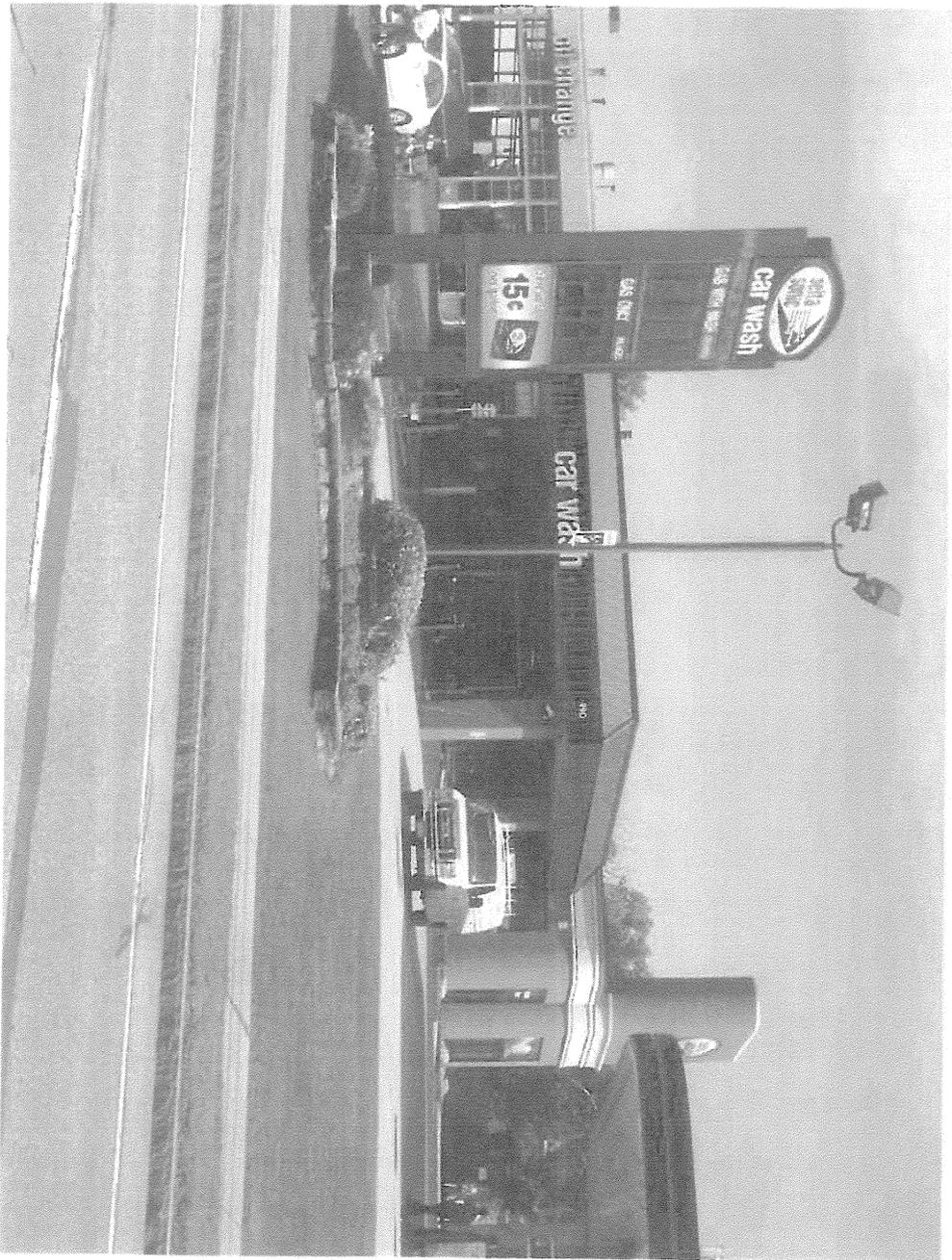
**E. Physical and environmental conditions.** The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. This is a modification to an existing sign in a commercial area developed with similar uses and signage. The requested LED display will not have any impact on any physical or environmental conditions.

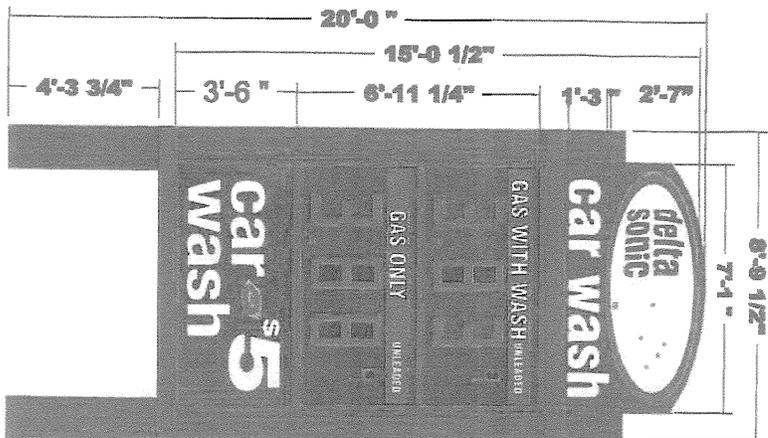
**F. Not self created.** The alleged difficulty was not self created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

NY General City Law explicitly states that self-created hardship is not by itself a sufficient basis to deny an area variance application. The Court was directly confronted with this issue in *Matter of Easy Home Program v. Trotta*, 276 A.D.2d 553 (2d Dept. 2000) when it held that even though the hardship was self-created and even though the variance was substantial, where there was no evidence demonstrating the variance would have an undesirable effect on the character of the community, a variance application must be approved. See, also, *Jackson v. Kirkpatrick*, 125 A.D.2d 471 (2d Dept. 1986); *De Sena v. Zoning Board of Appeals*, 45 N.Y.2d 105 (1978); *Goshen Shopping Center v. Zoning Board of Appeals*, 112 A.D.2d 140 (2d Dept. 1985). In the present case, there is no evidence that the variance would have any negative effect on the neighborhood.

# Exhibit A



**PHOTO OF  
EXISTING SIGN**



**EXISTING SIGN**

**DELTA SONIC**

990 West Ridge Rd.  
ROCHESTER, NY

1814

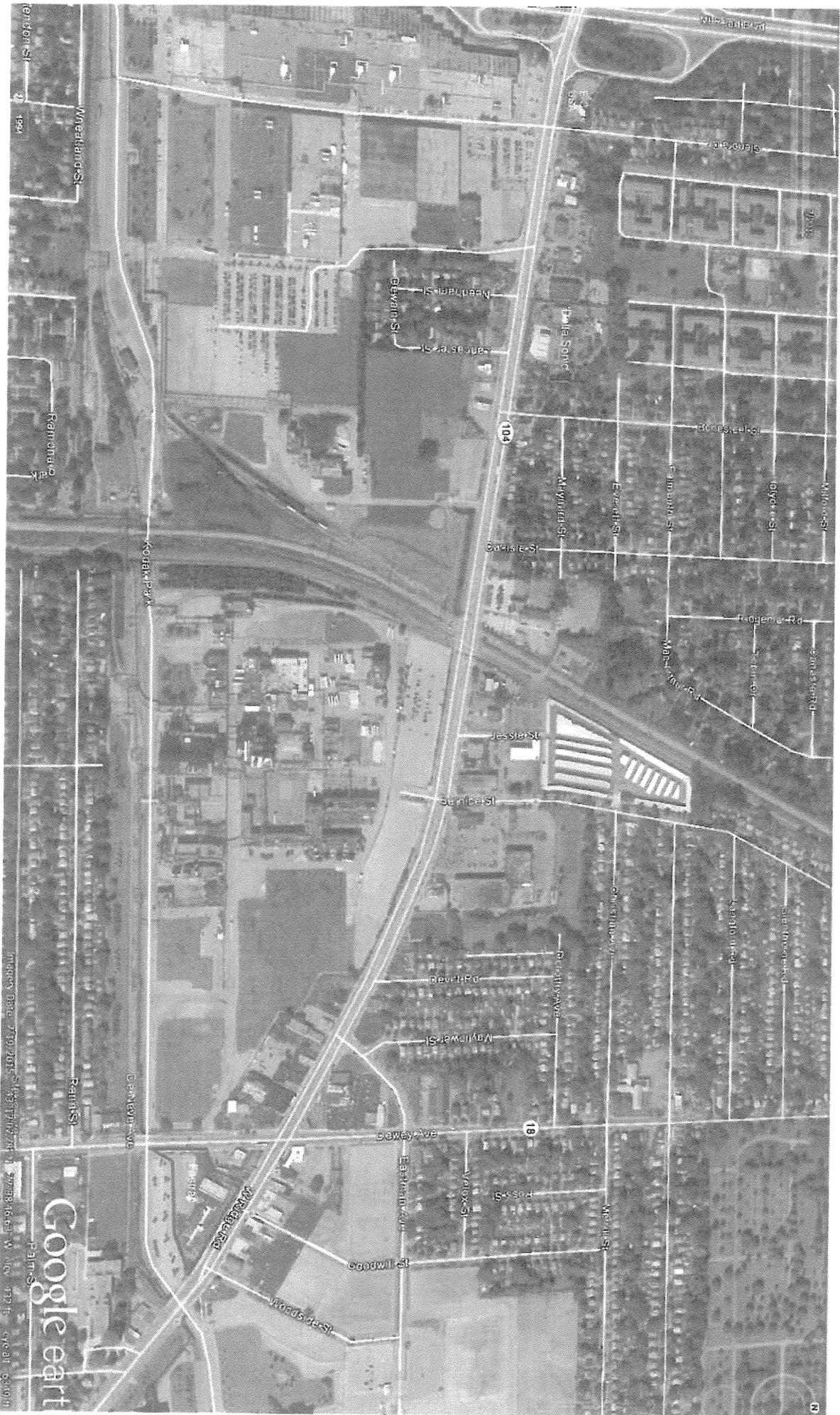
**DELTA SONIC CAR WASH**

**SIGNAGE  
EXISTING ID**

**S**



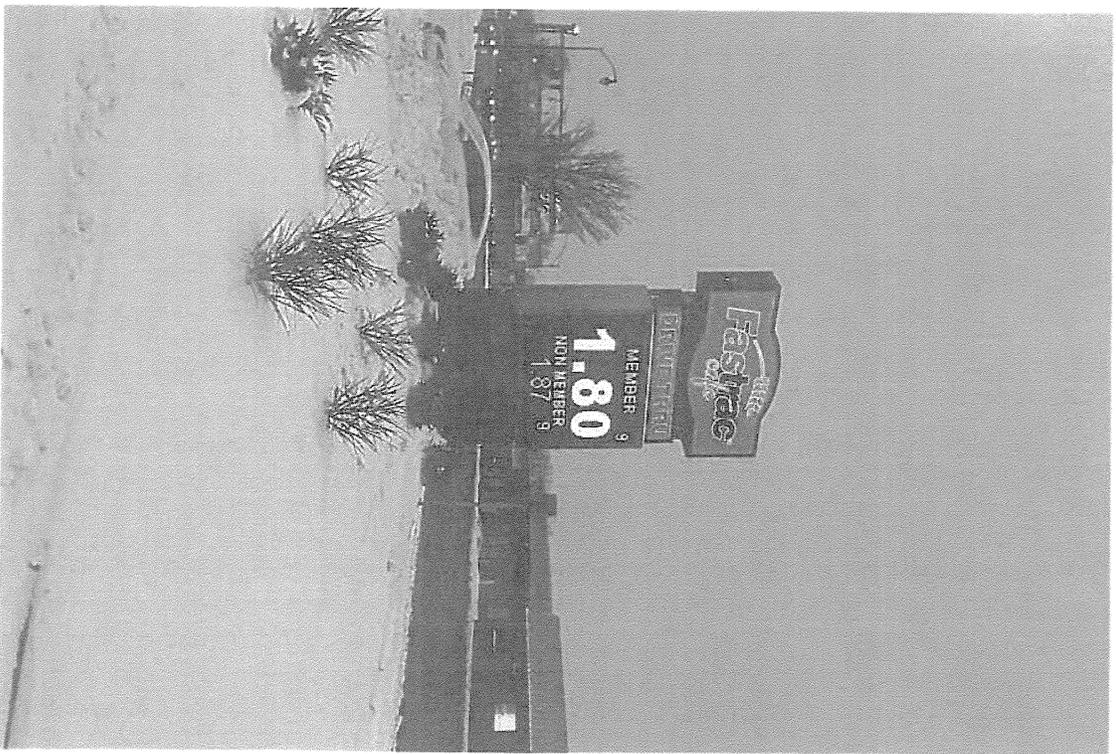
# Exhibit B



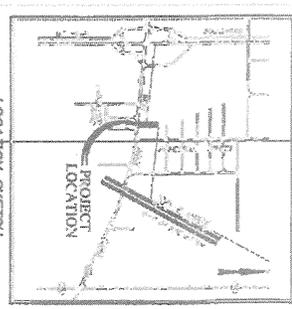
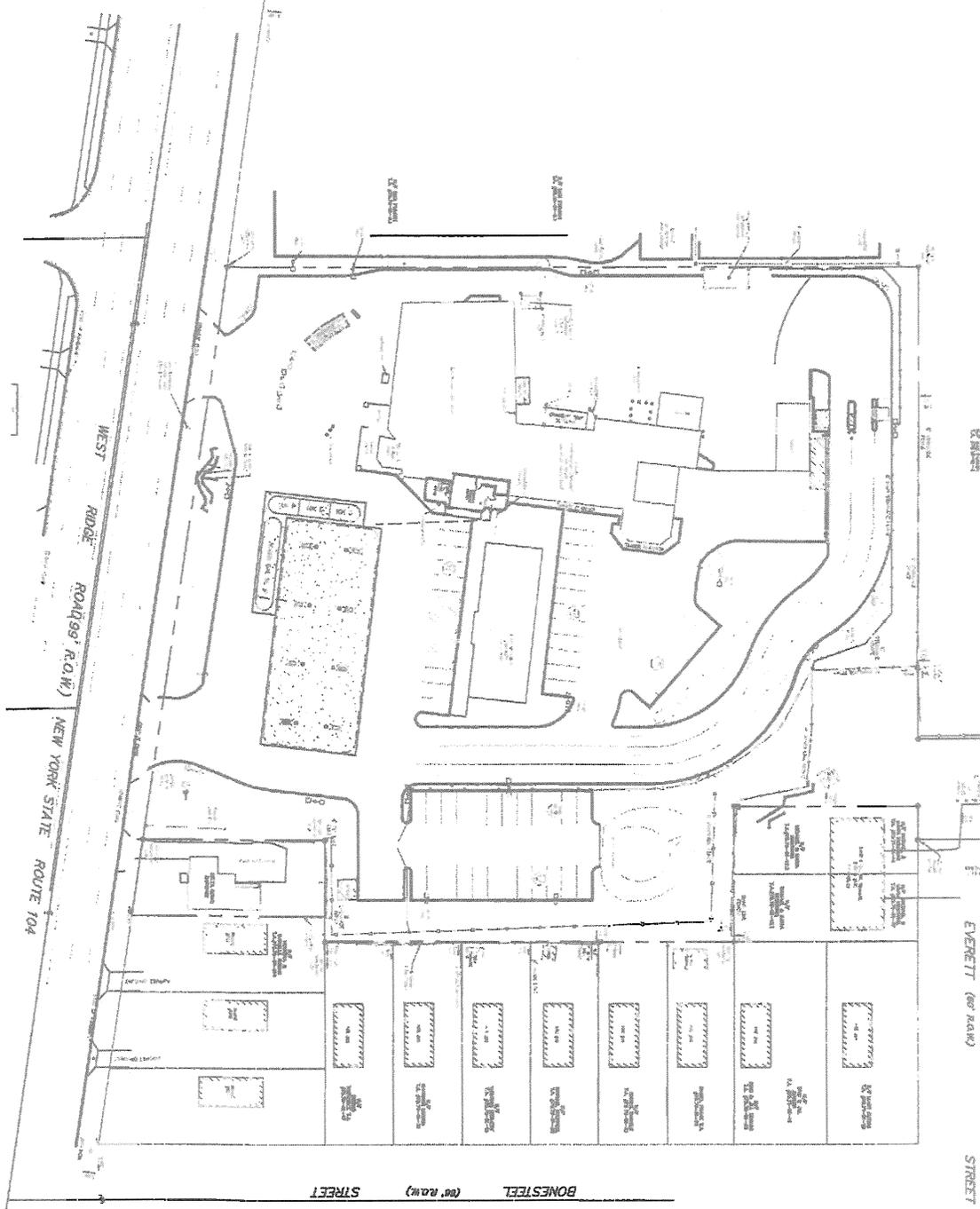
© 2015 Google Earth  
Map data © 2015

Google earth

# Exhibit C



**1 SITE PLAN**



**SEAL**  
 JOHN J. [Name]  
 [Professional Title]

**RENDERSON COMPANY, LLC**  
 ENGINEERING  
 100 [Address]  
 [City, State, Zip]

**TITLE**  
 EXISTING SITE PLAN

**PROJECT**  
 Delta Sonic Car Wash Systems  
 990 West Ridge Road  
 Rochester, New York 14615

**DATE**  
 10/13/15

**PROJECT NO.**  
 1814

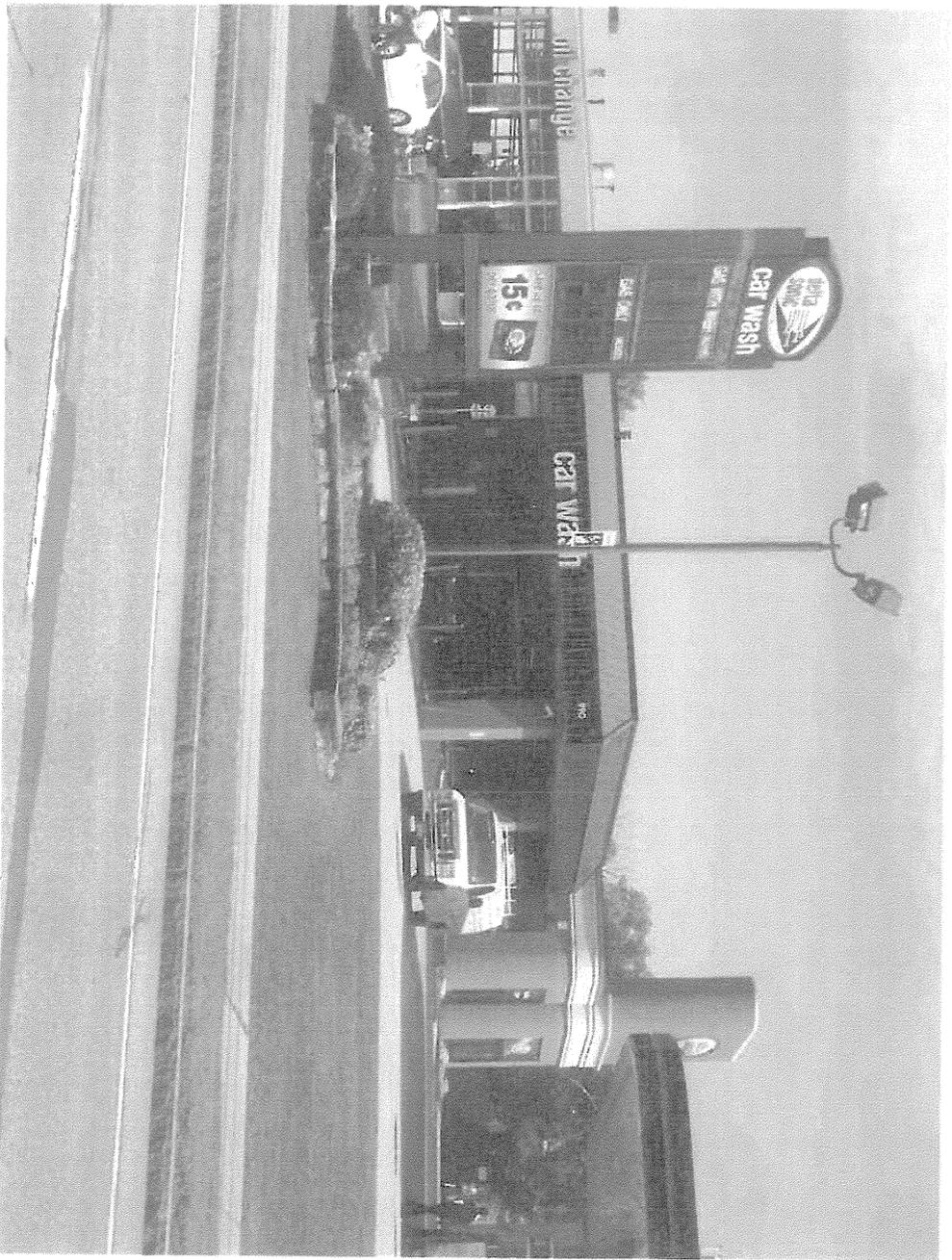
**CLIENT**  
 Delta Sonic Car Wash VACUUM UPGRADE

**SCALE**  
 1" = 10'-0"

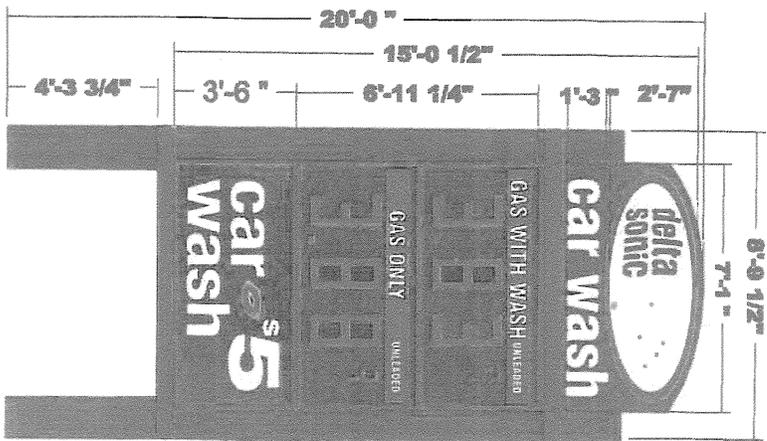
NO.	DATE	BY	REVISION

**NOTICE**  
 THIS DRAWING IS THE PROPERTY OF RENDERSON COMPANY, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF RENDERSON COMPANY, LLC IS STRICTLY PROHIBITED.





