



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Mr. David Norbut  
324 Culver Road  
Rochester, New York 14607

**NOTICE OF DECISION**

**In the matter of the Referral of the Site Plan Review decision of the Director of Planning and Zoning dated January 25, 2016** regarding a proposed redevelopment project which includes: demolishing the existing 960 square foot, 24-hour, high-impact retail store at 1219 University Avenue; establishing a 6,000 square foot, 24-hour, high-impact retail store in a portion of the existing adjacent building at 340-360 Culver Road; retaining the rights to the 24-hour vehicle service station including fuel sales and carwash; and adding a second carwash bay at 1219 University Avenue.

**ON THE PREMISES AT: 1219 University Avenue and 340-360 Culver Road**

**ZONING DISTRICT: C-2 Community Center District**

**APPLICATION NUMBER: SP-004-15-16**

**VOTE: 6-0-0**

**PLEASE TAKE NOTICE** that, after a public hearing and deliberations on April 18, 2016 the City Planning Commission resolved to **UPHOLD** the Director's approval of the Site Plan on the **CONDITION** that the door from Malcho's high-impact retail store, which opens into a hallway that exits through an existing door at the front of the building facing Culver Road, shall be a completely solid door and set up as an emergency exit only.

**CITY PLANNING COMMISSION**

by Marguerite V. Parrino  
Principal Staff Assistant

xc: Thomas Warth, City Law Department  
City Planning Commission File  
Site Plan Review File

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**Determination and Findings of Fact:**

This decision was based on the following findings of fact:

- 1) The Director of Zoning and Planning ("Director"), by letter dated January 25, 2016, approved the application of Mr. Kenneth Malcho, J.W. Malcho Enterprises, Inc. ("Applicant") for Site Plan approval to redevelop the existing service station which included: demolition of the existing 960 square foot, 24-hour, high-impact retail store at 1219 University Avenue, establishing a 6,000 square foot, 24-hour, high-impact retail store in a portion of the existing adjacent building at 340-360 Culver Road; retaining the rights to the 24-hour vehicle service station including fuel sales and carwash; and addition of a second carwash bay at 1219 University Avenue (collectively, the "Project").
- 2) The Project has been the subject of other stages of review prior to the Director's approval of the Site Plan application (collectively, the "Prior Review"), including but not limited to:
  - (a) Coordinated environmental impact review as an "Unlisted Action" under the State Environmental Quality Review Act ("SEQRA"). On November 5, 2015, the Director issued a SEQRA Negative Declaration that the proposed action will not have a significant adverse impact on the environment.
  - (b) Special permit review by the City Planning Commission ("CPC") pursuant to C-2 zoning regulations that require a special permit for high-impact retail and vehicle service station uses and for the 24-hour operation of those uses. On November 15, 2015, the City Planning Commission ("CPC") approved the special permits on condition that the floor plan for the high-impact retail store be modified so that the building frontage facing Culver Road is devoted to either window displays for the adjacent retail space or to the placement of a another use such that the high-impact retail operation is not visible along the Culver Road frontage.
- 3) Mr. David Norbut ("Appellant") filed on February 24, 2015 an administrative appeal of the Director's Site Plan Approval, which was referred to the CPC for review in accordance with City Zoning Code §120-191D(9).
- 4) The Referral of the Director's Site Plan decision requires the CPC to hold a public hearing and review the Site Plan application in accordance with the eighteen (18) denial criteria set forth in Zoning Code § 120-191D(4). In conducting this review, the CPC understood that it was required to conduct a comprehensive, independent analysis of the entire proposed Site Plan with regard to all of the criteria and that it was not compelled to approve the Site Plan due to prior approvals of the project by other boards and agencies. Accordingly, although it considered them, the CPC did not confine its review to assessing the validity of the Director's Site Plan findings nor only to assessing the validity the Appellant's objections to those findings.

## Site Plan Referral

1219 University Avenue and 340-360 Culver Road

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- 5) Likewise, the CPC members understood that its approval of the Special Permit for the Project was not dispositive of its Site Plan review. The Special Permit review focused on the suitability of certain uses, including 24-hour operations of a high-impact retail operation at 340-360 Culver Road and 24-hour operation of a vehicle service station at 1219 University Avenue with the addition of a second car wash bay. Instead of analyzing whether a project's uses are suitable for its location, Site Plan Review focuses on whether a project's "critical design elements", including "design (materials, details, textures), character, nature, size, complexity or other indicia of probable impact," are put together in a way that does not adversely affect the goals of the City's Zoning Code. Zoning Code § 120-191D(2).

After hearing and reviewing the testimony and evidence presented by the Appellant, Applicant and neighbors, as well as the drawings and documents that were considered by the Director prior to her approval of the Site Plan application (including those listed at the end of this Resolution and Findings) and evaluating that information in accordance with the Zoning Code's denial criteria listed below, the CPC determined that the approval of the Site Plan application shall be **UPHELD** on condition that the door from Malcho's high-impact retail store, which opens into a hallway which exits to the front of the building facing Culver Road through an existing doorway, is a completely solid door and set up as an emergency exit only.

- 6) Paraphrasing the Zoning Code's 18 Site Plan Review denial criteria as indicated by the italics and brackets below, the CPC based its decision on the following additional findings:

- (a) **The application is *not* incomplete in specified particulars *does not* contain or reveal violations of this [Zoning Code] or other applicable regulations which the applicant has, after written request, failed or refused to supply or correct.**

There is no material omission, error, or violation in the Site Plan application. The Site Plan application documents provided to the CPC included, but were not limited to, the drawings, memoranda, correspondence and other documents listed in the Review Record below. These documents were sufficient to conduct an in-depth evaluation of the Project with regard to all of the applicable site plan denial criteria.

- (b) **The proposed site plan *does not* interfere unnecessarily, and in specified particulars, with easements, roadways, rail lines, utilities, and public or private rights-of-way.**

The proposed Site Plan does not interfere unnecessarily, and in specified particulars, with easements, roadways, utilities, and public or private rights-of-way. As detailed in the memorandum from the Director of Planning and Zoning to the CPC, the shortage of parking along Culver Road for a decades-old ±34,000 square foot retail building is a pre-existing shortage as is the parking area's encroachment on City right-of-way that is not used for a sidewalk or public roadway. However, the slanted parking arrangement leaves sufficient space for

patrons to back out of a parking space and exit the lot without encroaching on the existing raised sidewalk. This Project was referred to the City's Department of Environmental Services (DES), which has jurisdiction over the public right-of-way, and DES did not require any modification to the parking area at 340-360 Culver Road. There is no significant interference with the carrying capacity of area stormwater sewers and roadways (see Findings 6(i) and 6(n)).

- (c) The proposed site plan *does not* unnecessarily, and in specified particulars, destroy, damage, detrimentally modify or interfere with the enjoyment of significant natural, topographic or physical features of the site.**

The Project site is flat and contains no significant natural topographic or physical features.

- (d) The proposed structures *do not* unnecessarily, and in specified particulars, destroy, damage, detrimentally modify or interfere with the significant design features of the existing buildings and structures on the site.**

The property at 1219 University Avenue currently includes a vehicle service station including a canopy and two fuel islands with six fueling spaces and a single bay car wash and a 960 square foot 24-hour, high-impact convenience store. The site has traditionally been used as a vehicle service station since the mid 1930's. The Malcho family has operated the current business since 1984, when the convenience store was added. The proposal will remove the somewhat deteriorated metal convenience store, a structure that has no desirable design features. It will also place a new car wash bay compatible with the existing car wash bay on the east side of the complex. In sum, there will be no significant detrimental alterations to the design features of buildings on the 1219 University Avenue portion of the site.

On the property at 340-360 Culver Road, the Applicant proposed to establish a 6,000 square foot 24-hour, high-impact retail store, subsequently reduced to  $\pm 5,200$  square feet, in the northern portion of an existing 34,000 square foot retail building. The proposal includes converting most of the building's northern exterior brick wall facing University Avenue to store entrances and a storefront window system that complements the existing segmented ornamentation of the brickwork as well as complying with City-Wide Design Standards (Zoning Code § 120-159B(3)) requiring transparency equal to 70% of the wall area between the height of two feet and eight feet from the ground.

To comply with a condition of CPC's Special Permit Approval that the high-impact retail store shall not be accessible or visible from the side of the building that faces Culver Road, the Site Plan places an office use between the store space and the front of Culver Road frontage of the building and forbids any signage associated with the convenience store use on that side. In order to better serve the purpose of these restriction, in this decision the CPC imposes an additional condition that the proposed door from the high-impact retail store,

which will open into a hallway that exits through an existing door at the front of the building facing Culver Road, shall be a completely solid door and set up as an emergency exit only.

In sum, the proposed site plan for the 340-360 Culver Road portion of the Project will not destroy, damage, detrimentally modify or interfere with the significant design features of the existing building on the site.

- (e) The proposed structures or landscaping *do not* unnecessarily, and in specified particulars, bear a poor relationship to the existing physical development of the site *and do not* result in an overall development that compromises existing design, parking or landscaping elements.**

The proposal does not substantially alter physical site conditions. No landscaping is to be removed. The existing landscaped area at 1219 University Avenue will remain and will emphasize the street corner and street wall.

There are no site modifications proposed to 340-360 Culver Road other than the placement of the high-impact retail store within an existing retail building and northern façade/entrance alterations that are improvements on the existing appearance and design of the building. The existing parking along Culver Road will remain and can be safely used without encroaching on the public sidewalk.

The Applicant, based on comments from staff, improved the proposed Site Plan between the issuance of the preliminary findings and the final approval. The following changes were made:

- Parking and stacking. On the 1219 University Avenue parcel, replacement of three parallel parking spaces with a dedicated carwash stacking area to be striped or curbed to improve circulation and to restrict queuing vehicles from encroaching on the retail store entrance and blocking access to the dumpster. Two parking spaces separate from the fuel islands will remain.
- Fuel and retail deliveries. The Applicant supplied turning radius information and illustrations showing how fueling vehicles (WB50 trucks) and retail delivery vehicles (single unit trucks) will have adequate space to enter and exit the site using the existing curb cuts.
- Loading area identification. Loading and deliveries for the high-impact retail store shall occur from 1219 University Avenue and not from the Culver Road street frontage. A designated loading area is proposed adjacent to the high-impact retail store.

Since the existing parking on the Culver Road frontage of 340-360 Culver Road will remain and the existing building is already legal for the general retail use category that governs the parking requirements for high-impact retail (Zoning Code §120-173C(1) (general retail)), the Project entails no net loss or gain in parking space compliance.