**PHOTO OF  
EXISTING SIGN**



**EXISTING SIGN**

**DELTA SONIC**  
990 West Ridge Rd.  
ROCHESTER, NY

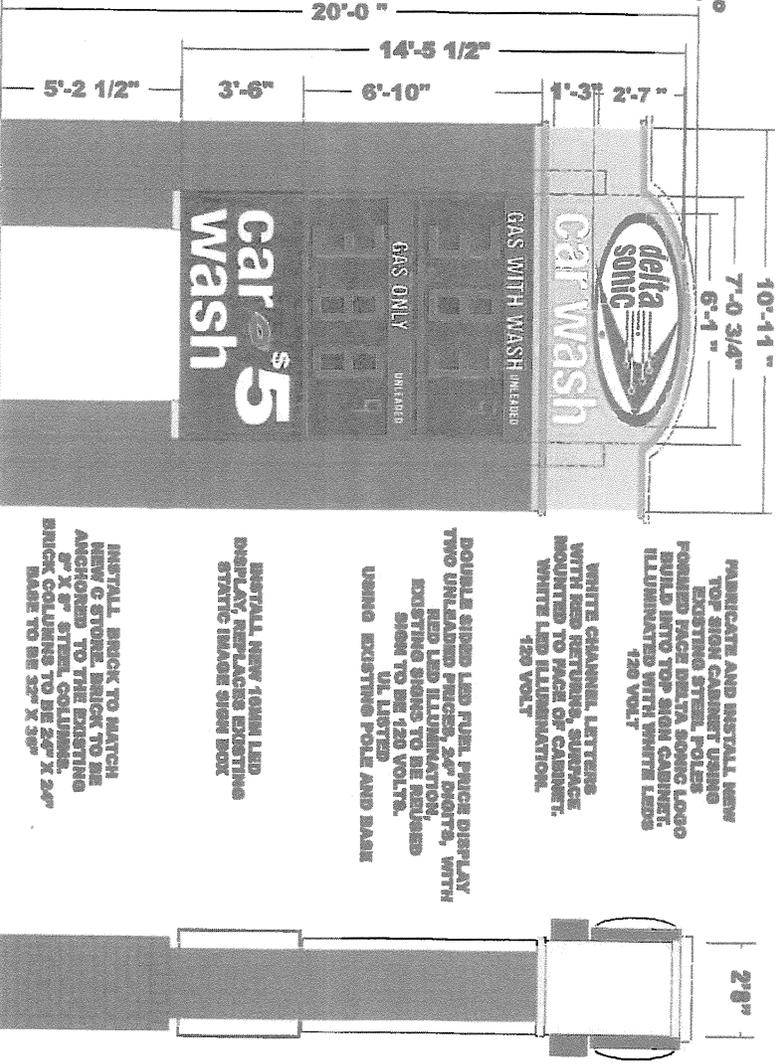
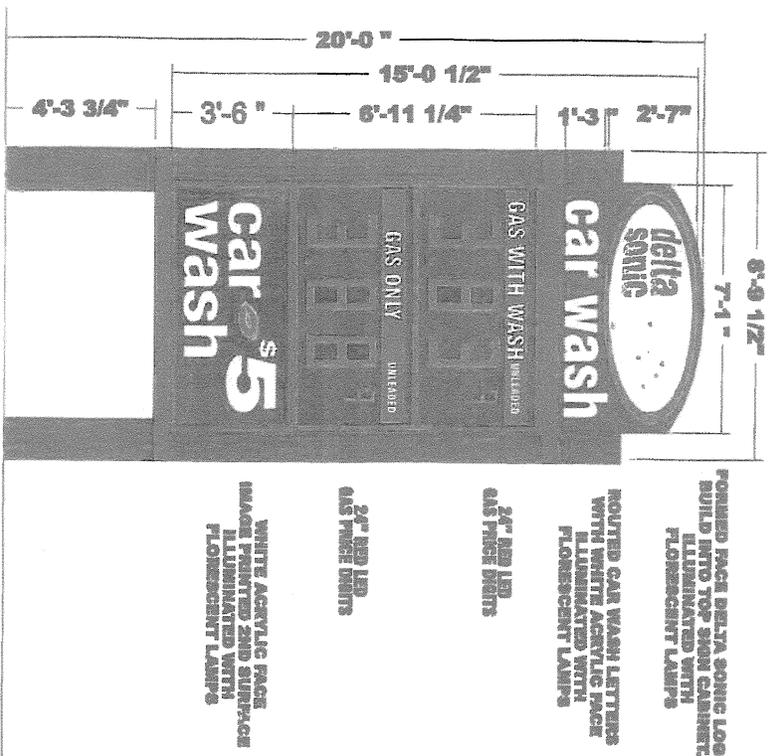
**DELTA SONIC CAR WASH**

1814

01

**SIGNAGE  
EXISTING ID**

**S**



EXISTING SIGN

PROPOSED SIGN

SIDE VIEW



- Led display to be 16 mm tall color 1 red, 1 blue and 1 green led per panel
- Minimum ethernet communication
- No panel shoring
- Display area 42" X 96", no border.
- Cabinet to be made of aluminum, formed and vented.
- Wired green/black
- Wired black
- 200 / 120 VOLT

PROPOSED LED DISPLAY

DELTA SONIC  
 990 West Ridge Rd.  
 ROCHESTER, NY

1014

DELTA SONIC CAR WASH

SIGNAGE  
 PROPOSED II

S

## Symonds, Jill

---

**From:** Penders, Ronald  
**Sent:** Tuesday, April 05, 2016 7:59 AM  
**To:** Symonds, Jill; Parrino, Marguerite V.; Lagonegro, Zina B.  
**Subject:** Community response  
**Attachments:** April 21 2016 ZBA Agenda Revised.pdf

Good morning,

I just wanted to comment on the cases being heard by the Zoning Board of Appeals;  
**980 W. Ridge Rd.** I have only heard positive things about this location and only had a couple of people commented on this case, both were in favor of the sign.  
**1628 Lyell Ave.** I have quite a few people in the neighborhood who are very much against any more auto related businesses being legalized. Especially ones like this one that continued to operate even after they were told not to.  
**28 Locust St.** I have heard nothing from the community on this one.

Thank you,

Ron Penders  
Administrator  
City of Rochester  
Department of Neighborhood and  
Business Development  
Northwest Neighborhood Service Center  
Pendersr@cityofrochester.gov  
(585) 428-7620 Office  
(585) 428-7621 Fax



**ZONING BOARD OF APPEALS  
STAFF REPORT  
May 19, 2016**

**Area Variance**

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**Case # 3:**

Staff Reviewer: Jill Symonds

**\* Held by the Applicant from the 04/21/16 Hearing**

**File Number:** V-068-15-16

**Applicant:** Scott L. Fiske

**Project Address:** 800 Atlantic Avenue

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

**Section of Code:** 120-11, 120-199, 120-200

**Request:** To construct a 266 sq. ft. addition to an existing one-bay vehicle repair operation, thereby expanding a nonconforming use, and not meeting the lot coverage, front and rear yard setback requirements.

**Code Compliance:** Preliminary Site Plan Findings are attached, which identify all required variances.

***As of May 5, 2016, new or additional information has not been submitted.***

**Code Enforcement:** This property is not in code enforcement.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 800 Atlantic Avenue

2. APPLICANT: Scott L. Fiske COMPANY NAME: Pardi Partnership Architects  
 ADDRESS: 25 Circle Street, Suite 101 CITY: Rochester ZIP CODE: 14607  
 PHONE: 585.454.4670 FAX: 585.454.4686  
 E-MAIL ADDRESS scott@pardiarchs.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: Pardi Partnership Architects  
 ADDRESS: 25 Circle Street, Suite 101 CITY: Rochester ZIP CODE: 14607  
 PHONE: 585.454.4670 FAX: 585.454.4686

4. ATTORNEY: N/A  
 ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

BUILDING BUREAU  
 ROOM 121  
 12:51PM Mar 30/16  
 01-0002 001 BUD  
 #21952  
 Zoning \$250.00  
 INFO 800 ATLANTA  
 CHECK \$250.00

5. ZONING DISTRICT: R-1

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): \_\_\_\_\_  
Re-use existing auto repair facility as an auto related repair shop (transmission repairs) Add new addition to existing building for new accessory office space and accessible toilet room.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 6-9 months

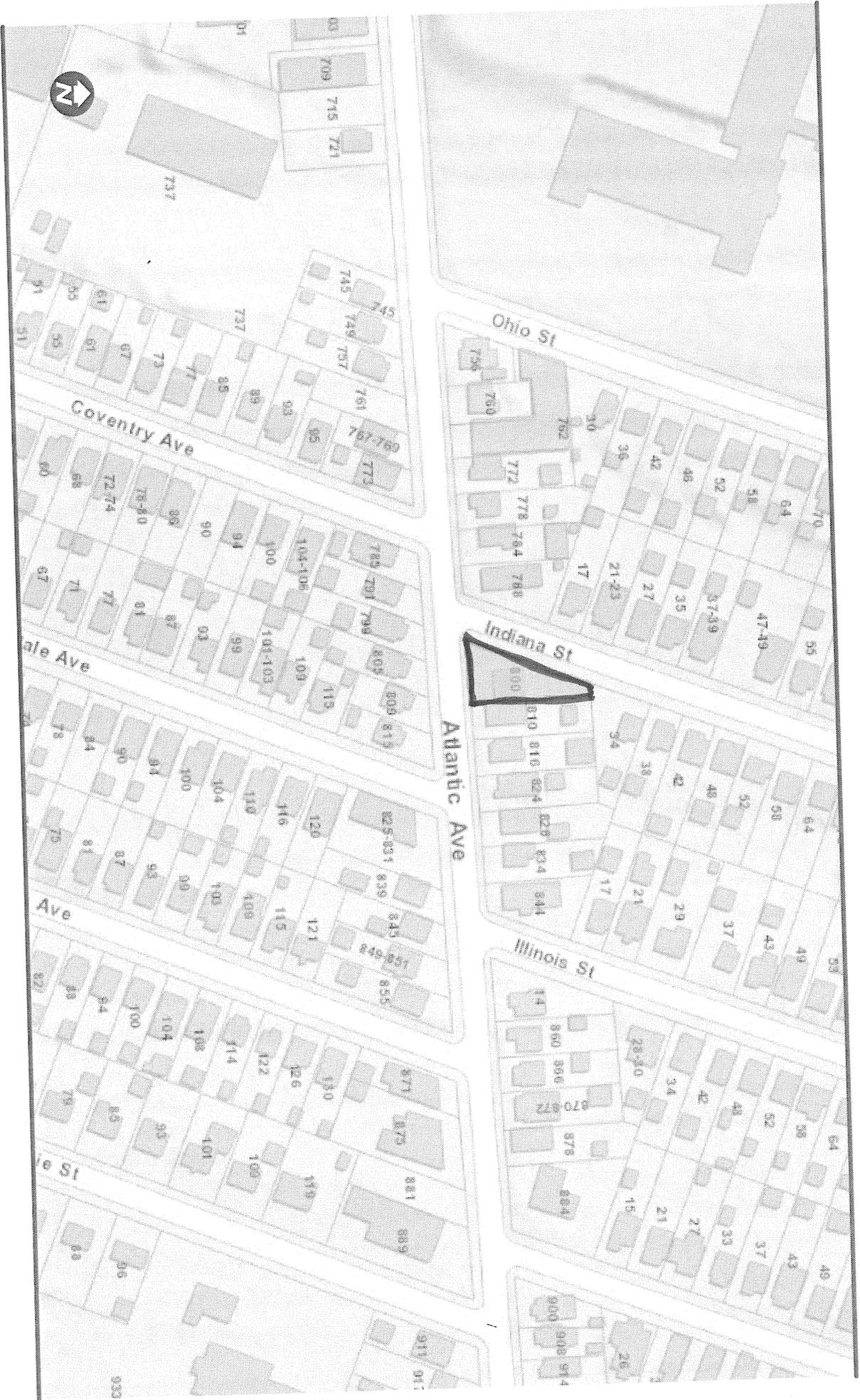
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 03/17/2016

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: \_\_\_\_\_

# 800 ATLANTIC AV



March 17, 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

Neighborhood and Business Development  
City Hall Room 125B, 30 Church Street  
Rochester, New York 14614-1290  
[www.cityofrochester.gov](http://www.cityofrochester.gov)

Bureau of Planning  
and Zoning

March 29, 2016

Mr. Scott Fiske  
Pardi Partnership Architects  
25 Circle Street, Ste. 100  
Rochester, New York 14607

**Re: Preliminary Site Plan Findings, SP-034-15-16  
800 Atlantic Avenue  
R-1 Low Density Residential District**

Dear Mr. Fiske:

A preliminary review of your application for site plan approval to reestablish a one-bay vehicle repair shop and construct a 266SF addition has been completed, resulting in the following findings and recommendations. To implement the project, area variances are required from the Zoning Board of Appeals, and a hearing before the Board is set for April 21.

Please contact Peter Siegrist at (585)428-7238 or [peter.siegrist@cityofrochester.gov](mailto:peter.siegrist@cityofrochester.gov) with any questions.

### **Existing Conditions:**

The site is located in an R-1 Low-Density Residential District at the northeast corner of Atlantic Avenue and Indiana Street, in a neighborhood of mostly one- and two-family dwellings. The wedge-shaped parcel is approximately 0.14 acres and holds a one-story, 1037SF building. One-half of the building contains a vehicle repair bay, which is served by an office, restroom and mechanical room in the other half.

### **Project Scope:**

The proposal is to use the site for the repair of automobile transmissions, relocating an existing business, Eagle Transmission, from a few blocks west on Atlantic Avenue. To create adequate indoor working space, the owner plans to remove the office, restroom and mechanical room and enlarge the single repair bay to fill the entire building. This would involve removing the center wall that supports the roof, so the joists supporting the flat roof would be replaced with gable trusses, resulting in a pitched roof. A new office, restroom and mechanical room would be built on the south side, measuring 14' x 19' and totaling 266SF. Access to the repair bay would be moved from the west wall to the north, where a new 16' wide overhead door would be installed.

## Preliminary Site Plan Findings

SP-034-15-16

800 Atlantic Avenue

Page 2

Site changes would be minimal, involving only the addition of plantings at the north side and about 150SF of new lawn on the south side. The pavement would remain as is. The only other site change would be to replace a timber curb in the parking lot with a new curb of precast concrete pinned to the existing asphalt.

### 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 March 29, 2016, indicating that the proposed action is one which will not have a significant effect on the environment.

### Code Compliance:

1. 'Minor' Site Plan Review approval by the Director of Planning and Zoning is required for the redevelopment of a site devoted to vehicle repair.

### Findings:

1. City records show that the property was developed as a gas station in 1929. In 1953, a new building was built and two 3,000 gallon fuel tanks installed. The station was closed in 1976 and the tanks filled with concrete and abandoned in place.
2. In 1980, the Zoning Board of Appeals approved a variance to convert the property for use as a one-bay 'minor' auto repair. At the time, the Zoning Code (hereafter "Code") classified 'minor' repairs as oil changes and the like, but the Code was revised in 1991 to eliminate the distinction between 'minor' and 'major' repairs. The revision allowed repairs to passenger vehicles only, and the current Code does not permit repair work on heavier vehicles such as trucks and buses.

Minutes of the Zoning Board hearing show that the repair operation is to be small, involving no collision, painting or engine work, thus limiting noxious effects such as noise, fumes, dust and smoke. There are to be few employees, and operating hours are limited to 8:00AM-6:00PM Monday through Saturday and closed on Sunday.

3. A commercial use in a residential zone is deemed nonconforming per the Code. Code section 120-200B states that "any nonconforming structure may be enlarged, maintained, repaired or altered, provided no additional nonconformity is created nor is the degree of the existing nonconformity increased". Section 120-195B(a) states that "the expansion, structural alteration or enlargement of a legally existing nonconforming use requires an area variance from the Zoning Board of Appeals".
4. The building is constructed of concrete blocks partly clad in porcelain enamel-coated metal panels, many of which are irreparably damaged by rust, penetrations and dents. To improve the building's appearance, the applicant would replace the panels with vertical vinyl siding and brick veneer, and install new windows and

doors. The new gable roof would be covered with asphalt shingles. The eastern wall, which is less than 18" off the adjoining property line, would remain unfinished.

5. Most of the lot surface is covered with asphalt pavement, with lawn covering the narrow, top one-quarter of the site. At the southern and southwestern sides of the site, for a length of about 80 feet, a well-maintained 30" high hedge and a timber curb separates the pavement from the adjacent public sidewalk. Along the eastern wall of the building, in a narrow gap between properties, a 4-course-high concrete block wall retains the slightly higher ground of the adjacent house. This wall is in poor condition for much of its length and collapsed in parts, and must be repaired prior to the City's issuance of a certificate of occupancy. A chain link fence along the wall is in serviceable condition, but should be cleared of trash and debris.
6. Lot coverage in an R-1 zone is limited to 50% of the site. The current coverage is about 72%, but would decrease slightly with the replacement of pavement with lawn on the south side. This brings the site closer to compliance with the Code, and thus no variance is needed. 
7. Building coverage in an R-1 zone is limited to 35% of the site. The existing building covers only 17% of the site, and the enlarged building would cover only 22%.
8. Setbacks for nonresidential uses in an R-1 zone are required as follows:
  - On this corner lot, with the site accessed from Indiana Street, each street-facing yard is considered a front yard, the tapered northern yard is the lone side yard, and the sliver of land on the east is the rear yard.
  - Front yard minimum: The greater of the average front yard depth of buildings on the block or 20 feet. Therefore, the proposed addition, with a setback of 13 feet from the southern property line, requires an area variance.
  - Side yard minimum: 10 feet, with a combined width of both side yards of 25 feet. The proposal is in compliance.
  - Rear yard minimum: 20 feet. The proposed addition extends into the required rear yard, thus requiring an area variance.
9. Parking for vehicle-related uses is required at two spaces per repair bay, for a total of two in this case, and those two are provided. One of those two must provide handicap access, and the site plan correctly shows this. The maximum number of spaces permitted is 110% of the minimum, or three in this case.
10. A perimeter landscape strip at least 10 feet wide is required along both street fronts. Along the south and southeastern fronts, the hedgerow, though narrow, was planted pursuant to a Site Plan Approval in 1980, issued in conjunction with the variance establishing vehicle repair. Along Indiana Street, however, views to the repair bay from nearby residences must be blocked by some form of screening. To this end, a row of 6 new arbor vitae are shown to be planted in the north yard.

11. The following regulations apply to all vehicle repair stations:

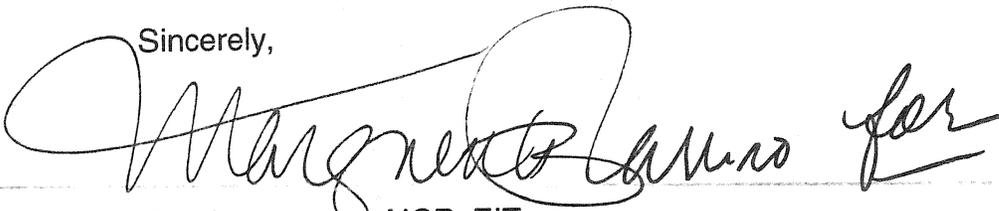
- All repairs shall be performed within the building;
- No outdoor storage of materials, merchandise, and equipment is permitted during nonbusiness hours;
- Trash must be stored in closed containers in an area screened from public view;
- Accessory sales of vehicles are not allowed in a residential zone;
- No partially dismantled, wrecked or unlicensed vehicles shall be stored outside the building for more than 72 hours.

12. The City's Department of Environmental Services-Permit Office reviewed the proposal and requested no changes. The Department's comments are attached.

We have received your application for area variances, and will forward a copy of these findings to the Zoning Board of Appeals for its consideration. Final Site Plan Approval would follow issuance of the variances.

If you have any questions on these findings or the variance application, please contact Peter Siegrist at (585)428-7238 or [peter.siegrist@cityofrochester.gov](mailto:peter.siegrist@cityofrochester.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret L. Lagonegre for". The signature is written in a cursive, flowing style.

Zina Lagonegre, AICP, EIT  
Director of Planning and Zoning

Cc: Terry Mott, Department of Environmental Services



# City of Rochester

## Inter-Departmental Correspondence

To: James J. Quackenbush, DES/Permits  
From: Albert J. Giglio, P.E., DES/Managing Engineer/Street Design  
Date: March 22, 2016  
Subject: Site Plan #034-15-16: 800 Atlantic Avenue

Our office has completed its review of a site plan dated March 7, 2016 for the re-establishment of an existing vacant building located at 800 Atlantic Avenue, at Indiana Street, to a 1-bay vehicle repair shop, and we have the following comments to offer.

The site is accessed through an existing driveway opening off of Indiana Street that is approximately 62 feet in width. At this time, our office will not require any modification to the existing driveway opening, but will re-visit the overall width and access needs to the site when the City makes street improvements to Indiana Street, and will make any adjustments to the driveway opening that are deemed appropriate.

The existing surface of the site consists of asphalt pavement and grass, with no improvements to the existing asphalt pavement being planned at this time. A limited grading plan of the existing site was included with the site plan submission showing that the site is well drained, with storm water runoff being directed away from the adjoining properties. The site plan does not show any means of collecting and discharging storm water runoff through drainage structures on-site, leaving our office with the opinion that at least a portion of the storm water runoff is being directed onto the public right-of-way.

When an existing site is improved, the City requires that the site be graded such that storm water runoff is managed on-site either through green infrastructure methods or conveyed to the public sewer system, but in no case is the runoff to be conveyed onto the public right-of-way or an adjoining property. If the current asphalt pavement is to be improved in the future, or if the storm water runoff onto the public right-of-way is deemed by the City to be a hazardous condition, the owner will be required to re-grade the site and make provisions to manage the storm water runoff on-site.

Areas of the existing public sidewalk or curb that are damaged or otherwise negatively impacted by any portion of the work are to be replaced. Replacement of sidewalk areas is to be to the nearest control joint and in full flag segments only, replacement of curb is to be to the nearest joint. There is to be no saw cutting or partial replacement of the existing sidewalk or curb to accommodate any of the work within the public right-of-way.

These comments reflect concerns from the Street Design section only, and do not reflect any issues or comments that may arise from other City or County departments.