**(f) The site design does *not* comply with ADA requirements.**

A handicap accessible ramp is included on the Site Plan and the Applicant has incorporated details for a handicap accessible parking space at 1219 University Avenue. The Building Department conducts a full review of each site plan, including ADA requirements to ensure that each project meets NYS Building Code requirements after the Site Plan has been approved. The final stamped site plan drawings for this Project will be required to reflect ADA requirements.

**(g) The proposed site plan *is not* unnecessarily, and in specified particulars, injurious or detrimental to the use and enjoyment of surrounding property.**

As described in Finding 6(d), the Site Plan with the CPC's conditions will assure that the high-impact retail use will be oriented toward the C-2 and Industrial zoned properties along University Avenue and away from the residential Preservation District properties along Culver Road and East Avenue.

**(h) There is *inadequate* infrastructure capacity to support the use or development.**

Information summarized in Findings 6(i) and 6(n) demonstrate there is sufficient roadway and drainage infrastructure capacity to support the Project. Based on its own review of the Project and extensive review by Planning and Zoning Bureau staff, City DES Engineering staff and the public, the CPC has not identified any other significant increase in demand on infrastructure posed by the Project.

**(i) The proposed site plan and associated improvements *fail to* sufficiently mitigate the project's anticipated traffic impacts.**

The subject properties have historically been used for commercial/retail operations. The Project entails demolition of a 960 square foot retail store and the addition of an additional car wash stall that can wash a maximum of 11 additional cars per hour at 1219 University Avenue and placement of a 6,000 square foot high-impact retail store in an existing building at 340-360 Culver Road that has historically been used for retail sales. The Project site is located along two major City arterial roads.

The Project was referred to Monroe County Department of Transportation (MCDOT), which serves as the City's transportation engineers, as part of the Site Plan Review. MCDOT reviews the Site Plan Review agendas and project descriptions and requires an in-depth traffic impact study only for those Site Plans that it identifies as having the potential for significant impacts on traffic. MCDOT did not request such a study for this Project. In a memorandum to the City's Zoning Director, Brent H. Penwarden III, P.E., MCDOT's Chief of Traffic Operations & Permits, confirmed that he reviewed the Project and opined that the Project would not generate more than 100 additional new vehicle trips during the

peak traffic hour, which is MCDOT's general threshold for requiring a traffic impact report.

In sum, the Project will not have any significant impact on vehicular traffic on area roadways that would require consideration of mitigation measures.

- (j) **The proposed site plan ~~fails to~~ provides for adequate access for emergency vehicles.**

The turning radius information and illustrations for large fueling vehicles and retail delivery vehicles provided by the Applicant (see Finding 6(e)) and the maintenance of the site's existing curb cuts to University Avenue and Culver Road demonstrate that the Project will maintain adequate access for emergency vehicles.

- (k) **The pedestrian and vehicular circulation elements *do not* unnecessarily, and in specified particulars, create hazards to safety on or off the site.**

The proposed pedestrian and vehicular circulation is adequate and does not create any hazards on or off the Project site. The Site Plan shows adequate space for automobiles, delivery vehicles, and emergency vehicles to enter and exit the site and to maneuver within the property. The Site Plan does not remove any public sidewalks and does not add any additional curb cuts that would allow vehicles to cross a public sidewalk. The Site Plan includes a handicap accessible ramped sidewalk that will run from the public sidewalk to the store entrance. All property owners are responsible for snow removal and for keeping the public sidewalk clear and the Applicant has committed to do so.

- (l) **The proposed structure *does not* unnecessarily, and in specified particulars, lack amenity in relation to or are incompatible with, nearby structures and uses.**

The CPC has carefully reviewed and considered the building elevation drawings, as well as the rest of the site plan drawings. The Project's exterior structural alterations to buildings are not incompatible with nearby structures and uses. The demolition of the 960 square foot high-impact retail building at 1219 University Avenue will be a visual improvement to the site and the addition of a car wash stall on the eastern side of the property will be consistent with the appearance of the existing car wash stall and not incompatible with the retail, office and automobile service uses along that stretch of University Avenue. The addition of storefront windows and entrances to the north-side of the retail building at 340-360 Culver Road (see Finding 6(d)) will bring the building into compliance with design standards that encourage transparency and fenestration.

The Project is located at a busy commercial intersection. The Project site is not located within the East Avenue Preservation District, and the high-impact retail store is oriented toward University Avenue and away from Culver Road in order to prevent adverse impacts to Preservation District residences located along

Culver Road. Contrary to the assertions of some neighbors and an erroneous Preservation District map presented at the CPC hearing, the bank building located across Culver Road from the Project at 1185 University Avenue is not located within the East Avenue Preservation District. The Project's proximity to the Preservation District does not make it subject to Rochester Preservation Board review or approval. Nevertheless, the Site Plan is designed to avoid adverse impacts to nearby Preservation District properties.

- (m) The proposed site plan *does not* unnecessarily, and in specified particulars, lack amenity in relation to, or incompatible with, nearby structures and uses.**

The Site Plan is consistent with the regulations for C-2 Community Center District. The gas station, high-impact retail store and car wash has been in existence for a lengthy period of time and the proposed changes to the property are intended to be compatible with nearby structures and uses, including keeping additional retail uses oriented toward University Avenue and away from the Culver Road. See Findings 6(d) and 6(l).

- (n) The proposed site plan *does not* unnecessarily, and in specified particulars, create drainage or erosion problems.**

The Site Plan does not add any additional impervious surfaces to the Project site. There are six catch basins shown on the Site Plan. A neighbor testified that flooding near her property occurred during heavy rain events, a time when car washes are not typically used. Therefore, the Project will not create or exacerbate any drainage or erosion problems.

- (o) The proposed structures *are not* unnecessarily, and in specified particulars, incompatible with or lacking in amenity in relation to existing uses on the site or existing building materials, roof shapes and fenestration on the site.**

The façade design and window transparency are in compliance with the City of Rochester Zoning Code. In addition, elevation drawings demonstrate that the proposed project will fit in well with the Project site and existing structures.

- (p) The proposed site plan ~~fails to~~ contributes to existing pedestrian-oriented rights-of way and, in specified particulars, is *not* unreasonably lacking in amenity in relation to the public realm and streetscape.**

There are no changes to the existing pedestrian-oriented rights of way and the property that will be lacking in amenity in relation to the public realm and streetscape. See Findings 6(b), 6(d) and 6(k). The proposal includes a ramped handicap accessible sidewalk connecting the proposed high-impact retail store with the existing public sidewalk on Culver Road.

- (q) **The proposed site plan detrimentally impacts the visual and physical access to and along the waterfront**

This criterion is not applicable as the proposed development is not located along the waterfront.

- (r) **In the CCD, the proposed site plan is contrary to, or fails to meet, the principles and objectives of the Center City Master Plan as enumerated in § 120-58 of this chapter.**

This criterion is not applicable as the proposed development is not located within the CCD.

**Based on these facts and findings, be it resolved the City Planning Commission UPHOLDS the Director's approval of the Site Plan on the CONDITION that the door from Malcho's high-impact retail store, which opens into a hallway that exits through an existing door at the front of the building facing Culver Road, shall be a completely solid door and set up as an emergency exit only.**

### Review Record

This Decision and the findings of fact were based on the following testimony and evidence:

- Staff Report for April 18, 2016 CPC Case #2 with accompanying materials
- Application for Site Plan Review Referral by David Norbut ("Referral"), dated Feb. 24, 2016, including attached 2-page letter;
- Memorandum from Director of Planning and Zoning to CPC, dated April 11, 2016;
- The Director's Preliminary Site Plan Findings, dated Nov. 9, 2015;
- The CPC's Notice of Decision, dated December 1, 2015; regarding the CPC's approval of Applicant's Special Permit application
- The plans that were the subject of the Director's Preliminary Site Plan Findings, comprised of LandTech Surveying & Planning P.L.L.C. Site plan dated October 9, 2015, and Demolition Plan dated April 24, 2015, ALA Architects Proposed Renovation partial floor plan and north and west elevation plans for 340-360 Culver Road dated August, 2015 and ALA Architects Proposed carwash floor plan, north elevation and west elevation for 1219 University Ave dated April 2015;
- Department of Environmental Services review and correspondence from LandTech Surveying & Planning P.L.L.C. including DES Inter-Departmental Correspondence dated August 3, 2015, LandTech Surveying & Planning P.L.L.C. letter dated September 25, 2015, LandTech Surveying & Planning P.L.L.C. Delivery and Turning Plan dated September 16, 2015, and DES Inter-Departmental Correspondence dated October 2, 2015;
- The Director's Site Plan Approval with Conditions ("Director's Approval"), dated Jan. 25, 2016;
- The plans that were the subject of the Director's Approval, comprised of LandTech Surveying & Planning P.L.L.C. Site plan dated October 10, 2015 received December

**Site Plan Referral**  
**1219 University Avenue and 340-360 Culver Road**  
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18<sup>th</sup> 2015 and Demolition plan dated April 24, 2015 (referenced above), ALA Architects Proposed Renovation partial floor plan for 340-360 Culver Road dated December 10, 2015, received December 18, 2015, ALA Architects Proposed Renovation north and west elevation plans for 340-360 Culver Road dated December 10, 2015, received December 18, 2015, and ALA Architects Proposed carwash floor plan, north elevation and west elevation for 1219 University Ave dated April 2015, received July, 22, 2015 (referenced above);

Applicant's latest version of plans submitted in response to the conditions specified in the Director's Approval, comprised of LandTech Surveying & Planning P.L.L.C. Site and Demolition plans dated January 1, 2016 received March 17, 2016, ALA Architects Proposed Renovation partial floor plan and north and west elevation plans for 340-360 Culver Road ALA Architects dated March 8, 2016, received March 17, 2016

E-mail from Brent H. Penwarden III, P.E., Chief of Traffic Operations & Permits, Monroe County Department of Transportation, dated April 14, 2016, regarding 1219 University and 340-360 Culver Road;

Personal Appearance Notice

Notification Labels

Speaker's List

Correspondence (letter or e-mail) regarding the Project, including but not limited to, the following items: (see chart on following page)