AJG:rks

xc: Terry L. Mott, DES/Permits  
Willard VanDame, DES/Permits

g:\div\std\siteplans\800atlanticav-vehiclerepairshop(3-7-2016).docx

617.20  
Appendix B  
Short Environmental Assessment Form

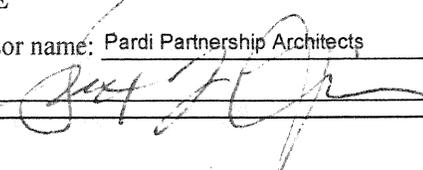
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Atlantic Ave Addition / Renovations				
Project Location (describe, and attach a location map): 800 Atlantic Ave, Rochester, NY 14609				
Brief Description of Proposed Action: Renovations to the existing 1,037sf building, and the addition of a new 266sf addition to the south (attached to existing building). New gable truss roof over the existing building (consistent with the surrounding residential neighborhood). New, large windows on both the existing building and new addition. Minor site work to provide an accessible entrance, as well as the appropriate number of parking spaces required by the City.				
Name of Applicant or Sponsor: Pardi Partnership Architects		Telephone: 585-454-4670 E-Mail: scott@pardiarchs.com		
Address: 25 Circle Street, Suite 101				
City/PO: Rochester		State: New York	Zip Code: 14607	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:  Local zoning approvals / local building, plumbing, electrical permits			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.14 acres		
b. Total acreage to be physically disturbed?		0.04 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.14 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Pardi Partnership Architects</u>		Date: <u>03/08/2016</u>
Signature: 		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

Project: 800 Atlantic Avenue

Date: March 29, 2016

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

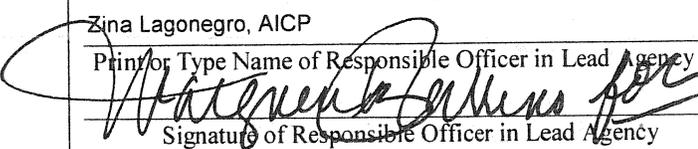
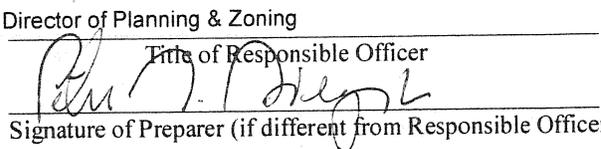
<b>PRINT FORM</b>
-------------------

Project:

Date:

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Director of Planning & Zoning	March 29, 2016
Name of Lead Agency	Date
Zina Lagonegro, AICP	Director of Planning & Zoning
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



Pardi Partnership Architects

City of Rochester  
 Area Variance / Statement of Difficulty  
 Section 120-195B (4) (b)

**800 Atlantic Avenue: Area Variances Needed:**

- Expansion, structural alteration, or enlargement of a legally existing nonconforming use
- Increase in lot coverage from 72% to 78%
- Front yard setback less than 20 feet, or the average of buildings on the block
- Rear yard setback less than 20 feet

**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.***

By granting these variances, a previously vacant structure will once again become an active part of the neighborhood. The required variances are minor (refer to question "D) yet are essential in allowing this building to become a functioning business for the area. The combination of proposed clean-up of the existing site, new plantings and significant building improvements - including the reconfiguration of roof lines that are more consistent with the surrounding neighborhood - will make this project, previously an eye sore, a positive improvement to the neighborhood.

**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 exterior design of the building, both renovations & new addition, takes into account the fact that this is a commercial business, situated in the middle of a residential neighborhood. A traditional gable roof and customary vinyl siding has been employed to present a more residential feel to the building; a new brick base and storefront windows help to define the building as a business - reminiscent of the larger commercial factory buildings found in abundance along Atlantic Avenue – while retaining a residential scale and appearance.

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

The existing building - as is - is in dire need of improvement both from an aesthetic and a functional point of view. (There is a reason it has sat vacant for so long). By adding a minimal addition to the south, the building is able to provide adequate space for both the proposed vehicle component repair related activities planned here as well as required supporting office / lavatory and mechanical spaces. The new addition will also provide updated ADA compliant office and toilet facilities where none existed before.

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

The existing nonconforming use has previously been approved for this lot – the actual expansion we are proposing, would only increase building coverage from 17% to 22% (5%): Not a substantial change.

The proposed lot coverage would only increase the existing from about 72% to 78% (6%): Also not a substantial change.

The existing building is at the 20 foot setback line. The proposed front yard setback (assumed to be the south side of the property) will now be 13 feet; 65% of the required 20 foot setback and only 35% shy of complying. This is the best / only location for the addition – no other location makes sense on the property and allows for any smaller footprint (refer to question “C”).

The proposed rear yard setback (at the east) will be 6.3 feet. While a substantial variance when compared to the 20 feet required, it is actually significantly more than the existing building east side setback of only 1.4 feet. By holding the addition back further from the property line than the existing building, we provide more buffer between the properties and maintain an existing opening that will act as a means of egress from the structure.

**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.***

Refer to question “A” for benefits to the community. In addition to these benefits, having a functioning business will once again keep the clean lot, as well as keep building and site repairs up to date.

**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 proposed variances are the minimum that is necessary to reinstate the former commercial use of the property. Historically, former gas stations / vehicle related uses do not make economic sense to be converted to residential uses except in rare and extremely personal cases – usually at costs significantly higher than what could be considered “fair market” value. The requested variances allow the property owner to provide services to the surrounding community at a scale that is consistent with the area, while creating more value to the property – and the municipal tax base - than any residential use would.



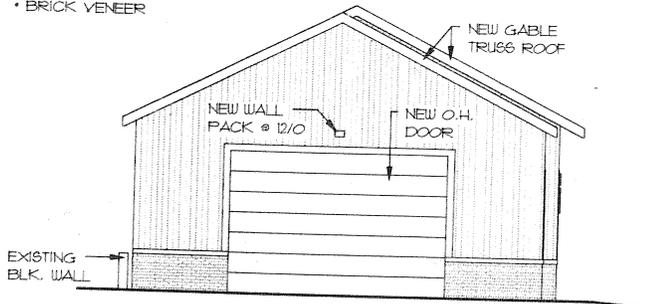
OWNER ADDRESS: 800 ATLANTIC AVE  
 SBL: 122.24-1-87  
 ACREAGE: 0.14  
 ZONING: R-1

WARNING: IT IS VIOLATION OF THE LAW FOR ANY PERSON, FIRM OR CORPORATION ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT TO ALTER IN ANY WAY PLANS, SPECIFICATIONS, OR NOTES TO WHICH THE SEAL OF AN ARCHITECT HAS BEEN APPLIED UNLESS BEARING THE SEAL OF AN ARCHITECT IS ALTERED. ALTERING ARCHITECT SHALL AFFIX TO THE SEAL THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

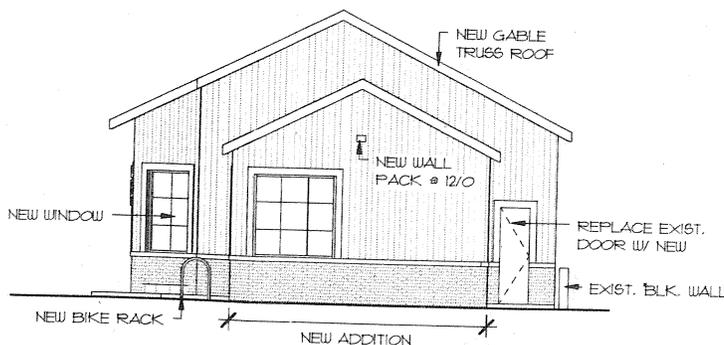
REFERENCE STATE OF NEW YORK  
 EDUCATION LAW PART 69 - ARCHITECTURE  
 PARAGRAPH 7.04

WHEN THESE PLANS BEAR THE SEAL AND SIGNATURE OF A LICENSED PROFESSIONAL OF THIS OFFICE, TO THE BEST OF THEIR PROFESSIONAL KNOWLEDGE, JUDGEMENT AND BELIEF THESE PLANS WILL HAVE BEEN PREPARED IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE ENERGY CONSERVATION AND CONSTRUCTION CODE OF NEW YORK STATE IN EFFECT AT THE DATE OF SIGNATURE.

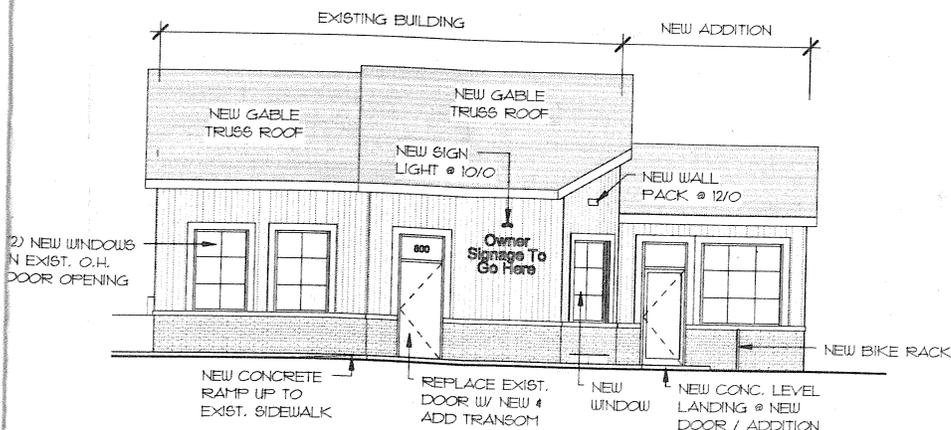
- TYPICAL EXTERIOR FINISHES:**
- 260LB ARCHITECTURAL ASPHALT SHINGLES
  - DOUBLE 5" VERTICAL VINYL SIDING
  - SLOPED EIFS GILL
  - BRICK VENEER



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



**4 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**5 WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"

PRELIMINARY  
 NOT FOR CONSTRUCTION

ATLANTIC AVE GARAGE

800 ATLANTIC AVENUE  
 ROCHESTER, NY 14609

PROJECT NO.:	25215
DATE:	03/16/2016
DRAWN BY:	JNL
SCALE:	As Indicated
CHECKED BY:	BLF

REVISIONS		
NO.	DATE	DESCRIPTION

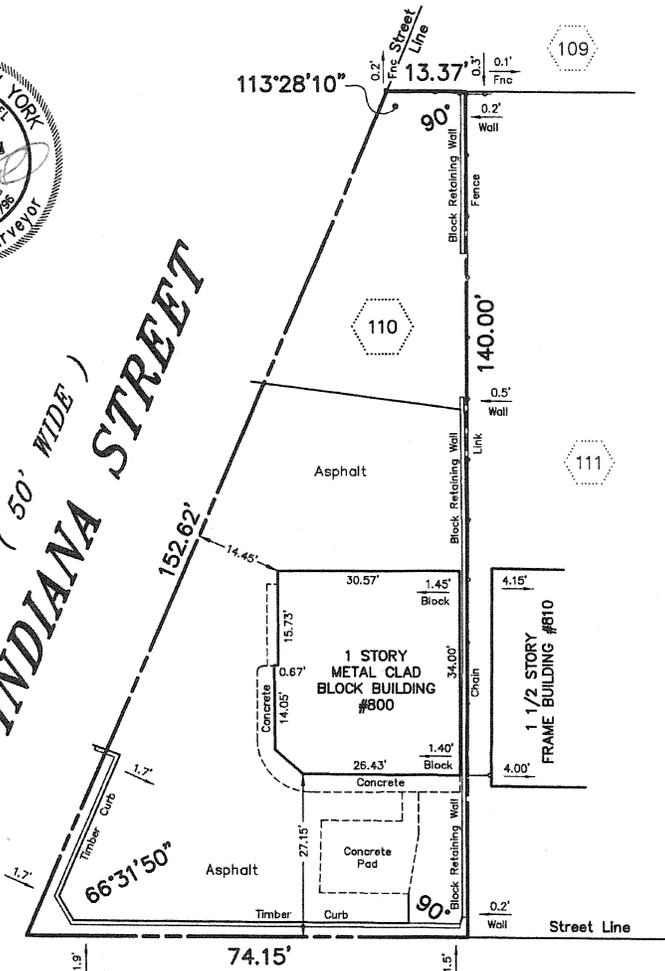
DRAWING TITLE:  
**SITE PLAN NEW**

DRAWING NUMBER:  
**A2.1**





**INDIANA STREET**  
( 50' WIDE )



**ATLANTIC AVENUE**  
( 49.5' WIDE )

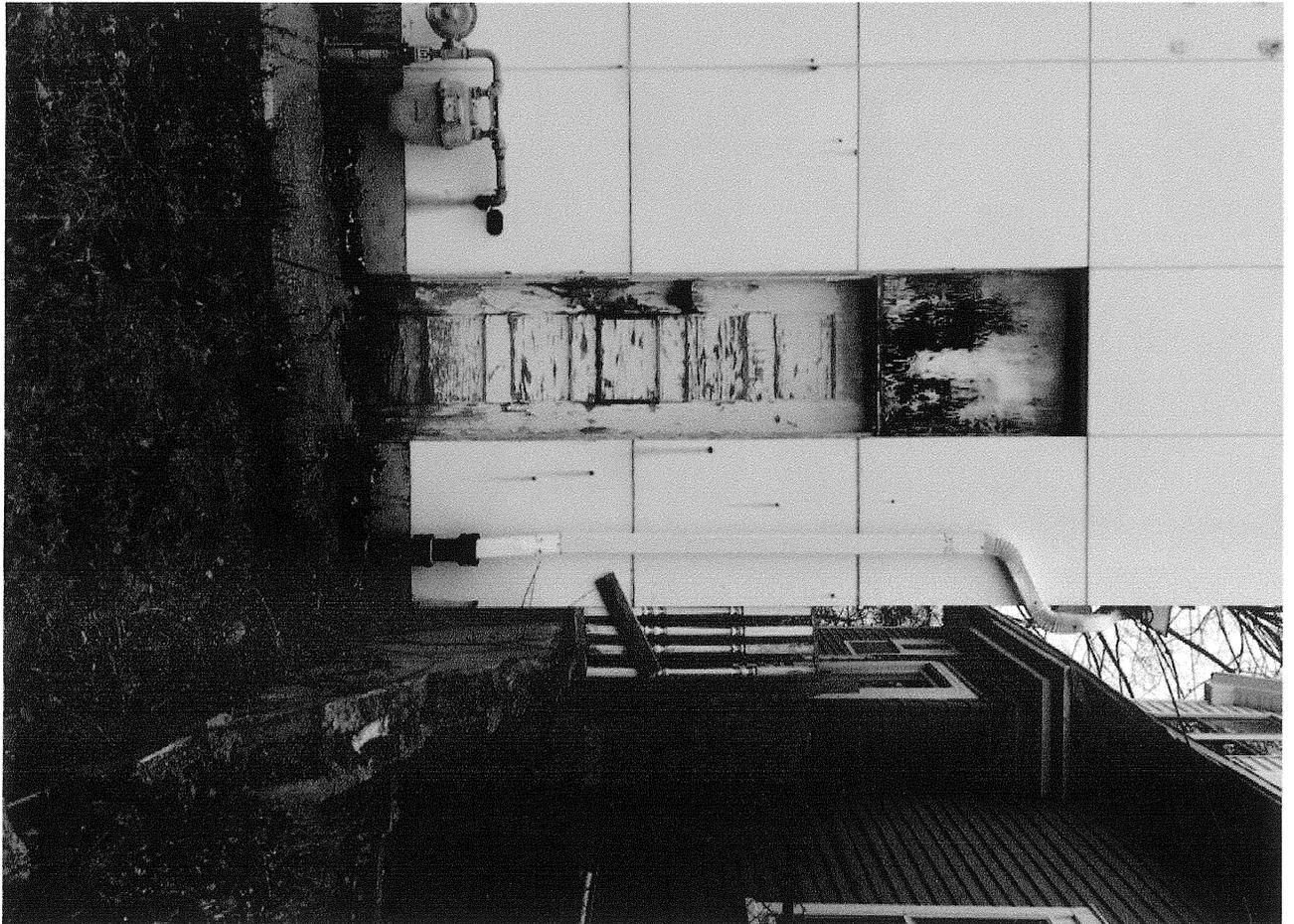
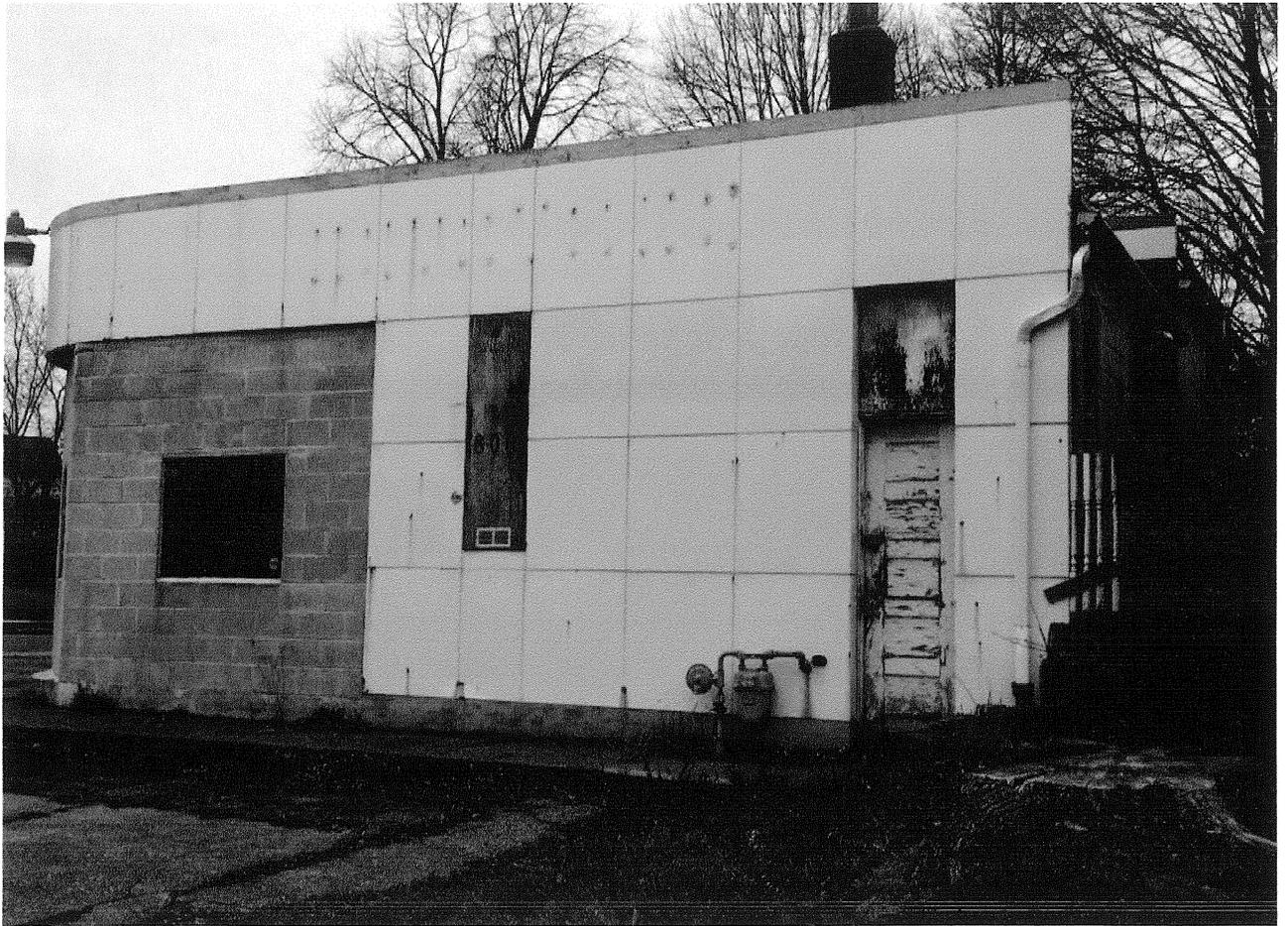
I hereby certify to the parties listed hereunder that this map was made using the reference material listed hereon and the notes of an instrument survey, performed in accordance with the current standards of the New York State Association of Professional Land Surveyors, completed on December 23, 2015.

Pardi Partnership

*[Signature]*  
James R. Zerkel, N.Y.S. P.L.S. 49796

**Note:** 1) All building ties to property lines were taken to exterior siding, unless noted. 2) 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. 3) 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. 4) Certifications indicated hereon shall run only to the person for whom this 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.

<b>ZERKEL LAND SURVEYORS</b>  JAMES R. ZERKEL, P.L.S. 140 RUTGERS STREET ROCHESTER, N.Y. 14607 (585) 442-4033	<b>INSTRUMENT SURVEY MAP</b>	
	Address <b>800 ATLANTIC AVENUE</b>	Town <b>ROCHESTER</b>
	County <b>MONROE</b>	City <b>ROCHESTER</b>
	Township ~	Village ~
Lot No. <b>110</b>	Subdivision <b>ALLEN L. WOOD</b>	Range ~ Lot ~
Reference Date	Liber <b>22</b> of Maps, Page <b>25</b>	Liber <b>11378</b> of Deeds, Page <b>644</b>
Job No. <b>122.24-01-087</b>	By <b>JRZ</b>	Abstract by <b>NONE PROVIDED</b>
Dwg. No. <b>15071H</b>	Scale <b>1" = 20'</b>	Client <b>PARDI PARTNERSHIP</b>
		Date <b>JANUARY 7, 2016</b>

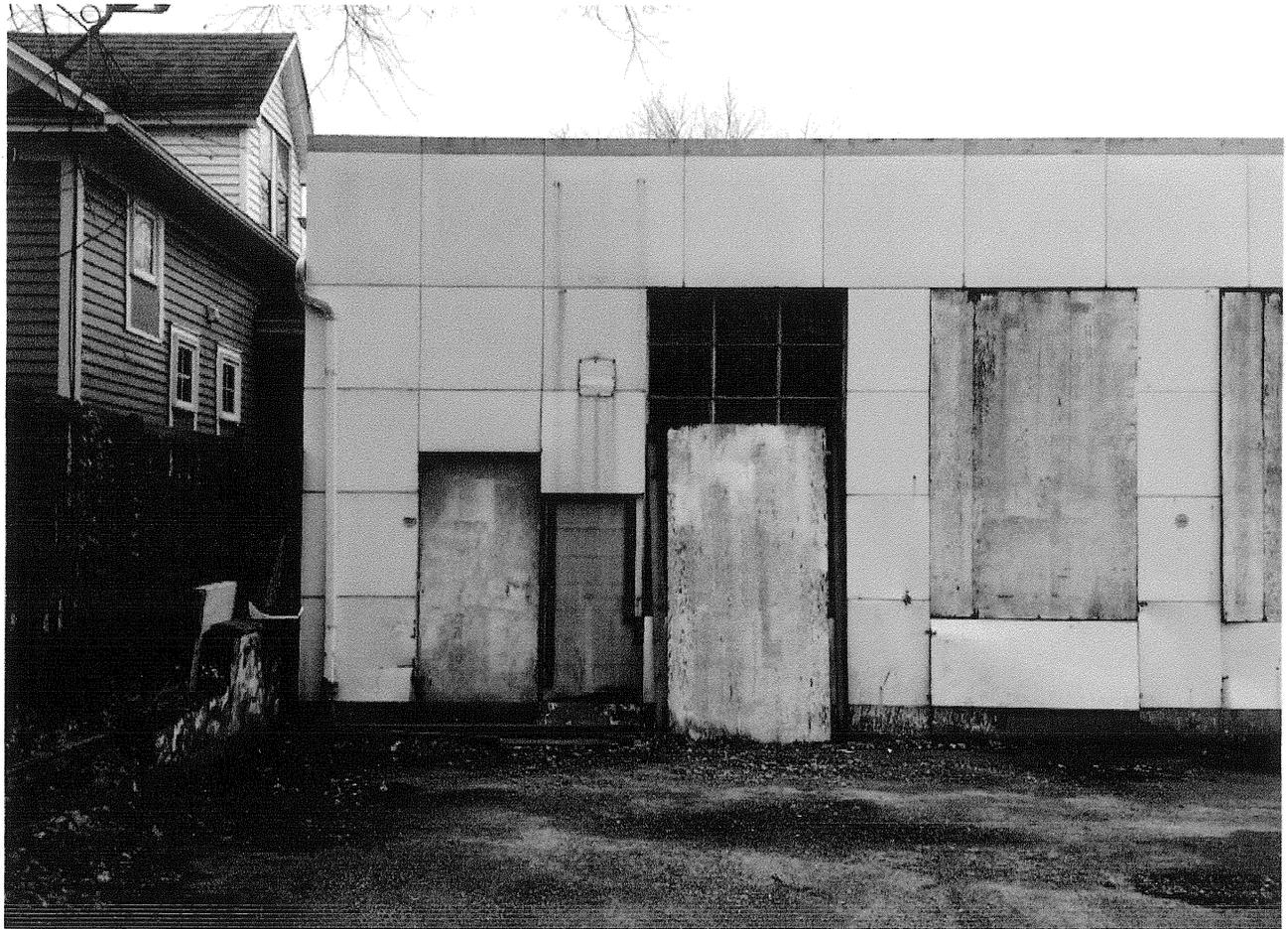
















**ZONING BOARD OF APPEALS  
STAFF REPORT  
May 19, 2016**

**Area Variance**

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

**File Number:** V-073-15-16

**Applicant:** 10 Gold Street Properties, LLC

**Project Address:** 1176, 1182, 1186-1188 Mt. Hope Avenue, 16, 24 Gold Street and 17 Langslow Street

**Zoning District:** R-1 Low-Density Residential District and C-1 Neighborhood Center District

**Section of Code:** 120-36, 120-157

**Request:** **To construct a 5-story mixed use building not meeting the rear yard setback, and to construct a 4-story residential building not meeting certain Citywide Design Standards.**

**Code Compliance:** Preliminary Site Plan Findings are attached, which identify all required variances.

**Code Enforcement:** These properties are not in code enforcement.

*mark*

**PROJECT INFORMATION**

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 1176, 1182, 1186-1188 Mt. Hope Ave.; 10, 16, 24 Gold St.; 17 Langslow St.