<b>Correspondent</b>	<b>Date of each Correspondence</b>
Chris Aikens	12/29/2015 and 12/30/2015
Richard K. Aikens	12/29/2015
William Bentley	04/18/2016
William Bentley and Annika Bentley	12/22/2015
Esther Brill	12/28/2015
Bernadette Catalana (East Ave Pres, Distr. Map)	04/18/2016
Katia C. Chaban	01/03/2016
Fran Cosentino	10/01/2016
Pia Cseri-Briones	01/02/2016
Leo Brideau and Kathleen Brideau	12/28/2015
Nanette and Jack Elliott	01/02/2016
Giuseppe Erba and Mark Pierzynski	01/05/2016
Denise Fabrizio	12/27/2015
Cathy Feinen	01/04/2016
Christine Fendley and Walter Fendley	12/27/2015
Stephen Fielding, PhD	12/23/2015
Kathleen Fraser	11/22/2015, 12/23/2015 and 04/18/2016
Barbara Galloway	01/02/2016
Wayne Goodman	12/29/2015
Gary and Virginia Goodwin	12/29/2014 [sic] and 12/30/2015
Robert Guhde	12/27/2015 and 12/31/2015
Lisa Guido and Bill Cibulka	01/03/2016
Nancy Hamlin and Henry Hamlin	01/04/2016
Julie Holzbach	12/27/2015
Cecelia Horwitz and Floyd Tucker	12/28/2015
Arnold Hunt	01/04/2016
Connie Kenneally	04/11/2016 and 04/18/2016
Jeff Larson	12/26/2015
Jeffrey B. Larson and Richard C. Conheady Jr.	01/02/2016
Marc Lavender	01/03/2016
Amy Hoeft MacDonald, MD	01/04/2016
Scott MacRae MD	12/24/2015
Barbara McIver and Robert Wason	01/02/2016
Maria Mendicino	01/02/2016
Charles Mullen	11/20/2015 and 04/18/2016
Chareles E. Mullen and Beth V. Mullen	12/26/2015
David Norbut	12/24/2015
Lea Nordhaus and Jason Nordhaus	01/04/2016
Scott Odorisi and Kelly Odorisi	01/05/2016
Kathy Palokoff	12/28/2015
Jane Parker	12/26/2015
Louis C. Parker, III	12/30/2015
Keith Parkins	01/04/2016
Peggy	01/02/2016
Marjorie Relin	12/27/2015
Richard Rosen AIA	12/29/2015
Peggy Rosenthal	01/03/2016
Nick Ruth	01/03/2016
Sam Santoriello	01/05/2016
Gene Veltri	12/24/2015
Michael Veltri	12/24/2015
Jerry Wolf	01/02/2016
Drs. Lisa Yerke and Brian Kritzman	12/28/2015
Carol Zimmerman	01/03/2016

**RECORD OF VOTE**

D. Watson	Uphold on Condition
S. Rebholz	Uphold on Condition
E. Marlin	Uphold on Condition
H. Hogan	Uphold on Condition
T. Bruce	Uphold on Condition
S. Mayer	Uphold on Condition



May 4, 2016

Mr. Daniel Nothnagle, Three Heads Brewing  
186 Atlantic Avenue  
Rochester, New York 14607

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish live entertainment in the tasting room between the hours of 6:00PM and 12:00AM daily, and to consider a shared parking agreement with 10 Norwood Street to address the parking deficit created by the proposed live entertainment.

**ON THE PREMISES AT:** 186 Atlantic Avenue  
**ZONING DISTRICT:** M-1 Industrial District  
**APPLICATION NUMBER:** E-038-15-16  
**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission deliberations held on April 20, 2016, said application was **APPROVED FOR TWO (2) YEARS UNTIL APRIL 30, 2018 ON CONDITION THAT:**

- Live entertainment shall only be permitted on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM (set up may occur one hour before, and take down may occur one hour after these timeframes).
- A shared parking agreement for 36 parking spaces shall be submitted to the Bureau of Planning and Zoning staff.

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

xc: Betsy D. Brugg, Esq., Woods Oviatt, 2 State Street, Rochester, NY

10:06 AM - 6 MAY 2016  
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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval for entertainment uses in the M-1 district, subject to sufficient screening of windows facing any adjacent property zoned or developed residentially and to provide off-street parking at a rate of ½ the maximum allowable occupancy.
- 2) The City Planning Commission noted that although there are windows that face residentially developed property, live entertainment in the tasting room will not negatively impact the adjacent property because the windows of the tasting room are a distance from the residentially developed properties
- 2) Per Section 120-192 of the Zoning Code, the Planning Commission can approve the application for a Special Permit with conditions and for a specified time period. The Planning Commission granted a Special Permit for a period of two (2) years until April 30, 2018 on condition that:
  - Live entertainment shall on be permitted on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM (set up may occur one hour before, and take down may occur one hour after these timeframes).
  - A shared parking agreement for 36 parking spaces shall be submitted to the Bureau of Planning and Zoning staff.
- 4) The applicant was given a temporary approval on condition for a period of two (2) years until April 30, 2018 with the requirement to return to the City Planning Commission for a renewal of the Special Permit so that operational aspects of the use could be reviewed in a public hearing setting.

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

- 1) The subject property is located on Atlantic Avenue between Norwood Street and Anderson Avenue and was recently developed as a brewery with a tasting room.
- 2) The applicant would like to add live entertainment in the tasting room between the hours of 6:00PM and 12:00AM, daily. The applicant has stated that entertainment would not

occur every day. However, the applicant could not say with certainty which days of the week live entertainment would occur.