2. APPLICANT: 10 Gold Street Properties, LLC COMPANY NAME: 10 Gold Street Properties, LLC

ADDRESS: 1080 Pittsford-Victor Rd., Suite 202 CITY: Pittsford ZIP CODE: 14534

PHONE: 585-704-6464 FAX: \_\_\_\_\_

E-MAIL ADDRESS mackenzie1@gmail.com

INTEREST IN PROPERTY: Owner  Lessee  Other

3. PLAN PREPARER: CJS Architects: Craig Jensen

ADDRESS: 54 South Union St. CITY: Rochester ZIP CODE: 14607

PHONE: 585-244-3780 FAX: \_\_\_\_\_

4. ATTORNEY: Morgenstern DeVoiesick, PLLC: Jeff DeVoiesick

ADDRESS: 1080 Pittsford-Victor Rd., Suite 200 CITY: Pittsford ZIP CODE: 14534

PHONE: 585-672-5500 FAX: 585-672-5599

E-MAIL ADDRESS jeff@morgdevo.com

5. ZONING DISTRICT: C-1

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

Construction of a +/- 63,000 square foot mixed use building on Mt Hope Avenue in the C-1 district including 32 residential units, residential amenity space and 3,000 square foot of commercial space. Removal of the parking lot in the C-1 district and expansion of the portion of the parking lot in the R-1 district to connect the parking lot to Gold Street and eliminate the curb cut on Mt Hope Avenue.

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased): 16 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.

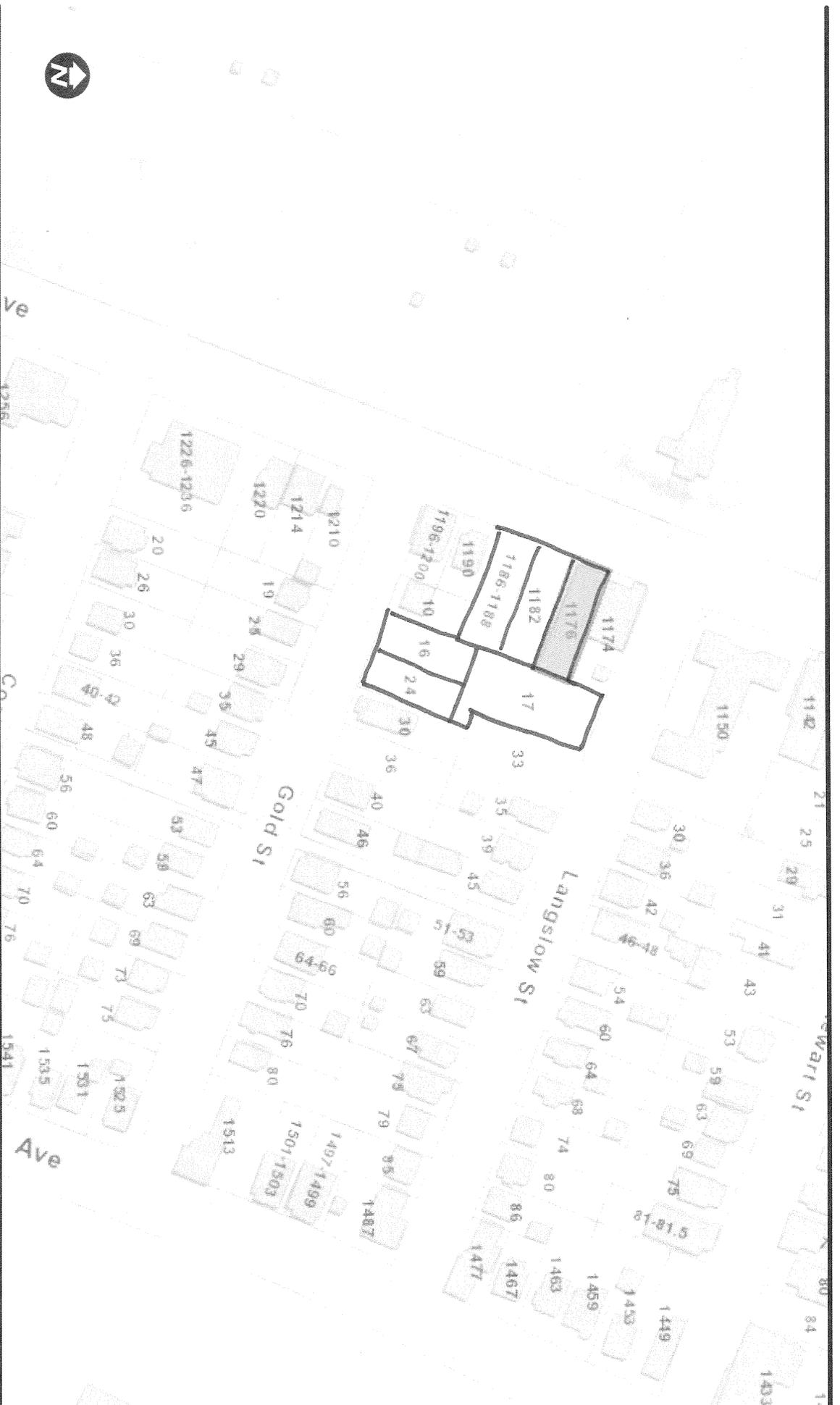
SIGNATURE: *Don M. Jensen* DATE: 4/14/16

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: \_\_\_\_\_

BUILDING DEPARTMENT  
2:13PM  
01-0002-001 AP-1-14534  
#27284  
\$250.00  
1176 MT HOPE  
CHECK \$250.00

# 1176 MT HOPE AV



May 5, 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.

1. The reduced set back brings the rear building entry closer to the existing parking lot  
enhancing safety and convenience for residents.

2. Locating the entry on the side allows for the creation of two accessible residential units on  
the first floor of the building and creates a front faced that is in character, with proper first  
floor elevation, and a ramp from the parking rather than on the front building façade.

**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. The existing building on the site (to be demolished) has a rear setback that is roughly equal  
to what is being proposed.

2. A number of other residential structures on Gold, Langslow and other neighborhood streets  
have entrances on the side of the building similar to our proposal. A direct connection to the  
street via a sidewalk will be provided.

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

1. Compliance with the rear setback requirement would result in a reduced building foot print  
with no benefit to adjacent properties. Re-subdivision of the property to achieve compliance  
(if possible) would not change the real world conditions.

2. Given the narrow lot, an entrance on the front of the building would not allow for the  
development of two accessible units on the first floor.

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

1. The reduced setback is not significant in that it only directly impacts the adjacent existing parking lot that serves the building. The nearest adjacent structures impacted by the rear setback are approximately 100 feet away on Gold Street and approximately 130 feet away on Langslow Street.

2. 10 Gold Street is part of C-1 not R-1. The adjacent C-1 structure on the corner of Mt Hope Avenue also has no entrance on Gold Street.

**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. The only property impacted by the reduced setback is the adjacent parking, and the building's rear entry will be more convenient to the parking as a result of the reduced setback. The space between the rear of the building and the existing parking will not benefit any adjacent property if it is left undeveloped.

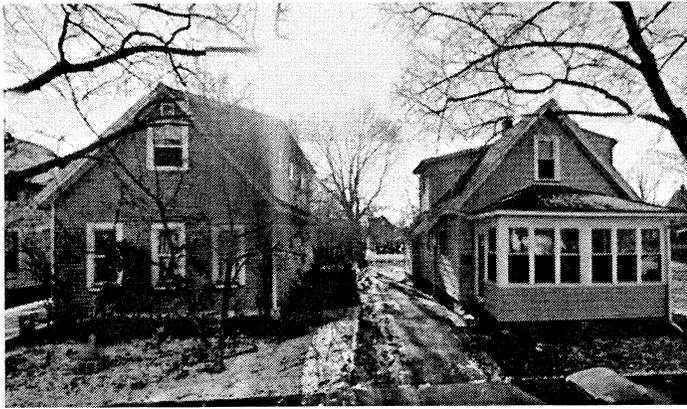
2. A side entry at 10 Gold Street will not adversely impact the area as a number of other residential structures on Gold, Langslow and other neighborhood streets have entrances on the side of the building similar to our proposal. A direct connection to the street via a sidewalk will be provided.

**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.

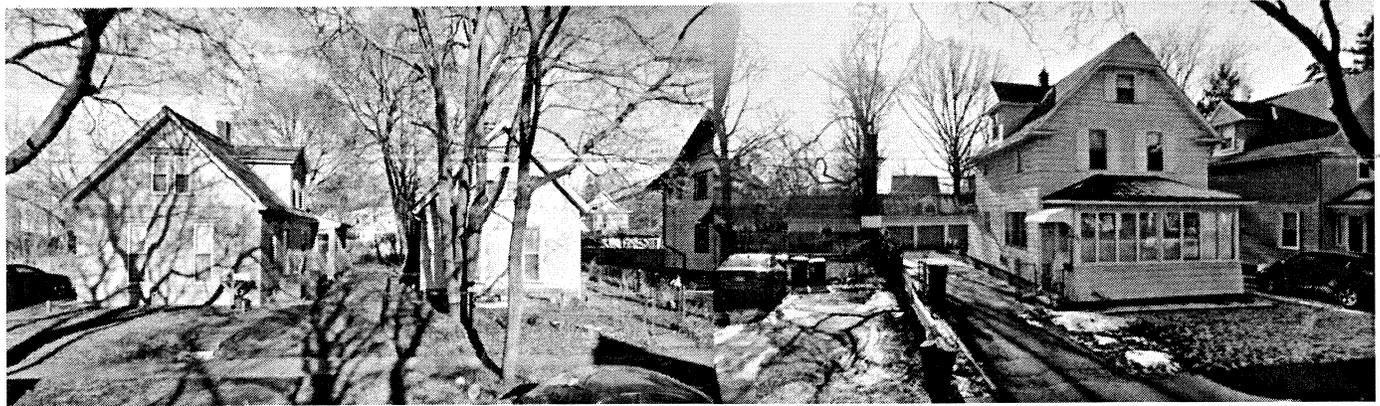
1. The adjacent parking lot is existing and cannot logically be reconfigured. This existing condition makes the proposed building footprint the best overall use of the site.

2. The 40 foot lot width makes it difficult to develop accessible ground floor units (as required) that are an appropriate height above the street (for privacy and sense of place) with a front entry rather than a side entry.

Existing Side Entry Residential



Langslow Street



Gold Street



Other Neighborhood Streets (Reservoir Avenue)



April 20, 2016

Messrs. Ken Burnham and Duncan Frame  
1080 Pittsford Victor Road, Ste. 202  
Pittsford, NY 14534

**Re: Preliminary Site Plan Findings  
SP-022-15-16, 1176-1188 Mt. Hope Ave., 10-24 Gold St., 17 Langslow St.  
C-1 Neighborhood Center Commercial District, and  
R-1 Low Density Residential District**

Dear Mr. Messrs. Burnham and Frame:

We have completed a preliminary review of your application to demolish a 2-story building at #1176, combine parcels, construct a mixed-use development consisting of a 5-story, 63,000SF residential/retail building and a 4-story, 8,300SF residential building, and expand an existing parking lot to accommodate 49 spaces. The following findings and 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 the southeast quadrant of the city, just north of the University of Rochester and its new mixed-use College Town development and across the street from the City's historic Mt. Hope Cemetery. It is on the west edge of a compact neighborhood just one block wide by six blocks long consisting mainly of vernacular, wood-frame, one- and two-family dwellings on narrow, tree-lined streets. The neighborhood is bound by Mt. Hope and South Avenues, which are the primary north-south connections between the developing areas to the south and the re-emergent city center two miles to the north. The avenues contain a mix of uses, including family residences, restaurants, small commercial spaces, and two- and three-story apartment buildings.

Seven parcels comprise the site, totaling 0.78 acres and spanning two zoning districts. Three parcels on Mt. Hope Avenue—numbers 1176, 1182 and 1186-88—along with 10 Gold Street are in a C-1 Neighborhood Center Commercial District. Three adjacent parcels—16 and 24 Gold Street and 17 Langslow Street, are in an R-1 Low-Density Residential District. The parcels are used as follows:

- 1176 Mt. Hope Avenue contains a two-story commercial building with a 1½ story rear addition. The building is vacant, but had most recently held a comic book store. City records show that it had housed a wholesale store, a warehouse, and laboratory.
- 1182 and 1186-88 Mt. Hope Avenue and 17 Langslow Street contain a surface parking lot with about 54 spaces, with access from both streets. City records show that a permit was issued in 1984 to construct a parking lot on #1186-88. No permits

## **Preliminary Site Plan Findings**

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are shown for the portion of the lot on #1182 and #17, although a permit issued in 1984 to install 245 feet of wood fence and 300 feet of guard rail on #17 might suggest this was to control parking. [As noted below, the survey map shows that the fence and curb on the south side of #17 are actually on the adjacent parcel, not owned by the applicant.] The records do not reflect what properties the lot serves or served. We believe that it was used as overflow parking for the nearby Distillery restaurant, but the required approval from the City Planning Commission was never sought or issued.

- 10 Gold Street holds a single-family dwelling of a vernacular style, with no garage.
- 16 and 24 Gold Street are empty lots with no permit history. City maps from 1924 and 1935 and a later insurance map show both parcels as empty.

Mt. Hope Cemetery, considered to be America's oldest municipal Victorian burial ground, consists of 196 acres of glacially-formed terrain with a recognized collection of tree species and historic structures. It is the resting place of over 350,000 Rochesterians, including many of the community's most renowned. Much of the cemetery, including the portion facing the proposed development site, is part of a city-designated preservation district. The cemetery's main entrance is about 100 feet north of 1176 Mt. Hope Avenue.

Bordering the site on the north is a three-family dwelling with a commercial space on the first floor that held a florist until recently and has been converted to a medical office. Adjacent to the site on the south is a two-family residence followed by a four-family.

### **Scope of the Project:**

The applicant proposes to remove a building at 1176 Mt. Hope, a parking lot at 1182 and 1186-88 Mt. Hope and the house at 10 Gold Street, and build a mixed-use development marketed for student housing. The portion of parking lot on 17 Langslow Street would be retained and extended south onto 16 and 24 Gold Street to provide 49 spaces.

The new building fronting the avenue would have about 63,000SF divided equally into five stories, and be about 55 feet tall. Suite-style apartments on floors two through five would house 80 students in 24 two-bedroom units and 8 four-bedroom units. On the first floor, 3,000SF would be devoted to commercial space, and another 3,800SF would be reserved for tenant amenities. Access to the apartment lobby and the commercial space would be from both the avenue side and the parking lot in the rear. Indoor parking would be provided for 8 vehicles, accessed by four garage doors on the rear.

In place of the house at 10 Gold Street, the applicant proposes to construct a +/-8,300SF, four-story apartment building with 8 two-bedroom suites to house 16 students. This building would be accessed directly from the parking lot, with no entry facing the street.

Together, the two buildings would house 96 students and 3,000SF of commercial space, and be served by 57 parking spaces.

## **Preliminary Site Plan Findings**

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### **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 a Type 1 Action. A Negative Declaration was issued on April 11, 2016, indicating that the proposed action is one which will not have a significant impact on the environment.

### **Code Compliance:**

1. **'Major' Site Plan Review** approval by the Director of Planning and Zoning is required because the project involves construction of new multifamily housing, is larger than 20,000SF and noncompliant with certain zoning requirements, abuts a site listed in the National Register of Historic Places, and is a Type 1 action under the State Environmental Quality Review Act.
2. A **Special Permit** from the City Planning Commission is required to establish an ancillary parking lot in the R-1 district at 17 Langslow Street and 16-24 Gold Street, as per section 120-131 of the Zoning Code. A zoning district line separates the three parking parcels from the four building parcels, and parcels across district lines cannot be combined (or 'resubdivided'). Therefore, the parking lot is considered to be ancillary to the two buildings.

As part of its review of the ancillary parking lot, the Planning Commission must also waive certain aspects of the parking lot that are noncompliant with numerical standards of the code. The lot must comply with the regulations of the R-1 residential zone and code section 120-173F. Although ancillary to the apartment buildings, the lot is the principal use of the parcels, and must comply with regulations for a principal, rather than an accessory, use. Some aspects of the lot are noncompliant, and these can be waived by the City Planning Commission as part of the special permit for ancillary parking rather than given variances by the Zoning Board of Appeals.

- a. The minimum front yard setback of a principal use fronting Langslow and Gold Streets must be either the average setback of buildings on the block or 20 feet, whichever is more. In addition, parking may not be within 10 feet of a front property line unless screened with a fence or wall combined with plantings. Neither setback is dimensioned on the site plan, but both are less than the 20 foot minimum, thus requiring a waiver from the Planning Commission. If this is denied, the number of parking spaces falls below the number required.
- b. Side yard setbacks must be at least 10 feet each and a combined total of 25 feet. Both side yards of the existing parking lot at 17 Langslow Street are less than the minimum, requiring a second waiver, reduction of the pavement, and/or purchase of a portion of 33 Langslow Street. On the proposed extension of the parking lot onto the Gold Street lots, both side yard setbacks appear compliant, but the plan must show dimensions.
- c. Lot coverage in an R-1 zone is limited to 50%. As drawn, the parking lot covers more than 90% of the parcels, thus requiring a third waiver.

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- d. Landscaped islands are required in a parking lot at a rate of one per 15 parking spaces, or four in this case, with each island equivalent in size to a parking space at 162SF. The applicant may submit an alternative means to meet the screening intent of the landscaping requirements that may include masonry or stone walls, more mature plant materials, hedges, public art or other similar amenities to improve the aesthetics of the site. The plan would require a fourth waiver.
- e. The surface of the parking lot must be all-weather, durable and dustless, and be graded and drained to manage stormwater on site. Water may not shed across property lines nor into the public right of way. A grading plan must be provided.
- f. According to the provided survey map, the eastern curb of the existing parking lot at 17 Langslow and an adjacent fence are on the parcel at 33 Langslow, which is under separate ownership. The site plan shows that two 20 foot tall parking lot lights would be installed on this adjacent property. The applicant must remove the intrusions, purchase a portion of land, or provide evidence of an easement over the neighboring property.

g. Parking spaces are required as follows:

1)	1.2 for each of the 32 two-bedroom apartments =	39
2)	1.5 for each of the 8 four-bedroom apartments =	12
3)	2.0 for every 1000SF of commercial space =	6
	<u>Total</u>	<u>= 57</u>

The site plan shows 49 parking spaces on the surface lot and 8 inside the larger building, for a total of 57. This number could be lowered pending decisions by the Planning Commission on setbacks, lot coverage and landscaping.

- h. The trash enclosure is placed close to a private home and must be relocated to the interior of the site or within the building.
  - i. All other aspects of the parking lot comply with the zoning code, including access, aisle width, dimensions and striping of parking spaces and lighting.
3. **Area Variance** approval from the Zoning Board of Appeals is required for the following two requirements, which are described in more detail in the Findings below.
- a. Not meeting a required rear yard setback of 20 feet, where only 3 feet is provided;
  - b. Not meeting the Citywide Design Guidelines for having a building's main entrance face the public street. The entrance of the Gold Street building faces the parking lot, not the street.

## **Preliminary Site Plan Findings**

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### **Public Notification:**

1. All owners of properties bounded by Mt. Hope, South and Elmwood Avenues and Cook Street, along with the South Wedge Planning Committee, the Upper Mt. Hope Neighborhood Association and the Southeast Area Coalition, were notified of the proposal by postcards mailed from this office on December 14. The standard 30-day period for public comments was extended to February 22 due to the holidays.
2. The Democrat and Chronicle newspaper published an article about the proposal on December 19.
3. The developers held a public meeting at St. Anne's social hall on the evening of January 18, having notified the neighbors via postcards. About 40 persons attended.
4. Neighborhood NBN6 sponsored a public meeting on February 8, where the developers presented their proposal. About 20 persons attended.

### **Findings:**

1. The C-1 Neighborhood Center Commercial District is intended to permit multiple buildings as part of a mixed use development, provided they are on a single parcel, per the definition of 'mixed use' in zoning code section 120-208.
2. Dwelling units are permitted in the C-1 District when part of a mixed-use development that includes other uses permitted in the zone. There are no limits to either the number of different uses or the percentage of space devoted to a use. Given that the C-1 District is meant to provide small-scale shopping and services for nearby residences, each commercial space is limited to 3000SF. The developer is encouraged to meet this requirement.
3. This proposal is in substantial compliance with the lot, area, yard and bulk requirements of the C-1 District, except where noted below. The District:
  - a. Has no minimum or maximum limits for lot size, coverage or street frontage.
  - b. Limits the distance a building may be set off the front lot line to 5 feet or a distance similar to other buildings in the corridor. The larger building is proposed to be tight to the front line and is therefore compliant. The smaller building is set 5'-4" off the front lot line, which is similar to other buildings on the block, and is thus compliant.
  - c. Allows a building to be tight to side and rear lot lines unless adjacent to a residential district, in which case the yard requirements are the same as the residential district. As proposed, the building is 3 feet off each of the side and rear lines and is compliant. The rear line adjoins a residential district, where the minimum rear yard setback is 20 feet. Therefore, an area variance is required for the rear setback of 3 feet versus 20 feet.
  - d. Requires buildings to be at least two stories or 20 feet tall, but has no maximum height. Both buildings comply.

**Preliminary Site Plan Findings**

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4. We received an unusually high number of written and verbal comments from property owners in the neighborhood, most opposing the development. Several of the owners are long-time residents on the side streets, while others live elsewhere. Several comments were received from residents farther north on Mt. Hope Avenue, who were focused mostly on traffic volumes and speeds. In general, the five key concerns are:
  - a. An excessively high concentration of students, with commensurate noise, poor behavior, and loitering;
  - b. Inadequate onsite parking, when street parking is already limited;
  - c. Buildings that are out of character in scale and bulk;
  - d. Unattractive architecture;
  - e. High traffic volume on Mt. Hope and South Avenues.

The applicant responded to these concerns in writing on February 16, 2016 as follows.

To address student behavior:

- 1) Security cameras and 24-hour monitoring would be provided;
- 2) Full-time employees on site;
- 3) Enforceable rules and regulations;
- 4) Coordination with the university's off-campus housing and security personnel.

*The Site Plan Review Committee agrees that the proposed staffing, monitoring and security measures are essential for this project to be a good neighbor.*

Responding to concerns that every student might have a car, the applicant wrote that national statistics show that less than 0.5 car per student can be expected. He provided parking-to-bed ratios for student housing at four universities: Washington, Virginia, Texas and Rice. He wrote that, to control vehicle numbers, he would:

- 1) Register each car and provide a form of identification to be placed on the car;
- 2) Limit the number of cars per apartment;
- 3) Assign parking spaces to units;
- 4) Monitor and enforce parking 24/7.

*These proposed parking management techniques are essential since, without a street grid either side of this narrow neighborhood, there is no place to absorb excess parking. The parking management plan is highly recommended and will be stressed in the Site Plan Approval.*

*Provided that the City Planning Commission waives deficiencies of the site plan, the amount of parking meets the requirements of the zoning code. Therefore, we have no cause to require more onsite parking or deny the application based on parking.*

**Preliminary Site Plan Findings**

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In response to concerns that there is so much traffic on Mt. Hope that tenants will be afraid to use the sidewalks and thus resort to driving, the applicant wrote that this is highly speculative and that sidewalks are designed to safely accommodate pedestrians regardless of traffic conditions.

*There is no evidence of this.*

Responding to concerns that heavy traffic on Mt. Hope limits vehicular access from the side streets, Mr. Burnham wrote that it is more practical to use South Avenue.

5. Given the significant concerns of the neighbors relating to traffic, this proposal was referred to the Monroe County Department of Transportation (MCDOT) and the traffic engineers and transportation planner in the City's Department of Environmental Service (DES) for review and comment. After assessing the data, the MCDOT reported that the streets' current capacities meet federal safety standards, and that the volumes are not high enough to warrant changes in the street configurations or traffic control devices. The engineers found that this project is not large enough to cause a significant rise in volumes, and commented that, with average daily vehicle trips on Mt. Hope Avenue in the range of 20,000, any added vehicles from this project will have a negligible impact on traffic volumes. The DES engineers and planner concurred with the findings of the MCDOT and indicated that they are working on solutions to the traffic concerns of the neighbors.
6. The City's Project Review Committee, at its meetings of January 6 and March 2, 2016 and provided recommendations relative to façade articulation, architectural details and materials of a human scale. Committee members suggested pulling the main building back from the public sidewalk and stepping back the upper floors.
7. The City-wide Design Standards in code section 120-157 are met by the proposed design, except in one instance: a building's main façade and entrance shall face a public street and shall have a direct pedestrian connection to the street. The front façade and entrance of the Gold Street building faces the parking lot, thus requiring an area variance.
8. Code section 120-159, Standards for Mixed-use Buildings, prohibits certain materials on exterior walls. The following should be avoided when materials are chosen:
  - 1) Concrete finishes or panels that are not exposed aggregate, hammered, embossed, imprinted, sandblasted or covered with a cement-based acrylic coating;
  - 2) Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge;
  - 3) Plain concrete block and glass block;
  - 4) Exterior insulating finish systems (EIFS) on the first floor;
  - 5) Plastic and vinyl;
  - 6) Corrugated metal, except as decorative or detail elements on <25% of the facade.

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9. The Rochester Environmental Commission reviewed the proposal at its meeting on January 21, 2016 and recommended issuance of a Positive Declaration pursuant to SEQRA, based on its concerns relative to project size. Upon further review of these concerns, the Director of Planning and Zoning determined that the concerns have been mitigated, and issued a Negative Declaration on April 11, 2016.
10. Site plan approval will require that the parcels within the C-1 zone are combined into one, and the parcels within the R-1 zone combined into one.
11. The City's Department of Environmental Services provided comments on driveway aprons, modifications to the Mt. Hope curb line, and site drainage. Those comments were forwarded to the applicant in early January, and are attached.

A copy of these findings will be provided to the Zoning Board of Appeals and the City Planning Commission for consideration in deciding upon variances and a special permit, respectively. Final Site Plan Review approval will not be issued until the Notice of Decisions have been issued and all conditions imposed by the Zoning Board and Planning Commission have been addressed, as well as any additional requirements as noted in these findings.

Please contact Peter Siegrist at 428-7238 or [Peter.Siegrist@cityofrochester.gov](mailto:Peter.Siegrist@cityofrochester.gov) if you have any questions regarding these preliminary findings.

Sincerely,



Zina Lagonegro, AICP, EIT  
Director of Planning and Zoning

CC: Tom Mann, Permit Office Manager  
Al Giglio, Terry Mott, Erik Frisch, Department of Environmental Services  
Jill Wiedrick, City Planning Commission  
Jill Symonds, Zoning Board of Appeals  
Jason Haremza, Rochester Environmental Commission  
Brent Penwarden, Monroe County Department of Transportation

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project : Gold Street Lofts, 1178 Mt. Hope Avenue  
 Date : April 11, 2018

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: <u>The site is substantially contiguous to a City of Rochester Preservation District</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)

 NO YES

*If "Yes", answer questions a - g. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.  
(See Part 1. D.2.k)

 NO YES

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)

 NO YES

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  NO  YES  
 (See Part 1. C.1, C.2. and C.3.)  
 If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  NO  YES  
 (See Part 1. C.2, C.3, D.2, E.3)  
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**10. Impact on Historic Resources**

Mt. Hope Cemetery, listed in the National Register of Historic Places and lying partly within a city-designated preservation district, is substantially contiguous to the project site. It is a large property of about 198 acres extending along about 13 blocks of Mt. Hope Avenue. The northern half holds impressive monuments among old growth trees, rolling hills and rich vistas, marking where many of Rochester's famous citizens are buried. The southern half is flat and largely open, and holds more common grave sites. In this area, the distinguishing features are the entrance gateway, main office and chapel. All three are near the project site, with the chapel directly across the street. These are the only occupied structures in this large area.

The office is a wood-frame, Italianate-style house with a broad porch facing the entrance drive, just inside the cemetery grounds. The gateway straddles the drive and is formed of 7 limestone piers that support heavy iron gates. The chapel, the most architecturally significant of the three and built in 1912, is set back about 40 feet from the street and raised on a low earthen plinth. It is in poor condition and is largely unused. Some of the few mature trees in this part of the cemetery surround the house and chapel. The chapel, especially, is hidden behind tall, dense conifers.

The proposed 32-unit building would not significantly impact the historic cemetery. First, at five stories tall, it would be equal to or shorter than the many buildings along the cemetery's south border in College Town, within view of the project site. It's massing and height would be similar to two new mixed-use buildings visible from this site. None of those buildings has had a negative impact on the cemetery. Second, the facade facing the cemetery is divided into blocks equivalent to the neighboring houses and the chapel, which create a verticality that works in concert with the chapel tower. Third, the building would replace an unattractive commercial building and fill a wide gap in the street wall, helping to visually contain the openness of the cemetery. Fourth, the building's materials are muted in color and texture, mimicking the materials in the cemetery. Fifth, the use of the two apartment buildings as residential housing, with a small commercial element, will not generate noise, excess traffic, glare, vandalism, etc. that could harm the enjoyment of the cemetery.

**18. Consistency with Community Character (see attached page)**

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

## **Gold Street Lofts**

### **Full Environmental Assessment Form**

#### **Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance**

##### **18. Consistency with Community Character**

Defining the community as the area encompassing the university, the medical center, CollegeTown and the commercial zone extending up Mt. Hope Avenue from Elmwood Avenue, the project is consistent in mass, scale, materials and uses with many other buildings, especially those lining the south side of the cemetery. Two new, large-scale buildings at CollegeTown, just down the street from this development site, are mixed use, with first floor retail and three floors of apartments reserved for university students. The proposed buildings are consistent with these new buildings.

Defining the community as a smaller area bound by Mt. Hope, Elmwood, South and Highland Avenues, the planned 32-unit building is larger than other buildings and has a slightly higher intensity of use than apartment buildings nearby. For example, the building at 1150 Mt. Hope Avenue has 30 units and is three stories tall. It was constructed in 1960. The 16-unit building is similar in size and intensity to the 12-unit building at 1226 Mt. Hope, constructed in 1977.

Unusual to this narrow neighborhood is the concentration of occupants, with more per apartment than nearby buildings. The developer intends to address potential problems of this concentration with 24-hour monitoring by onsite, full time managers, by instituting enforceable rules, and by coordinating efforts with personnel of the university's off-campus housing and security departments.

The parking lot is largely existing, but in an L-shaped configuration. One leg would remain as is while the other would rotate to form a straight line. The resulting lot would be smaller than the existing one. Although the lot would be used more intensely than it is now, the developer intends to manage it by registering each vehicle, limiting the number of vehicles per apartment, assigning parking spaces, and enforcing use of the lot around the clock.

With the project located at the edge of the neighborhood, and with the active rental and parking management plan in place, the project is not expected to have a significant impact on the neighborhood.

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

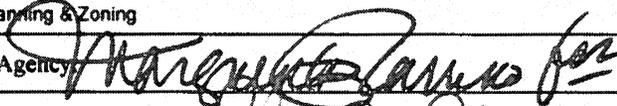
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Construction of Gold Street Lofts, 1176-1188 Mt. Hope Avenue

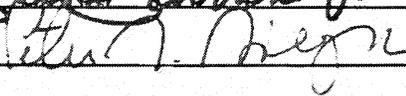
Name of Lead Agency: Director of Planning & Zoning

Name of Responsible Officer in Lead Agency: Zina Lagonegro, AICP, EIT

Title of Responsible Officer: Director of Planning & Zoning

Signature of Responsible Officer in Lead Agency: 

Date: 4/20/16

Signature of Preparer (if different from Responsible Officer): 

Date: 4/11/2016

**For Further Information:**

Contact Person: Peter Siegrist

Address: Rochester City Hall, 30 Church Street, rm. 121B, Rochester, NY 14614

Telephone Number: (585)428-7238

E-mail: peter.siegrist@cityofrochester.gov

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

**CITY OF ROCHESTER  
COUNTY OF MONROE, NY  
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: Type I  
Description: Site development contiguous to a site listed in the National Register of Historic Places

**PROJECT:** Title: Gold Street Lofts  
Location: 1176-1188 Mt. Hope Ave., 10-24 Gold St., 17 Langslow St.  
Applicant: Duncan Frame and Ken Bumham  
Description: To demolish the building and parking lot at 1176-88 Mt. Hope and the house at 10 Gold St., construct two buildings to create a mixed-use development, and expand the parking lot on 17 Langslow Street onto 16 and 24 Gold St.

**REASON(S) FOR DETERMINATION:** The project site does not contain sensitive natural features such as wetlands, steep slopes, erodible soils or wildlife habitat. No significant impacts are anticipated to water or air quality. Community facilities and services, including supply of water and energy, public safety, waste disposal and transportation, are adequate to accommodate and serve the proposed project. The project will not significantly impact historic or archaeological resources. The project is compatible with uses in the area.

**LEAD AGENCY:** Director of Planning & Zoning

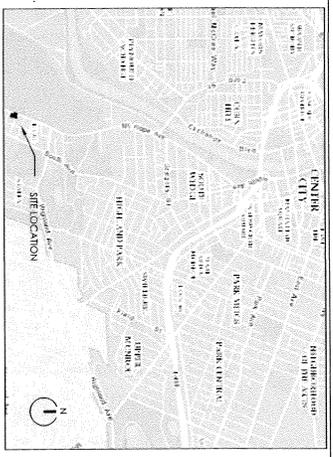
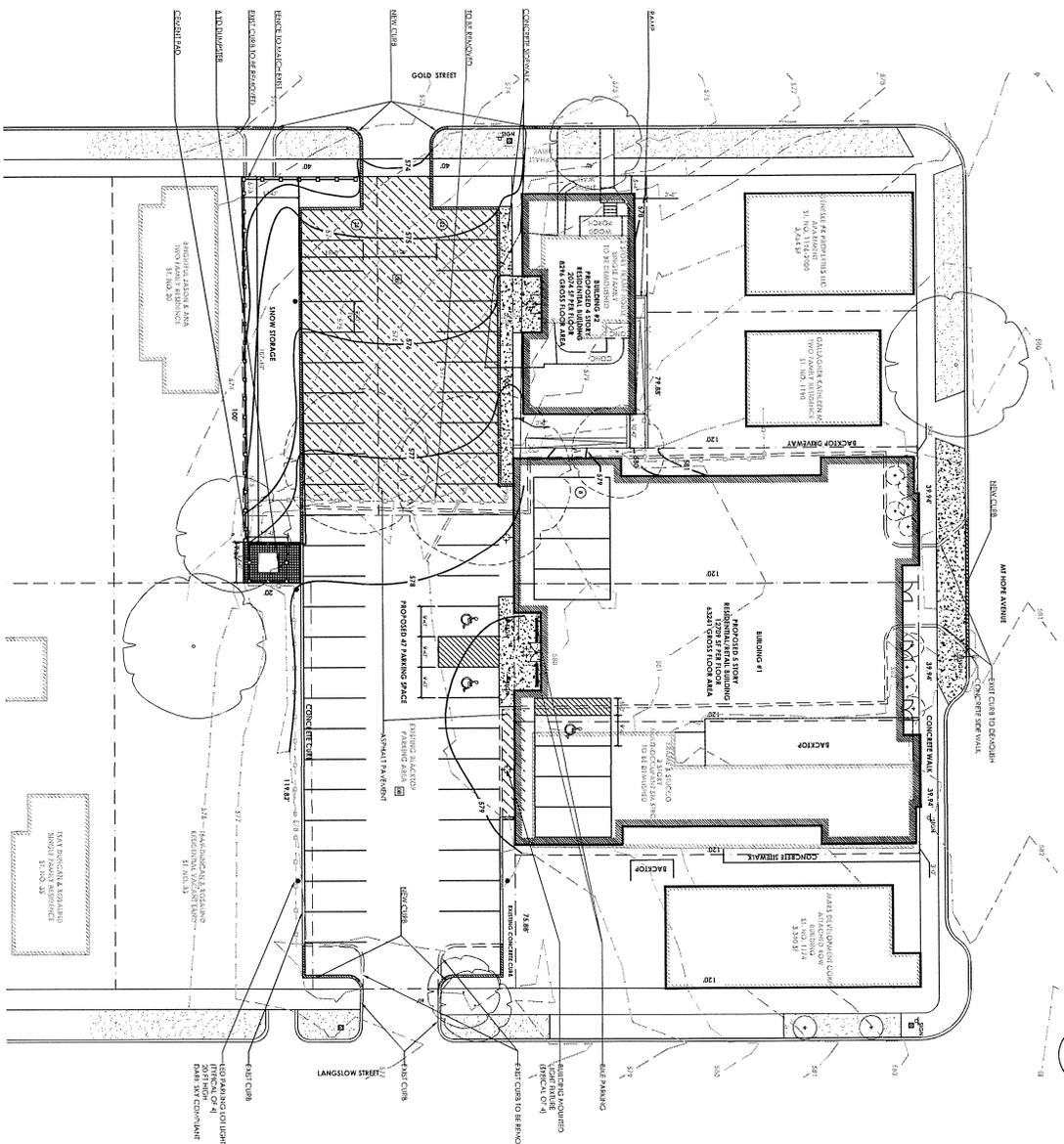
**AGENCY CONTACT PERSON:** Peter Siegrist, Preservation Planner, (585)428-7238  
Bureau of Planning & Zoning,  
30 Church Street, Room 125B  
Rochester, NY 14614

**DATE ISSUED:** April 11, 2016

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings a Zoning, Room 122-B, City Hall.

**FILE REFERENCE NUMBER:**

**DISTRIBUTION:** Mayor  
City Clerk/City Council  
Commissioner, Bureau of Planning & Zoning  
Applicant  
Environmental Notice Bulletin

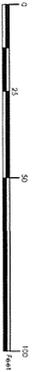


**LEGEND OF EXISTING FEATURES:**

- EXISTING BUILDING
- EXISTING CURB TO BE REMOVED
- EXISTING CURB
- PROPERTY LINE
- EXISTING LIGHT
- EXISTING LIGHT
- EXISTING SIGN
- EXISTING BRIDGE
- EXISTING CURB-BANK
- EXISTING DRIVE

**LEGEND OF PROPOSED IMPROVEMENTS:**

- PROPOSED BUILDING-ADJACENT LIGHT RAYE
- PROPOSED BUILDING
- CLUB
- PROPOSED FENCE
- PROPOSED SIGN
- PROPOSED PARKING LIGHT
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE DRIVEWAY
- PROPOSED SIGN
- PROPOSED PARKING LIGHT



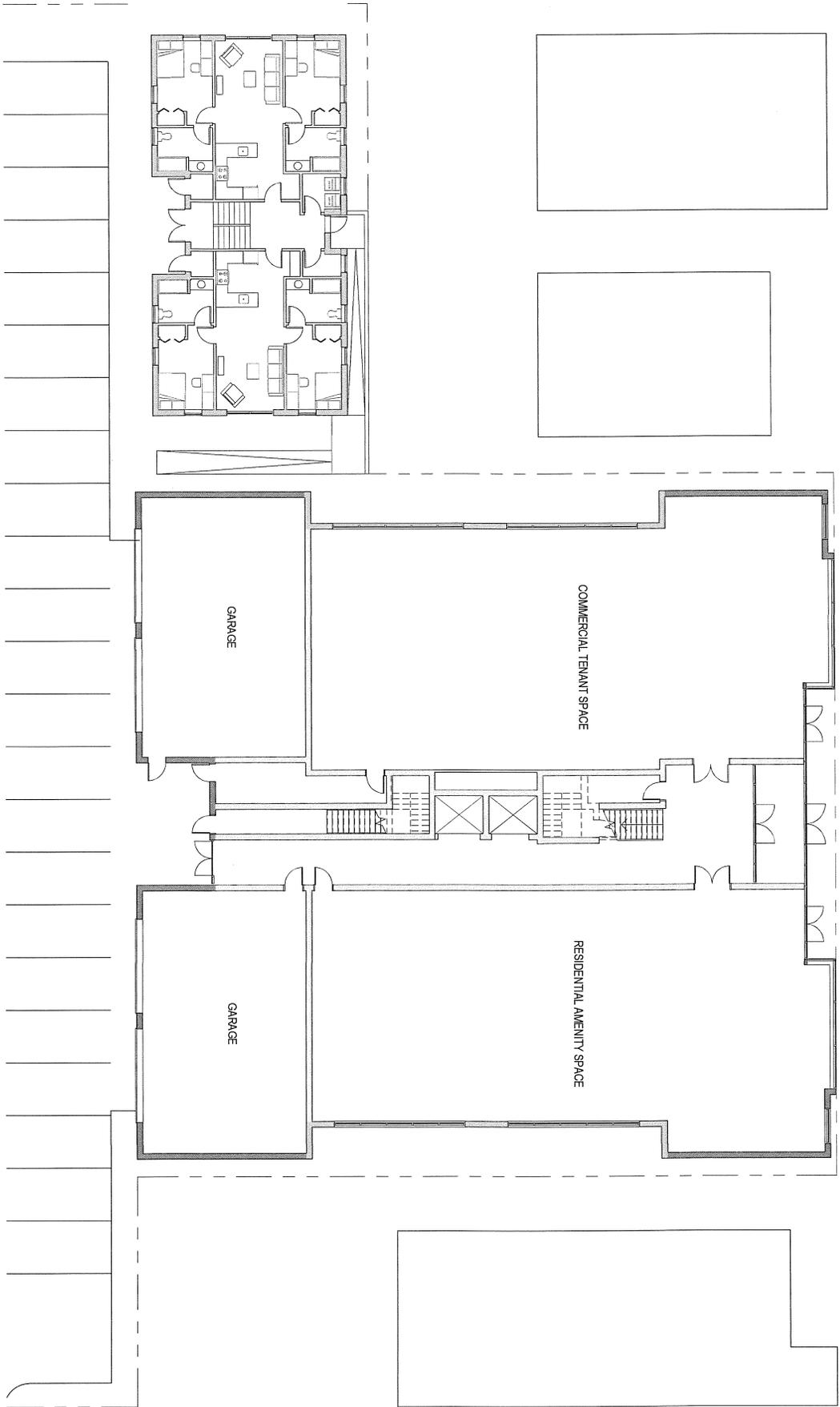
**CJS ARCHITECTS**  
 1555 BIRCH STREET  
 SUITE 200  
 DENVER, CO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW.CJSARCHITECTS.COM

**GOLD STREET LOFTS**

REV. NO.	DESCRIPTION	DATE
1	ISSUE	04/20/24
2	SCALE	AS SHOWN
3	SCALE	AS SHOWN
4	SCALE	AS SHOWN
5	SCALE	AS SHOWN
6	SCALE	AS SHOWN
7	SCALE	AS SHOWN
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**SITE PLAN**