- 3) According to the applicant, live entertainment would consist of musicians and bands playing original music, including jazz, acoustic, bluegrass and rock. Live entertainment is proposed to be indoors in the tasting room and will occur for special events and "beer release" parties.
- 4) The City Planning Commission noted that the marketability analysis that was included in the application was specific to the addition of live entertainment to the existing brewery and accepted the analysis.
- 5) Oral and written testimony noted the potential for negative impacts as a result of the addition of live entertainment, specifically parking issues and noise issues. Oral testimony indicated that the applicant was willing to work with the neighbors to ensure that these issues are dealt with accordingly and minimized to the extent practicable. The City Planning Commission encouraged the applicant to work with the neighbors to ensure that the addition of live entertainment complements the tasting room, as well as the neighborhood. As such, a temporary approval on condition was granted until April 30, 2018, so that the City Planning Commission may review the Special Permit in two years to ensure that the live entertainment portion of this use does not pose a substantial or undue adverse effect on adjacent property.
- 6) At the hearing, the applicant's representative proposed to have live entertainment no earlier than 7:00PM Thursday, Friday and Saturday. Live entertainment was proposed to end at 10:00PM on Thursday and 11:00PM on Saturday and Sunday.
- 7) The City Planning Commission determined that the shared parking agreement, as well as the Alternative Parking Plan that was submitted was not acceptable in its entirety. Although the City Planning Commission accepted many of the parking options noted in the Plan, there was concern expressed regarding the total number of parking spaces that were available for consideration. Thus, the City Planning Commission has requested that a shared parking agreement for 36 parking spaces be submitted to the Bureau of Planning and Zoning staff as a condition of the approval.
- 8) To ensure that the proposed live entertainment does not have a substantial or undue adverse effect upon adjacent properties, the City Planning Commission approved the application until April 30, 2018 on condition that:
  - Live entertainment shall only be permitted on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM (set up may occur one hour before, and take down may occur one hour after these timeframes).
  - A shared parking agreement for 36 parking spaces be submitted to the Bureau of Planning and Zoning staff.

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

The City Planning Commission determined that a temporary approval for two (2) years until April 30, 2018 with the conditions noted above, to establish live entertainment will not interfere with the development and use of neighboring properties.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES FOR TWO (2) YEARS UNTIL APRIL 30, 2018 ON CONDITION** application **E-038-15-16** by **Dan Nothnagle, Three Heads Brewing** to establish live entertainment in the tasting room on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM, and to accept a shared parking agreement with 10 Norwood Street to address the parking deficit created by the live entertainment at **186 Atlantic Avenue**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Betsy Brugg  
Dan Nothnagle  
Evan Lowenstein  
Ida Hickman  
Art Ientilucci

**Opposing Testimony:**

Katherine Dounce

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Letter of Intent  
Alternative Parking Plan  
Addendum  
Landscaping Plan  
Site Plan  
Existing Features Plan  
Floor Plan  
Aerial Photograph  
Location Map  
Neighborhood meeting list of attendees  
Neighborhood meeting summary Email from Kelvin Knight, dated April 8, 2016

**Evidence Cont'd:**

Letter of Opposition from Joe Yokajty, dated March 21, 2016  
Email of Opposition from Joe Ventura, dated March 29, 2016  
Email of Opposition from Katherine Dounce, dated March 30, 2016  
Email of Opposition from Ida Hickman, dated March 31, 2016  
Additional comment Letter from Evan Lowenstein, Neighborhood of the Arts Neighborhood Association, dated April 10, 2016  
Additional comment Email from Katherine Dounce, dated April 11, 2015  
Response Email from Dan Nothnagle, Three Heads Brewing, dated April 11, 2016  
Additional Comment Email from Dan Nothnagle, Three Heads Brewing, dated April 13, 2016  
Notice of Environmental Determination dated April 18, 2016  
Short Environmental Assessment Form Parts I and II  
Personal Appearance Notice  
Notification Labels  
Speakers' List

**Record of Vote:**

D. Watson	2 Year Temporary Approval on Condition
S. Rebholz	2 Year Temporary Approval on Condition
E. Marlin	2 Year Temporary Approval on Condition
H. Hogan	2 Year Temporary Approval on Condition
T. Bruce	2 Year Temporary Approval on Condition
S. Mayer	2 Year Temporary Approval on Condition

**CITY OF ROCHESTER  
NOTICE OF ENVIRONMENTAL DETERMINATION**

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

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

**ACTION:** Classification: Unlisted  
Description: Special Permit Determination

**PROJECT:** Location: 186 Atlantic Avenue, 10 Norwood Street  
Applicant: Dan Nothnagle, Atlantic Avenue Capital Partners, LLC  
Description: To establish live entertainment in the tasting room on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM; and to accept a shared parking agreement between 186 Atlantic Avenue and 10 Norwood Street to address the parking deficit created by the live entertainment at 186 Atlantic Avenue; and to establish a 6,743 square foot sit-down restaurant at 10 Norwood Street.

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

**LEAD AGENCY:** City Planning Commission

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

**DATE ISSUED:** April 18, 2016

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

**FILE REFERENCE NUMBER:** E-038-15-16, E-043-15-16

**DISTRIBUTION:** Planning Commission  
Case File



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Atlantic Avenue Capital Partners LLC  
90 Goodway Drive  
Rochester, New York 14623

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish a 6,743 square foot sit-down restaurant, and to consider a shared parking agreement with 186 Atlantic Avenue.