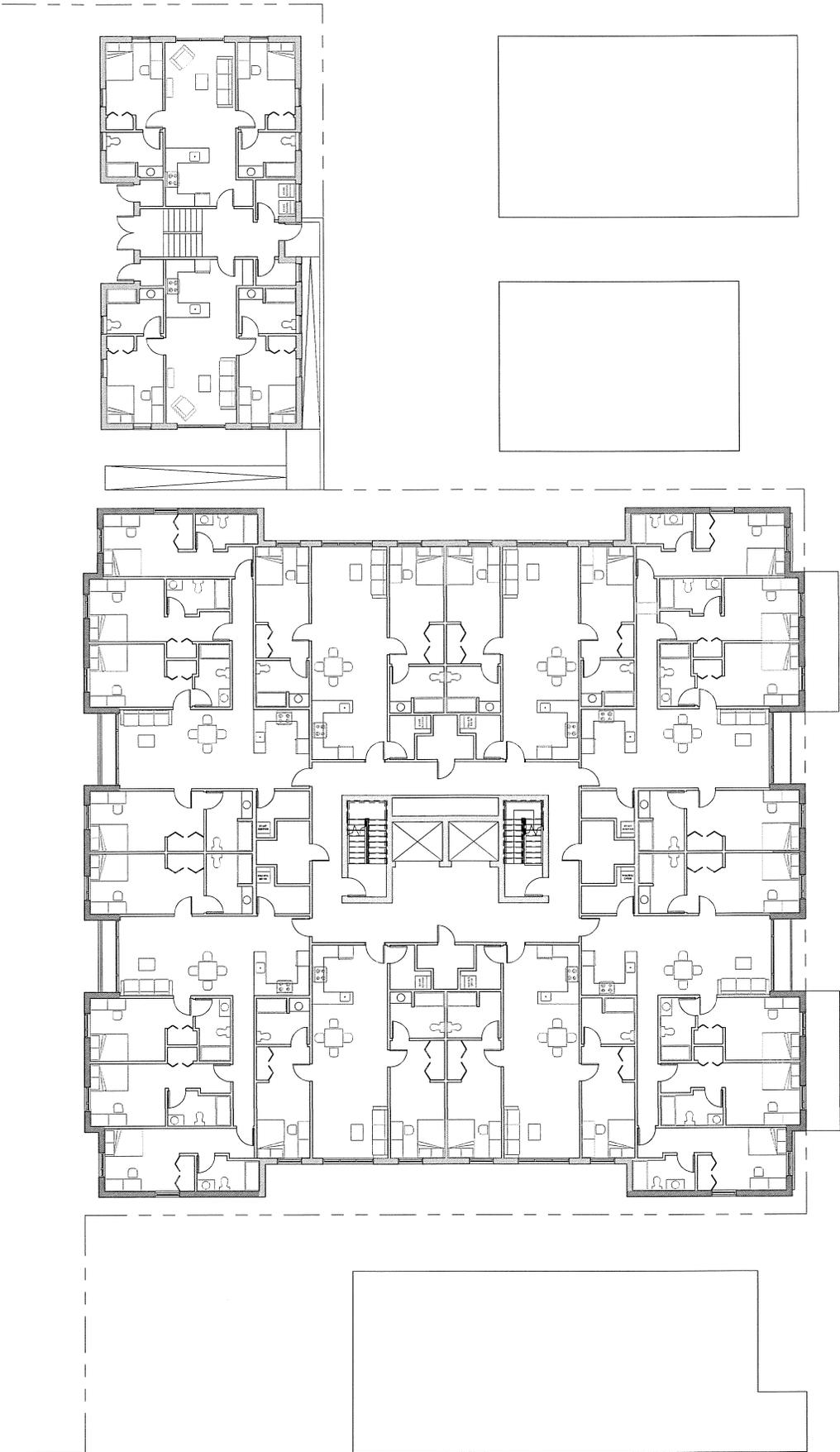
NOT FOR CONSTRUCTION



**GROUND FLOOR PLAN**

**LOFTS AT GOLD ST**  
1180 MT HOPE AVE

04/13/16



**TYPICAL FLOOR PLAN**

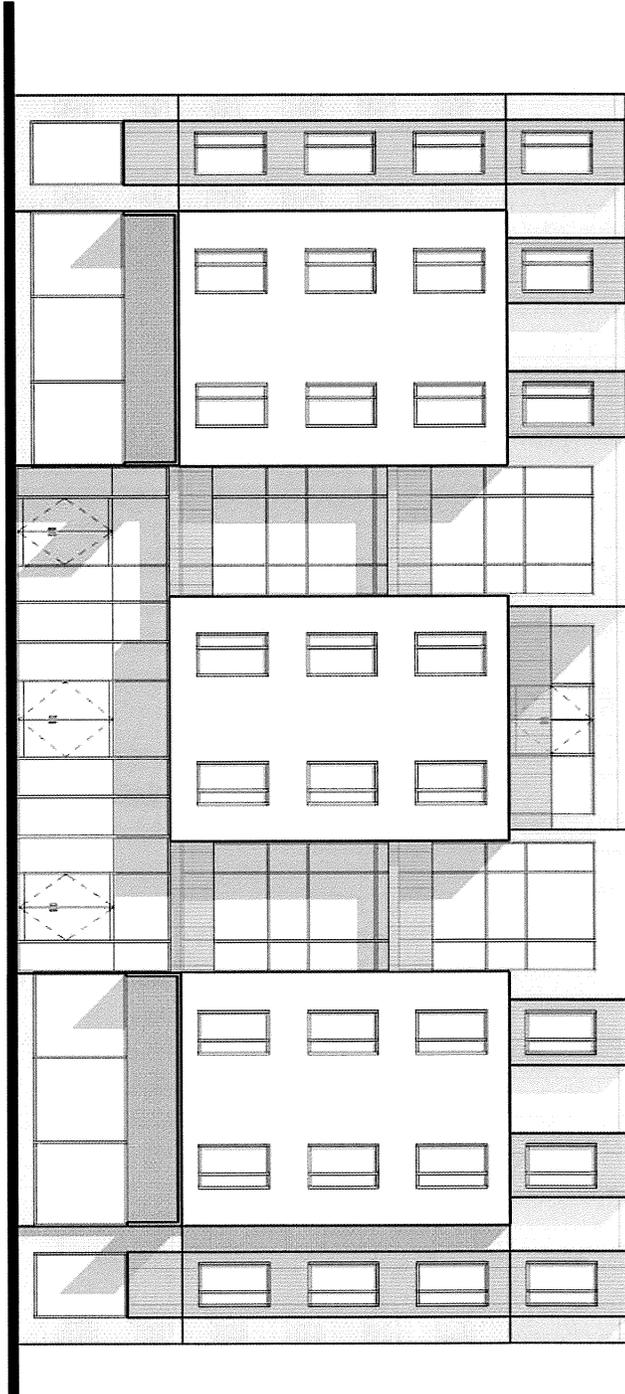
**FIFTH FLOOR PLAN**

**LOFTS AT GOLD ST**  
1180 MT HOPE AVE

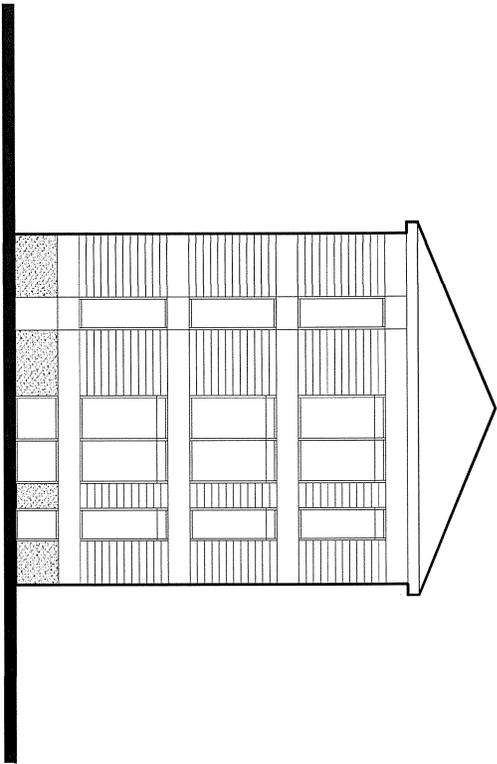
04/13/16

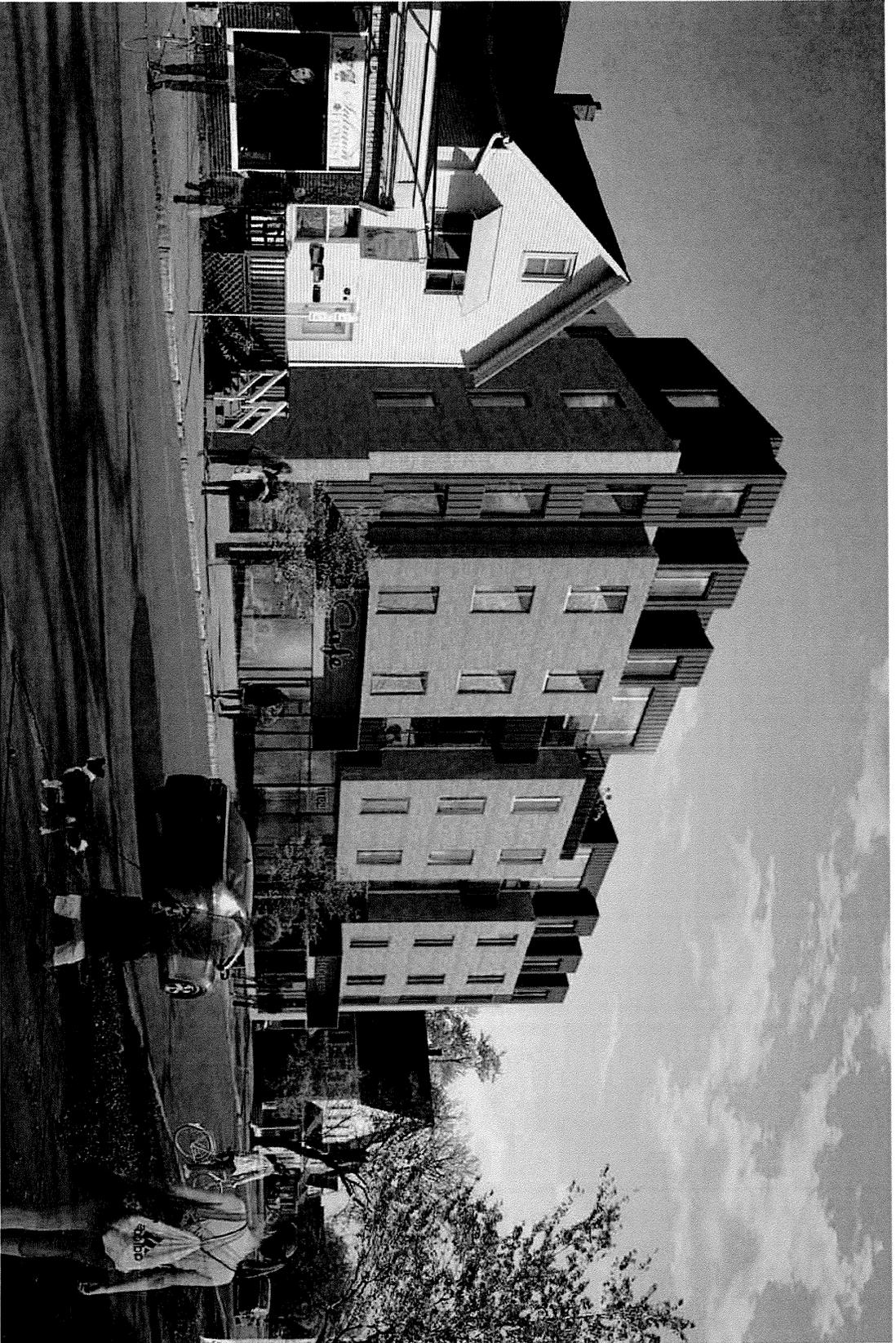


1180 MT HOPE WEST ELEVATION



**10 GOLD STREET SOUTH ELEVATION**





EXTERIOR PERSPECTIVE

LOFTS AT GOLD ST  
1180 MT HOPE AVE

04/13/16



EXTERIOR PERSPECTIVE

## Symonds, Jill

---

**From:** susan mandl <mandlsusan@gmail.com>  
**Sent:** Monday, May 02, 2016 12:01 PM  
**To:** Symonds, Jill  
**Cc:** umhn-news@googlegroups.com  
**Subject:** Gold St Apartments

Good morning Ms. Symonds,

I received an email this morning saying the developers are still planning on a 5 story structure for this project. I believe this was discussed with neighbors at a meeting some time ago at a meeting at the Olmstead Lodge. At that meeting, the developers got feedback that a 3 or 4 story structure would be more in scale and appropriate for that neighborhood. Will we as neighbors have any recourse to appeal if the zoning board rules in favor of a 5 story structure?

Thank you

Susan Mandl

city resident and home owner

## Symonds, Jill

---

**From:** Peter Dzwonkoski <pdzwonkoski@rochester.rr.com>  
**Sent:** Monday, May 02, 2016 3:49 PM  
**To:** Symonds, Jill  
**Subject:** Bad idea

This is supposed to, and has been, a substantially residential area, especially on the west side. This incursion is not welcome. Please do not permit it.

Peter Dzwonkoski / Cassandra Zarzycki  
43 Westmoreland Drive  
Rochester, NY 14620  
585-442-7135

## Symonds, Jill

---

**From:** Helen Martyn <chinadollxtwo@gmail.com>  
**Sent:** Monday, May 02, 2016 2:19 PM  
**To:** Symonds, Jill  
**Subject:** re: The Lofts at Gold Street WARNING

I think that if this passes and these builders gain acceptance to go ahead with their plans, it will set a precedent for the entire neighborhood which is "nice" presently. It would eventually allow greedy developers to convert our neighborhood into a high rise apartment complex in coming years. It has the potential of ruining this pleasant part of the city in disastrous ways and should not be allowed. I could and would potentially bring crime into the area and accelerate GREED at the expense of an established "Nice Neighborhood" with it's single family dwellings. We want to encourage pride of ownership and protection from decay. Margaret Helen Martyn 818 8512125



**ZONING BOARD OF APPEALS  
STAFF REPORT  
May 19, 2016**

**Area Variance**

---

**Case # 5:**

Staff Reviewer: Jill Symonds

**File Number:** V-074-15-16

**Applicant:** Mark Caramanna

**Project Address:** 28 Sodus Street

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

**Section of Code:** 120-199

**Request:** **To expand an existing two-family dwelling into the third floor, thereby expanding a nonconforming use.**

**Background:** The subject property is a nonconforming two-family dwelling in an R-1 district. There is one apartment on the first floor and one apartment on the second floor. The property was originally built as a single family and converted to a two-family over time.

The applicant is requesting to expand the second floor apartment into the third floor.

**Code Compliance:** Section 120-199 prohibits the expansion of a nonconforming use to any portion of the floor area not previously occupied by such use **(area variance required)**.

**Code Enforcement:** This property is not in code enforcement.

**PROJECT INFORMATION**

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): 28 Sodus st. Rochester, NY 14609

2. APPLICANT: Mark Caramanna COMPANY NAME: GlobalWide Acquisitions

ADDRESS: 34 S. Union st. CITY: Rochester ZIP CODE: 14607

PHONE: (585) 362-7565 FAX: 1-866-673-4693

E-MAIL ADDRESS mark@grahamprops.com

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

3. PLAN PREPARER: Mark Caramanna

ADDRESS: 34 S. Union st. CITY: Rochester ZIP CODE: 14607

PHONE: (585) 362-7565 FAX: 1-866-673-4693

4. ATTORNEY: John Marchioni

ADDRESS: 2024 W. Henrietta rd. CITY: Rochester ZIP CODE: 14623

PHONE: (585) 272-7870 FAX: (585) 272-7871

E-MAIL ADDRESS john@jmlawfirm.com

5. ZONING DISTRICT: R-1

BUILDING BUREAU  
ROOM 121  
2:14PM Apr 29/16  
#24255  
Zoning \$250.00  
INFO 28 SODUS  
CHECK \$250.00

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

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

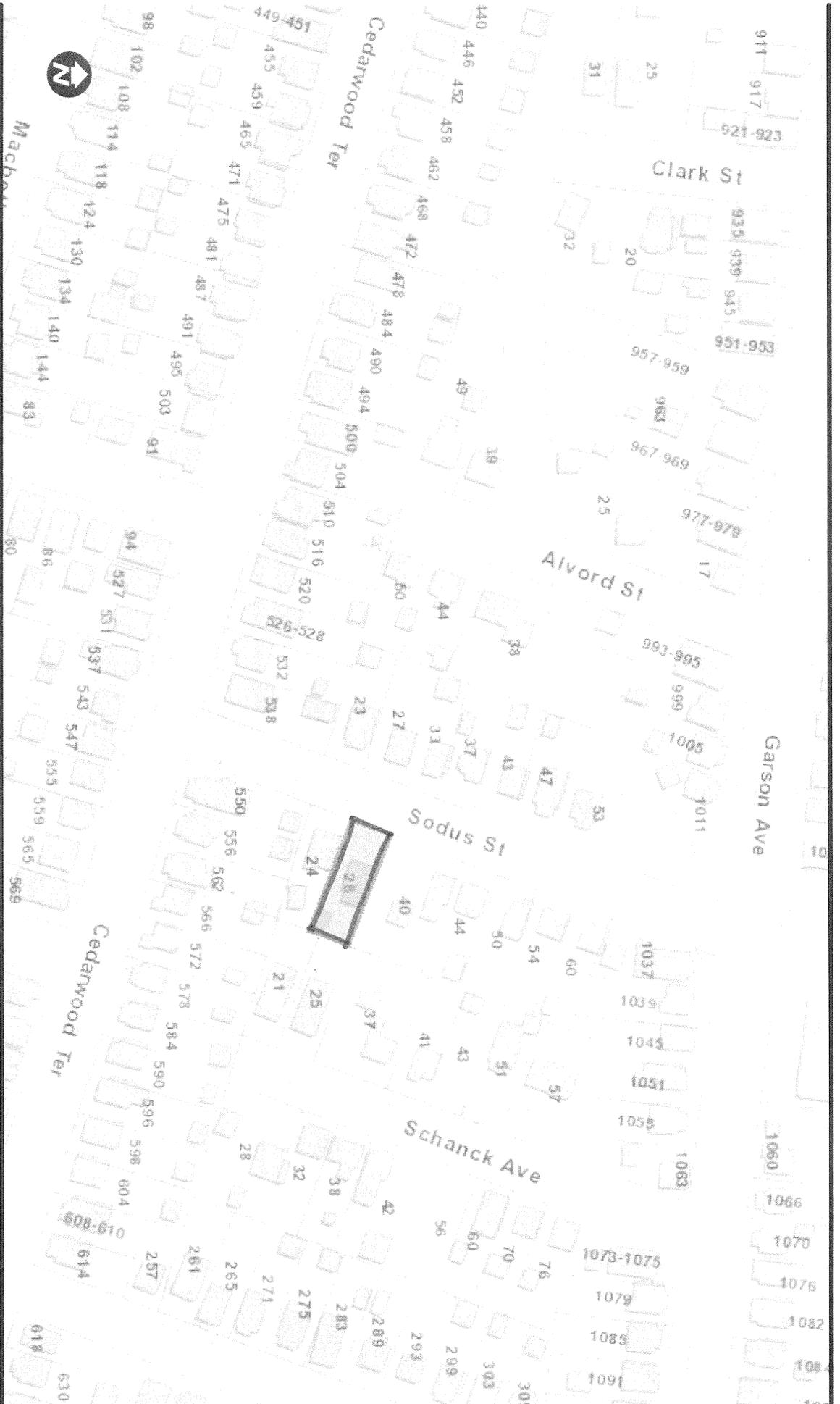
APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: [Signature] DATE: 4/6/16

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: \_\_\_\_\_

# 28 SODUS ST



May 5, 2016

## City of Rochester, NY

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



## GRAHAM CREEK PROPERTIES

Our goal and intention at Graham Creek Properties is to take beat up/run down homes and revitalize them. Taking them from the neighborhood eyesore to some of the most pristine homes on the street.

Our properties are geared towards owner occupants not investors.

Enclosed are 3 examples in the North Winton area in which we did just that in the past year.

- 99 Woodstock rd. was the ugliest home on the street from years of neglect. We completely restored the home both inside and out. The new owners are a family with younger children who were looking in Penfield, but fell in love with the home.
- 345 Wisconsin st. was a 2-family suffering from years of neglect as well. We again completely restored the home. The new owners(which are owner occupants) were a young couple who recently had gotten married. They were looking in the Park ave., but could not find anything of this caliber.
- 811-815 Grand ave. was a 2 family that was used as a rental for a considerable amount of time. We renovated the property completely and also sold the home to owner occupants. They are a young married couple who were looking in Park ave. as well.

Our North Winton Village property renovations are helping to improve neighborhoods through preservation and beautification of homes. The caliber of finishes we use and the quality of work we perform is attracting in more owner occupants, who are taking pride in where they live.

Sincerely,  
Mark Caramanna  
Graham Creek Properties



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 adverse affects that will result from the granting of the variance. This will increase the value of home + will attract a better clientel. The neighbor has improved considerably over the past few years and by making this improvement will help to attract a better buyer/person.

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 produced. All changes will be interior only. There are many 2 families already existing in the area.

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

The ceilings are 7'5" on the second floor. By opening up the living room ceiling to the lofted space it will give the area a much more open feeling.

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

This is not a substantial request. We are adding approx 388 SF to the 2nd Floor apartment. The number of bedrooms are not increasing.

**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.

There will be no physical or environmental impact to the area.

**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.

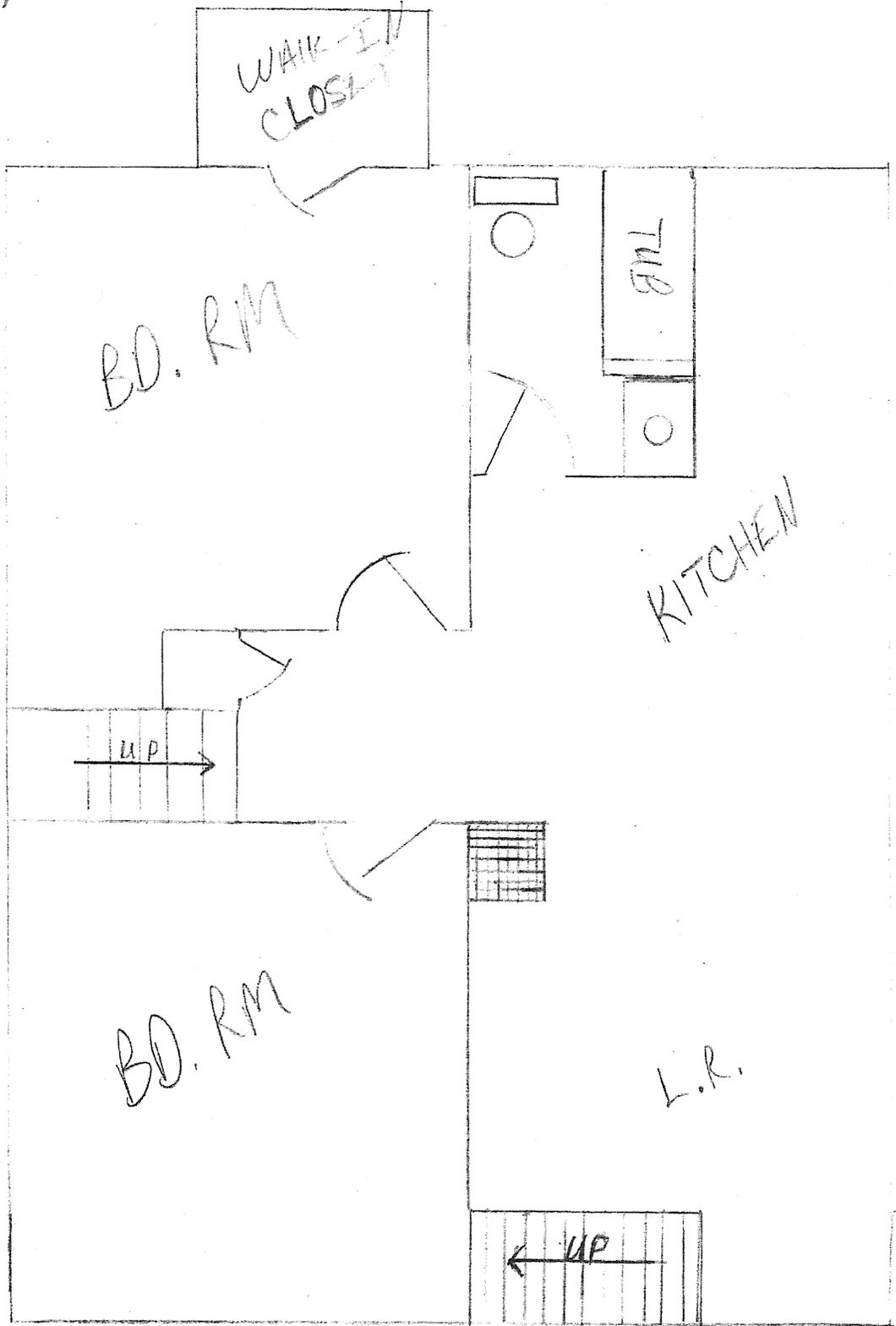
The property was purchased with the existing conditions present. The space was functionally obsolete. By opening up the space it will make the second floor much more livable.

2nd Floor Plan

24'-0"

(Area: 696 ft<sup>2</sup>)

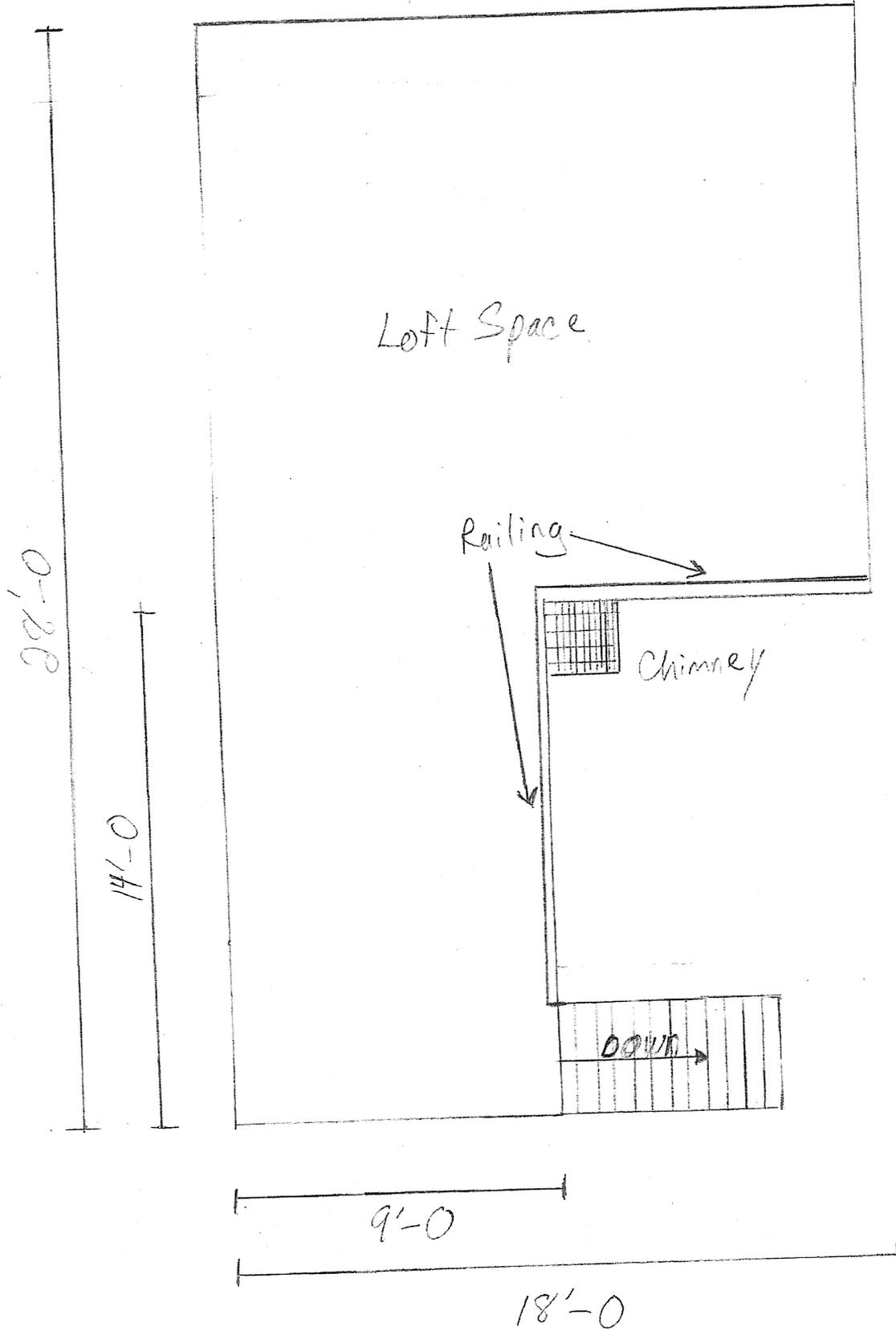
28'-0"

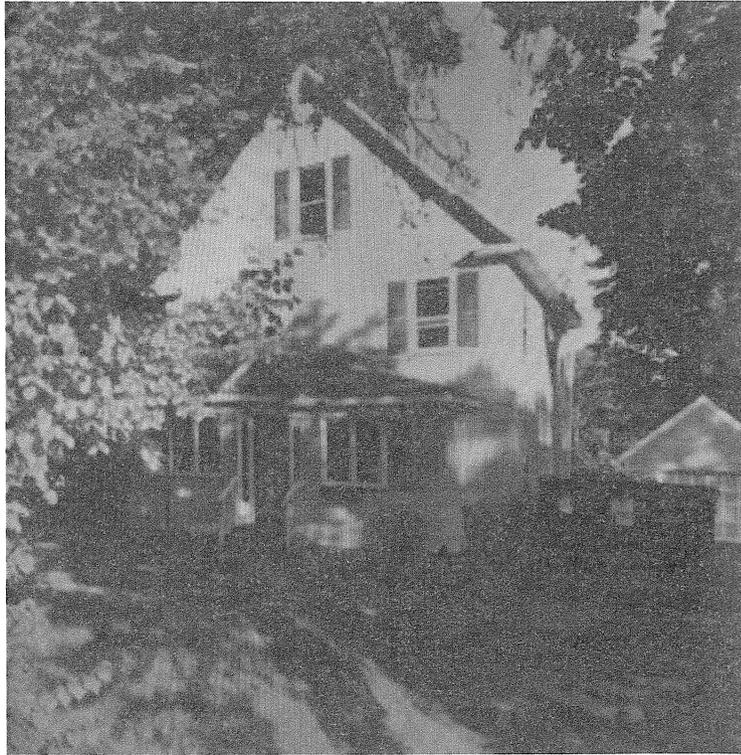


(Area: 378 Ft<sup>2</sup>)

# 3rd Floor Plan

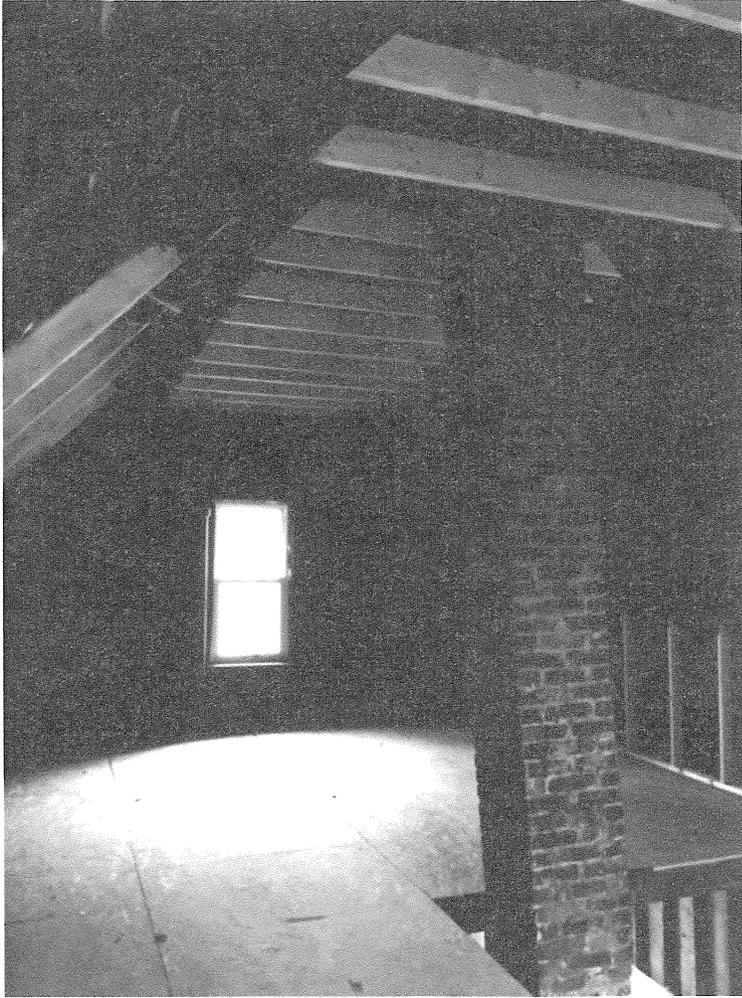
1/4" = 1'-0"

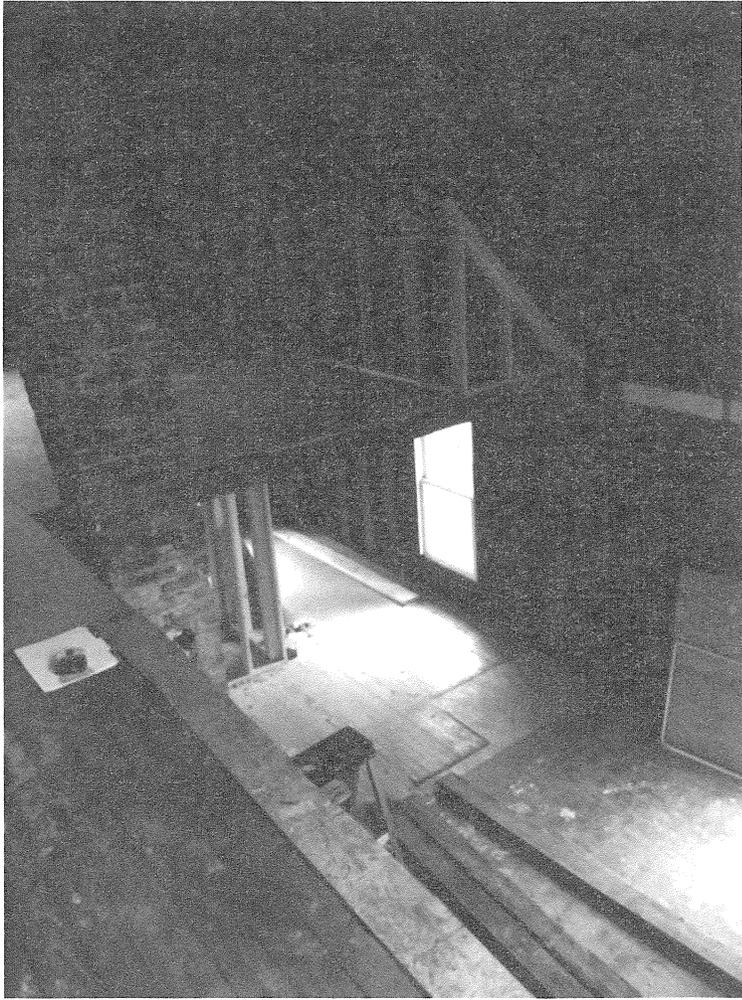




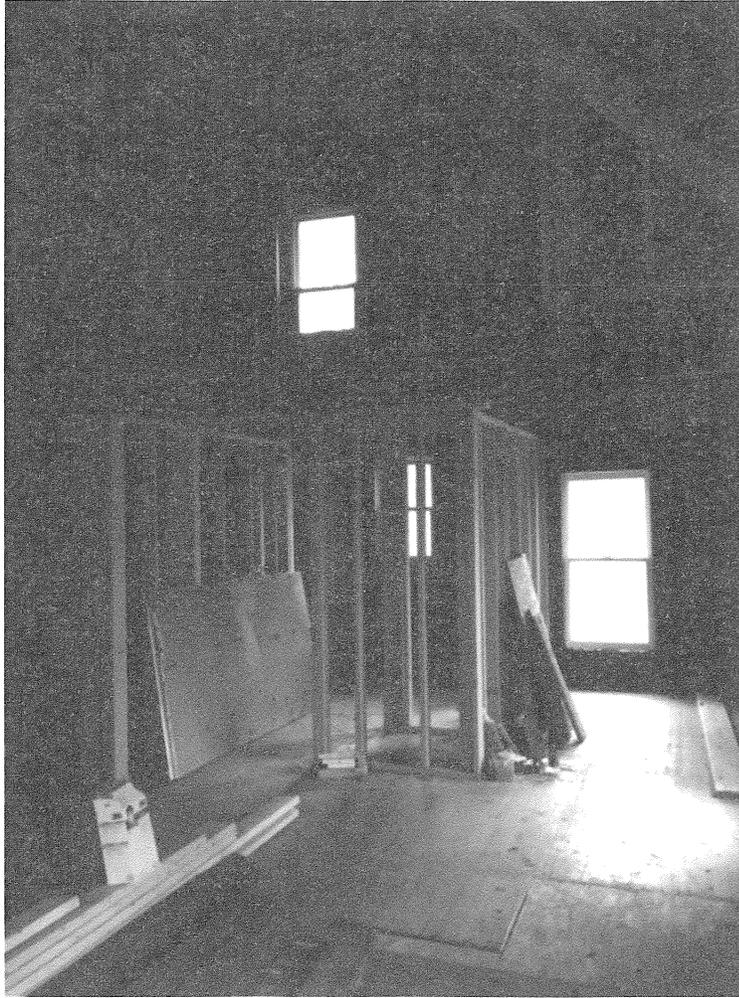
28 Sodus St.

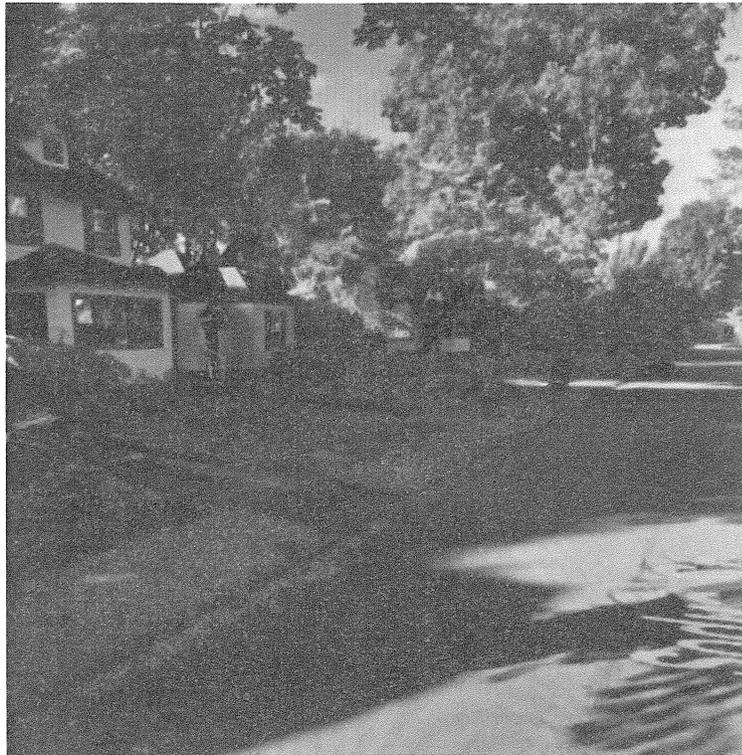












Neighborhood photo



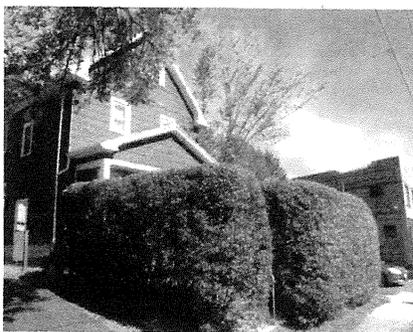
Neighborhood permit



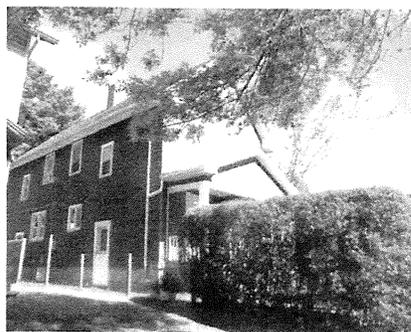
These are photos of other properties owned and renovated by the applicant.

ML#: R234028    1110 Garson Ave

LPS: 55,000



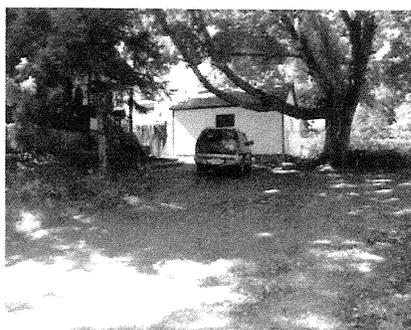
Exterior Front



Other



Other



Other



Other



Other

Stephen Babbitt Jr.  
NY Licensed R.E. Broker

Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

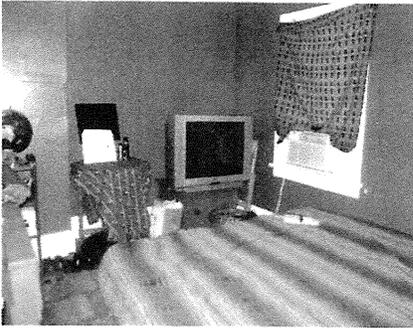
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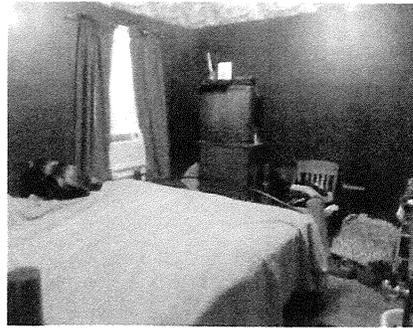
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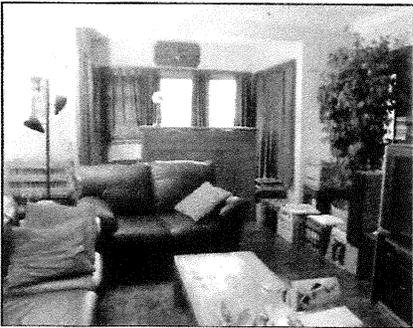
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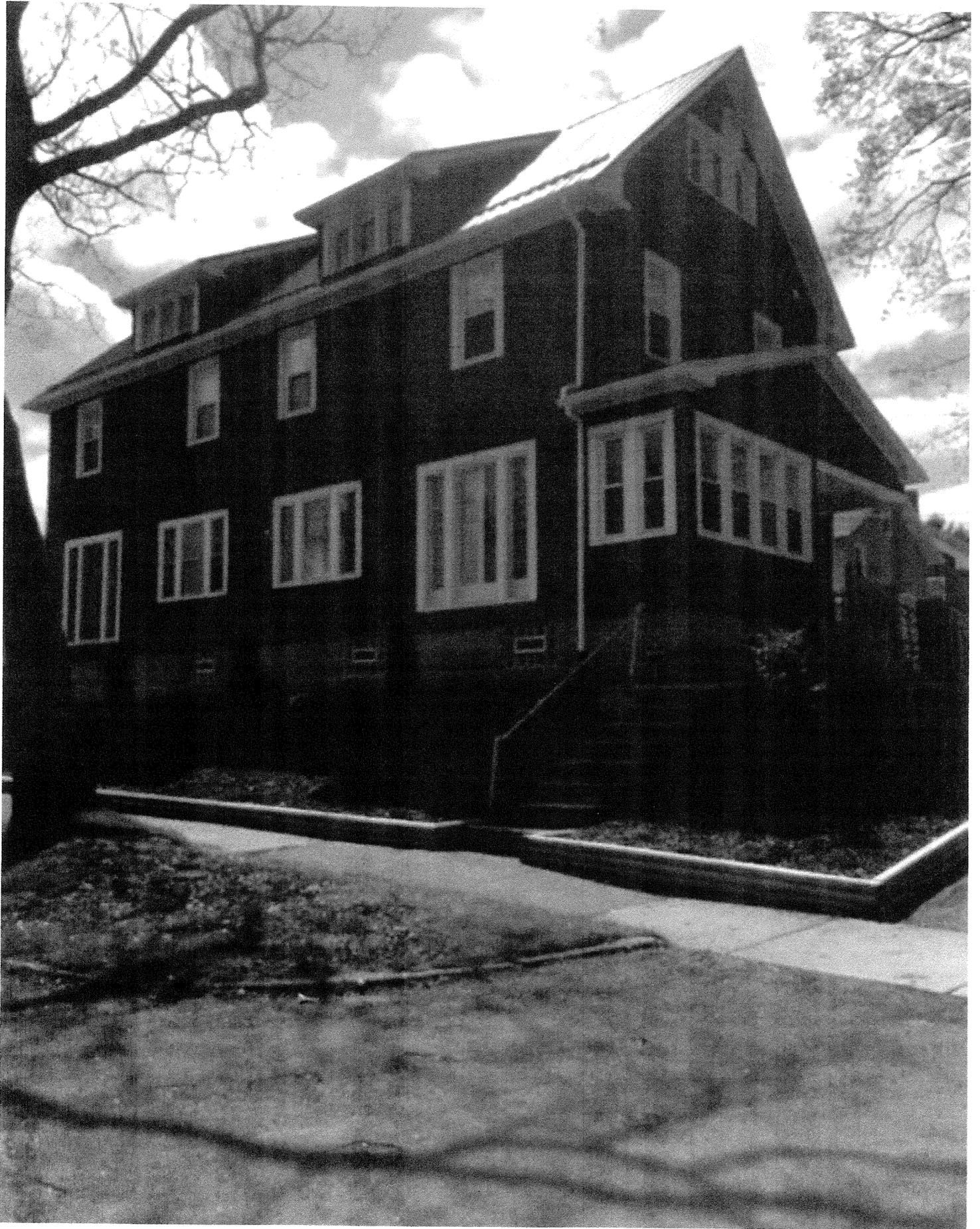


Other

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NY Licensed R.E. Broker

Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

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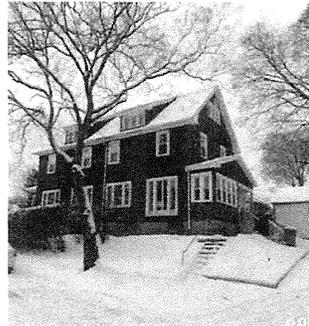


ML#: R264254 345 Wisconsin St

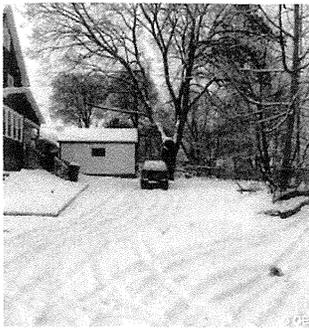
LPS: 159,900



Exterior Front



Exterior Front



Exterior Front



Living Room



Living Room



Living Room

Stephen Babbitt Jr.  
NY Licensed R.E. Broker

Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

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Living Room

GENRIS, Inc.