**ON THE PREMISES AT:** 10 Norwood Street

**ZONING DISTRICT:** M-1 Industrial District

**APPLICATION NUMBER:** E-043-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016, the City Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission deliberations held on April 20, 2016, said application was **APPROVED ON CONDITION THAT:**

**The outdoor deck shall not be open to patrons of the restaurant after 12:00AM, Sunday through Thursday, and after 2:00AM on Friday and Saturday.**

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

xc: Costich Engineering, 217 Lake Avenue, Rochester, NY 14608  
Betsy D. Brugg, Esq., Woods Oviatt, 2 State Street, Rochester, NY 14614

Phone: 585.428.6526 Fax: 585.428.6137 TTY: 585.428.6054

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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval for bars/restaurants in the M-1 District, subject to a marketability analysis.
- 2) Please also note that the restaurant has proposed to share parking with the neighboring property, 186 Atlantic Avenue.

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

- 1) The subject property is located on Norwood Street between Atlantic Avenue and Anderson Avenue. The property is proposed to be developed as a new restaurant.
- 2) The applicant wishes to establish a 6,743 square foot sit-down restaurant. According to the applicant, this restaurant will be a unique concept featuring authentic Mexican cuisine. The restaurant will offer table service and 'grab and go.' Hours of operation are anticipated to be 10:00AM to 12:00AM, Sunday; 4:00PM to 12:00AM, Tuesday through Thursday; and 4:00PM to 2:00AM Friday and Saturday.
- 3) The City Planning Commission noted the marketability analysis included in the application and concurred that this site was not suitable for industrial uses.
- 4) The City Planning Commission determined that the shared parking agreement between the proposed restaurant and the brewery located on the neighboring property at 186 Atlantic Avenue, which proposes to add live entertainment to the tasting room, was acceptable.
- 5) There was no opposition, either written or oral, to the establishment of the restaurant. Three people spoke in favor of the establishment of the restaurant, expressing that the neighbors and the neighborhood are thrilled with the proposed transformation of the property, noting that the neighbors were welcomed to the table during the design phase of this project.

- 6) The City Planning Commission determined that the outdoor deck on the second floor of the proposed restaurant may have an effect on adjacent properties. To ensure that the outdoor deck complements not only the restaurant, but also the neighborhood, the City Planning Commission approved the proposal on condition that the outdoor deck shall not be open to patrons of the restaurant after 12:00AM, Sunday through Thursday, and after 2:00AM on Friday and Saturday.

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

The City Planning Commission determined that establishment of the proposed restaurant with the condition that the outdoor deck shall not be open to patrons of the restaurant after 12:00AM, Sunday through Thursday, and after 2:00AM on Friday and Saturday will not interfere with the development and use of neighboring properties.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES ON CONDITION** application **E-043-15-16** by **Atlantic Avenue Capital Partners, LLC** to establish a 6,743 square foot sit-down restaurant, and to consider a shared parking agreement with 186 Atlantic Avenue at **10 Norwood Street**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Betsy Brugg  
Evan Lowenstein  
Zackary Makita  
Ida Hickman

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Letter of Intent

**Evidence Cont'd:**

Alternative Parking Plan  
First Floor Plan  
Second Floor Plan  
Elevations  
Site Development Plans  
Aerial Photograph  
Location Map  
Notice of Environmental Determination dated April 18, 2016  
Short Environmental Assessment Form Parts I and II  
Personal Appearance Notice  
Notification Labels  
Speakers' List

**Record of Vote:**

D. Watson	Approve on Condition
S. Rebholz	Approve on Condition
E. Marlin	Approve on Condition
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Approve on Condition

**CITY OF ROCHESTER  
NOTICE OF ENVIRONMENTAL DETERMINATION**

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

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

**ACTION:** Classification: Unlisted  
Description: Special Permit Determination

**PROJECT:** Location: 186 Atlantic Avenue, 10 Norwood Street  
Applicant: Dan Nothnagle, Atlantic Avenue Capital Partners, LLC  
Description: To establish live entertainment in the tasting room on Thursday from 7:00PM to 10:00PM, and on Friday and Saturday from 7:00PM to 11:00PM; and to accept a shared parking agreement between 186 Atlantic Avenue and 10 Norwood Street to address the parking deficit created by the live entertainment at 186 Atlantic Avenue; and to establish a 6,743 square foot sit-down restaurant at 10 Norwood Street.

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

**LEAD AGENCY:** City Planning Commission

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

**DATE ISSUED:** April 18, 2016

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

**FILE REFERENCE NUMBER:** E-038-15-16, E-043-15-16

**DISTRIBUTION:** Planning Commission  
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**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Mr. Tyrone K. Ashford  
TYCAM Enterprises, Inc.  
94 Dorian Lane  
Rochester, New York 14626

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** increase the hours of the previously approved live entertainment at the Pythodd Jazz Club to 5:00PM to 12:00AM, daily.

**ON THE PREMISES AT:** 4705 Lake Avenue

**ZONING DISTRICT:** H-V Harbortown Village

**APPLICATION NUMBER:** E-044-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016, the City Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission deliberations held on April 20, 2016, said application was **APPROVED**.

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval for entertainment uses in the H-V district, subject to sufficient screening of windows facing any adjacent property zoned or developed residentially and to provide off-street parking at a rate of ½ the maximum allowable occupancy.
- 2) The City Planning Commission noted that although there are windows that face a residentially developed property, the extension of hours for live entertainment will not negatively impact the adjacent property as the residential properties are over 100 feet away from the building. Further, it was noted by the City Planning Commission that there is no parking requirement in the Harbortown Village District and therefore, no parking is required for the addition of live entertainment.