Foyer

GENRIS, Inc.



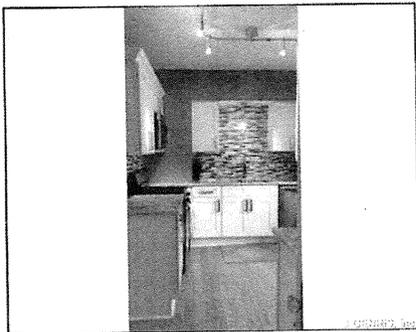
Dining Room

GENRIS, Inc.



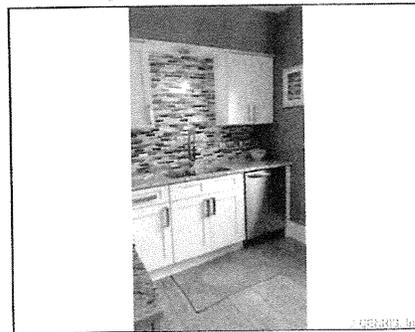
Dining Room

GENRIS, Inc.



Kitchen

GENRIS, Inc.



Kitchen

GENRIS, Inc.

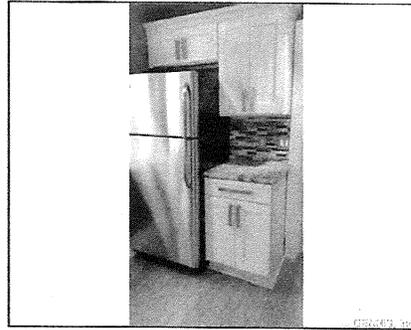
Stephen Babbitt Jr.  
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Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

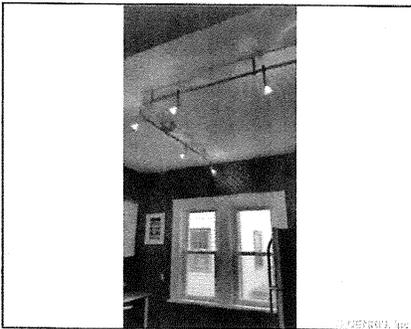
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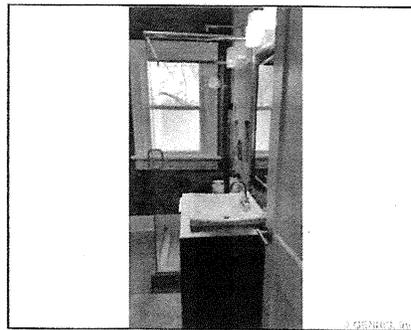
Kitchen



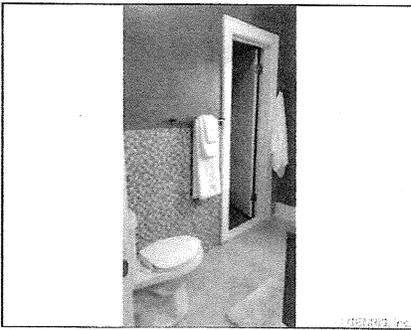
Kitchen



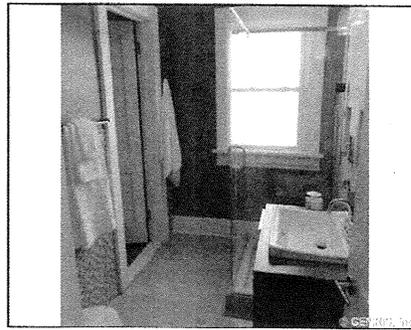
Kitchen



Bathroom



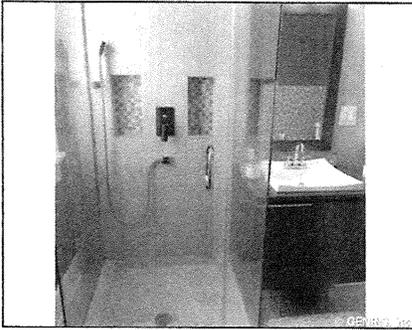
Bathroom



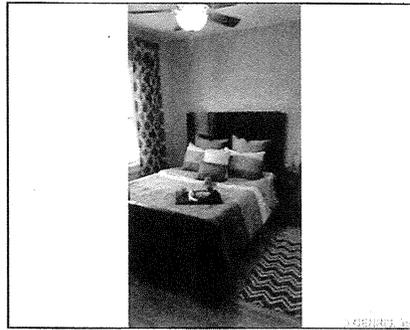
Bathroom

Stephen Babbitt Jr.  
NY Licensed R.E. Broker

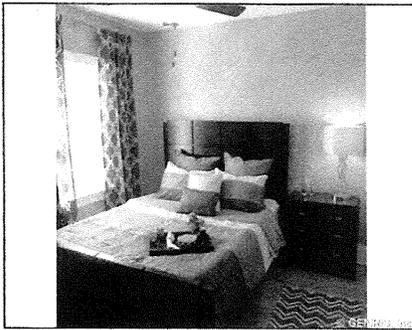
Graham Creek Properties  
34 South Union Street, Rochester, NY 14607  
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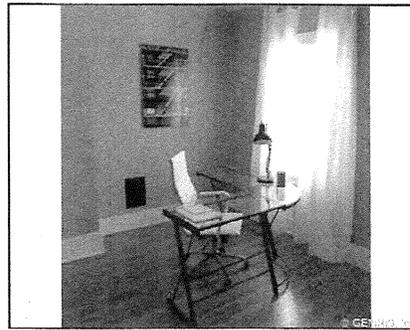
Bathroom



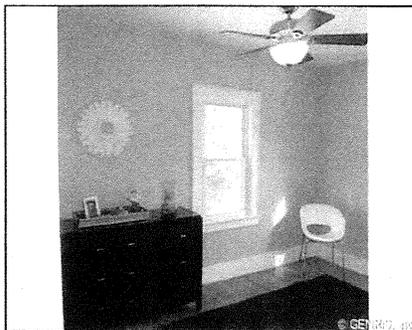
Bedroom



Bedroom



Bedroom



Bedroom

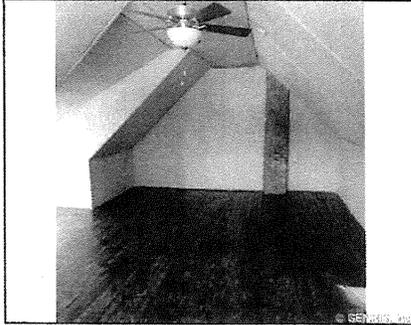


Other

Stephen Babbitt Jr.  
NY Licensed R.E. Broker

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Graham Creek Properties  
34 South Union Street, Rochester, NY 14607



Other

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NY Licensed R.E. Broker

Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

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Slideshow

Photo Gallery

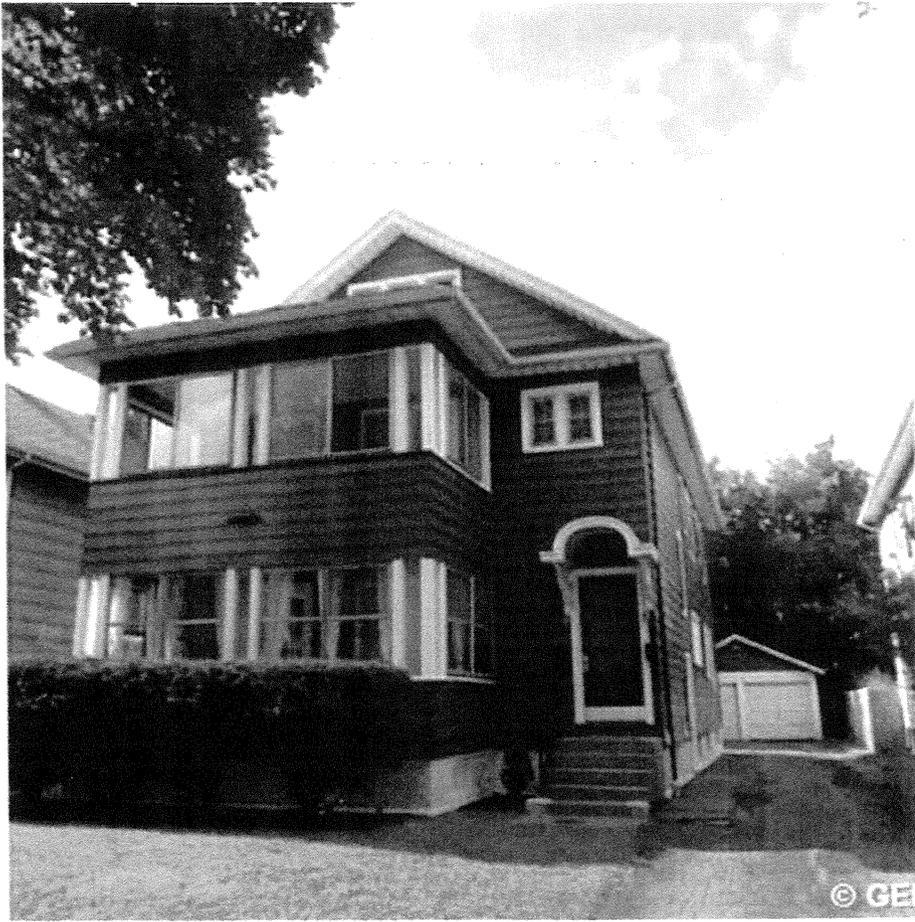
   
print close



Exterior Front

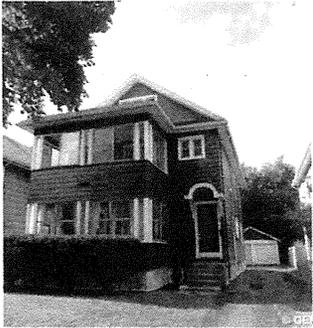


Exterior Front

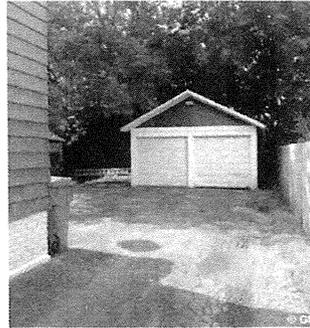


ML#: R281984    811-815 Grand Ave

LPS: 159,900



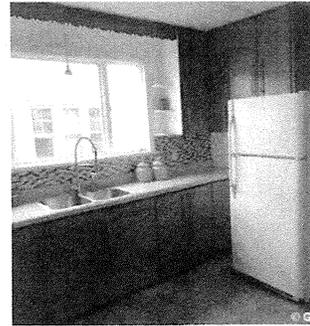
Exterior Front



Garage



Kitchen



Kitchen



Dining Room

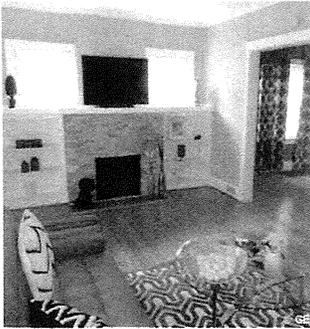


Living Room

Stephen Babbitt Jr.  
NY Licensed R.E. Broker

Graham Creek Properties  
34 South Union Street, Rochester, NY 14607

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Living Room



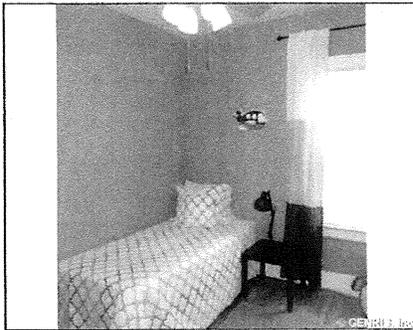
Porch - Enclosed



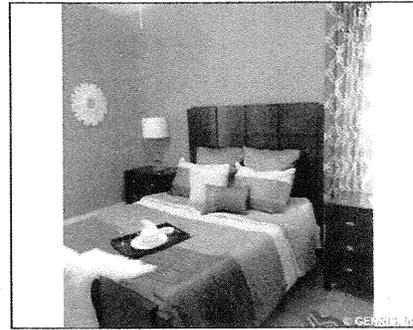
Porch - Enclosed



Living Room



Bedroom



Master Bedroom

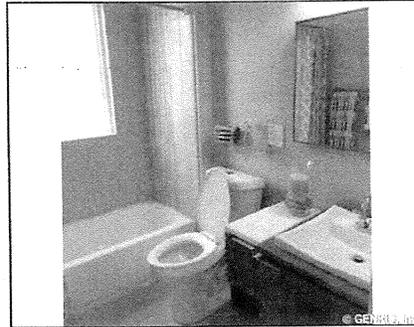
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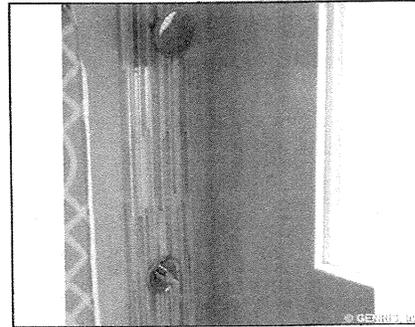
Master Bedroom



Bathroom



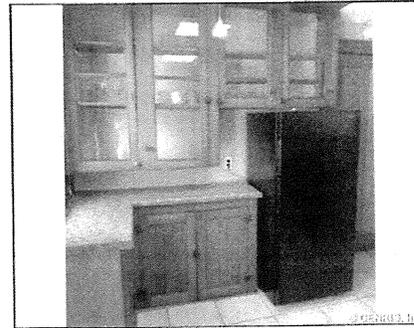
Bathroom



Bathroom



Kitchen

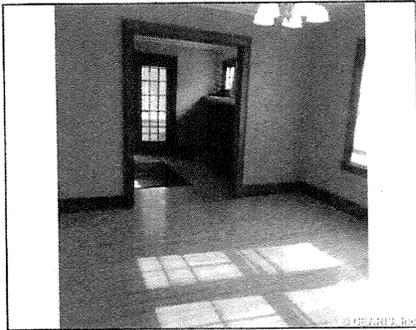


Kitchen

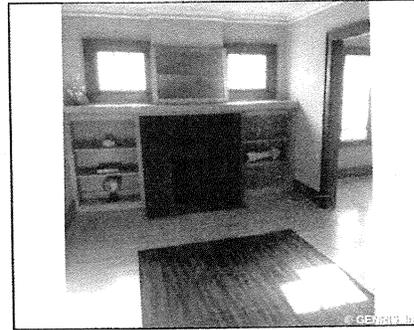
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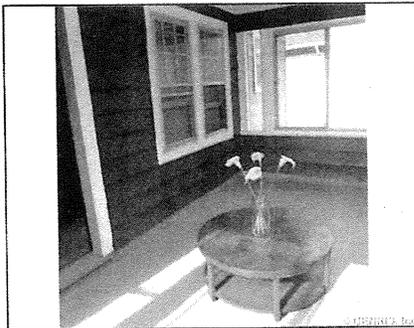
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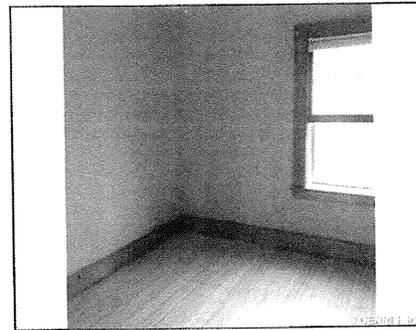
Dining Room



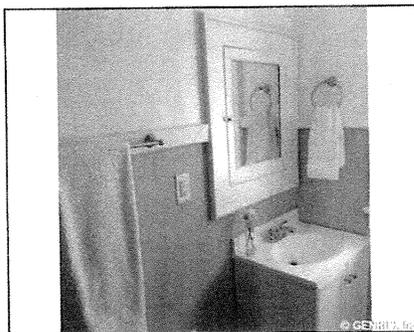
Living Room



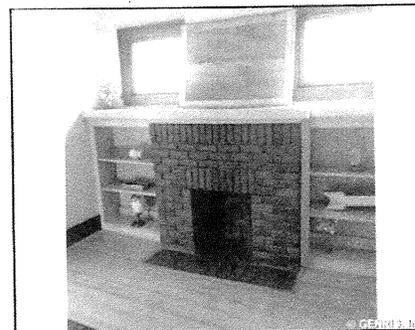
Porch - Enclosed



Bedroom



Bathroom

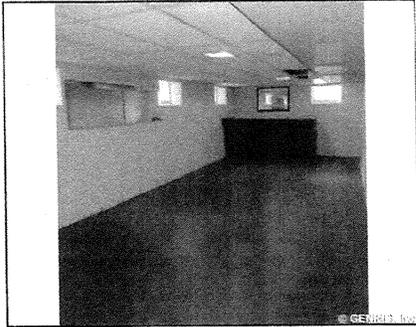


Living Room

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Basement

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 close

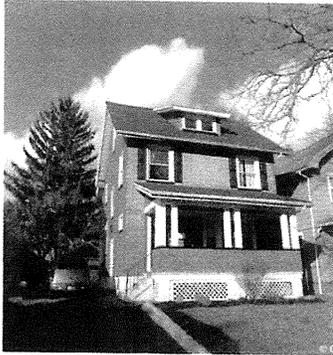
Exterior Front

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499 Woodstock Rd., Rochester City

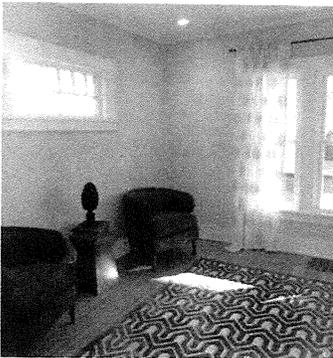
List Price \$169,900



Exterior Front



Living Room



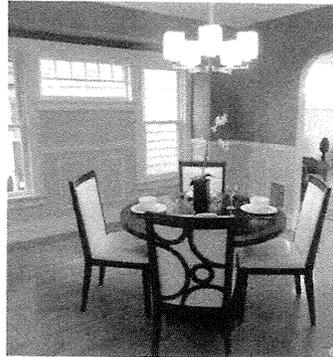
Living Room



Foyer



Dining Room



Dining Room

RES Photo Gallery Report

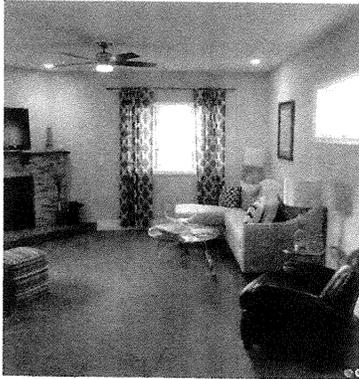
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99 Woodstock Rd

List Price \$169,900



Family Room



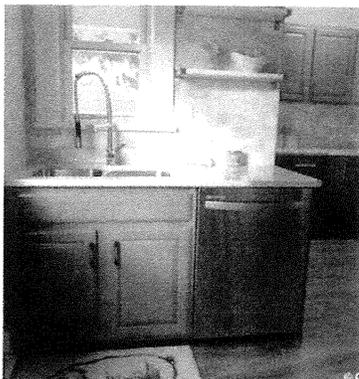
Family Room



Family Room



Kitchen



Kitchen



Kitchen

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#99 Woodstock Rd

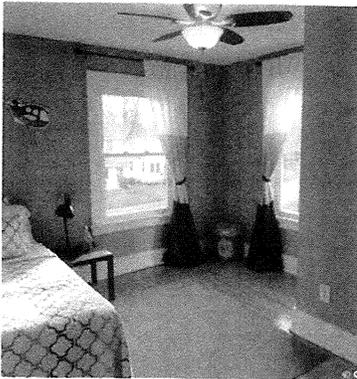
List Price \$169,900



Kitchen



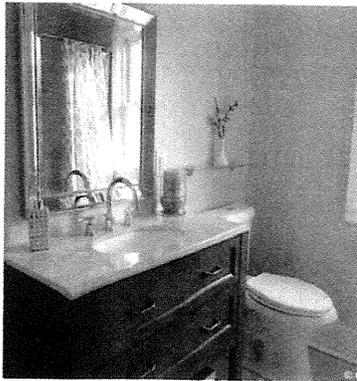
Bathroom



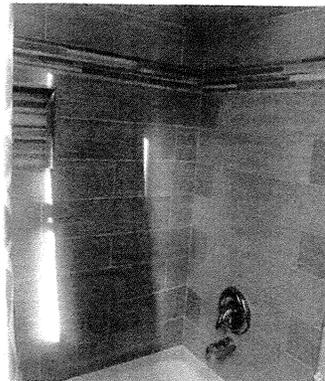
Bedroom



Bedroom



Bathroom



Bathroom

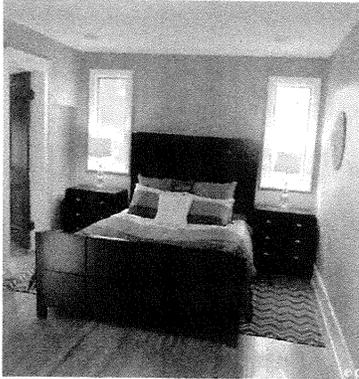
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499 Woodstock Rd

List Price \$169,900



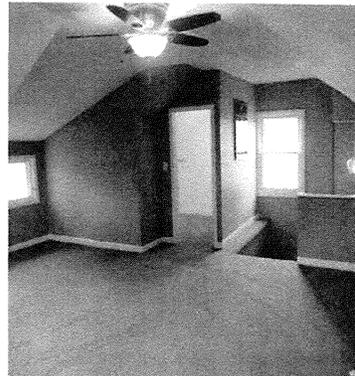
Master Bedroom



Master Bedroom



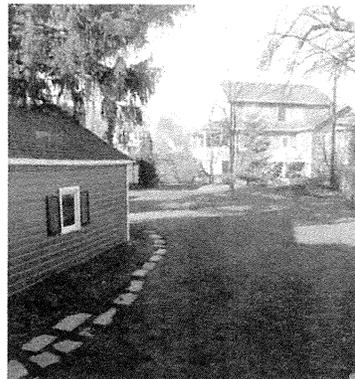
Master Bedroom



Bedroom



Bedroom



Yard/Garden

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Exterior Back

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