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

- 1) The subject property is located at the corner of Lake Avenue and Hincer Street. The most recent certificate of occupancy lists a bar/restaurant on the first floor and a two-family on the second floor.
- 2) Please note that at the December 2015 City Planning Commission hearing, the request to establish live entertainment in an existing bar/restaurant in the form of small ensembles from 5:00PM to 10:00PM, Wednesdays through Sundays, was approved.
- 3) The applicant would like to increase the hours of the previously approved live entertainment to 5:00PM to 12:00AM, daily.
- 4) Oral and written testimony indicated that there is strong support for extension of live entertainment in this building. It was noted in written testimony that in the time that the Pythodd Jazz Club has been open, it has proven to be the type of establishment and entertainment that will help Charlotte develop into the neighborhood that they are striving to be.

- 5) The City Planning Commission determined that the proposed increase in the hours of live entertainment would not have a substantial or undue adverse effect on the adjacent properties. As it was stated in both oral and written testimony, the increase in hours of live entertainment will complement existing businesses and be a positive addition to the neighborhood.

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

The City Planning Commission determined that extension of live entertainment will not interfere with the development and use of neighboring properties.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES** application **E-044-15-16** by **Tyrone K. Ashford, TYCAM Enterprises, Inc.**, to increase the hours of the previously approved live entertainment to 5:00PM to 12:00AM, daily at **4705 Lake Avenue**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

None

**Opposing Testimony:**

None

**Evidence:**

Staff Report

Special Permit Application and Standards

Project Information

Floor Plan

Interior and Exterior Photographs

Aerial Photograph

Location Map

Letter of Support from Marianne Warfle, Port of Charlotte Merchants Association, dated March 15, 2016

Email of Support from Ron Penders, Northwest Neighborhood Service Center, dated April 5, 2016

**Evidence Cont'd:**

Notice of Environmental Determination dated April 18, 2016  
Short Environmental Assessment Form Parts I and II  
Personal Appearance Notice  
Notification Labels  
Speakers' List

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve

**CITY OF ROCHESTER  
NOTICE OF ENVIRONMENTAL DETERMINATION**

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

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

**ACTION:** Classification: Unlisted  
Description: Special Permit Determination

**PROJECT:** Location: 4705 Lake Avenue  
Applicant: Tyrone K. Ashford, TYCAM Enterprises, Inc.  
Description: To increase the hours of the previously approved live entertainment at the Pythodd Jazz Club to 5:00PM to 12:00AM, daily.

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

**LEAD AGENCY:** City Planning Commission

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

**DATE ISSUED:** April 18, 2016

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

**FILE REFERENCE NUMBER:** E-044-15-16

**DISTRIBUTION:** Planning Commission  
Case File



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Mr. Mohammad Ibrahim  
Kabob Restaurant  
201 Monroe Avenue  
Rochester, New York 14607

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish an Alternative Sign Program, and to consider an Alternative Parking Plan for ten parking spaces required for the conversion of this existing take-out restaurant to a sit-down restaurant.

**ON THE PREMISES AT:** 203 Monroe Avenue

**ZONING DISTRICT:** C-2 Community Center District

**APPLICATION NUMBER:** E-045-15-16

**VOTE:** 0-6-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016, and deliberations occurring on April 20, 2016 said application was **DENIED**.

**CITY PLANNING COMMISSION**

  
 Zina Lagonegro, AICP, EIR  
 Secretary, City Planning Commission

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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

- 1) The goals and objectives of the Comprehensive Plan are reflected in the City Zoning Code.
- 2) The Zoning Code provides the opportunity to obtain approval of an Alternative Parking Plan via the special permit process. An Alternative Parking Plan is a means to meet vehicle parking requirements other than providing parking spaces on site in accordance with the standard ratios established in the Zoning Code.
- 3) The applicant is also seeking to establish an Alternative Sign Program. An Alternative Sign Program is intended to provide an imaginative, effective, visually compatible plan for all signs on a property. A property owner may submit a sign program containing provisions different from the standard requirements in the Sign Section of the Zoning Code. The intent of this provision is to allow for creative responses to site-specific conditions or uses. Each such Alternative Sign Program shall be reviewed as a special permit.

**B. Whether the proposed use will not have substantial or undue adverse effect upon adjacent property.**

- 1) The existing take-out restaurant being proposed to convert to a sit-down restaurant is located on Monroe Avenue between Marshall Street and Griffith Street. The most recent certificate of occupancy indicates that this is a mixed-use property with a single family dwelling located at the rear of the building and a single family dwelling on the second floor.
- 2) The applicant proposes to establish a sit-down restaurant. The existing take-out restaurant operates Monday through Saturday between 11:30AM and 10:00PM. There will be no change in hours of operation. The proposed sit-down restaurant has a parking requirement of 10 spaces. There are no parking spaces on site. As a result, the applicant is seeking to resolve the parking deficit through an Alternative Parking Plan.

- 3) The applicant noted that there are bike racks, several bus stops nearby, as well as a parking lot on Marshall Street than can be used by the public after 5:30PM.
- 4) The City Planning Commission concluded that the proposed alternative sources of parking spaces (i.e. the Marshall Street lot) and parking demand reduction (i.e. bus stops and bicycle racks) do not make up for the absence of the 10 off-street parking spaces. The nearby parking lot on Marshall Street is not sufficient because the applicant has not obtained a signed parking agreement with the lot owner that would reserve spaces in the lot for the use of the applicant's patrons. The availability of bus stops and bike racks is not sufficient because there is already an overall shortage of parking spaces in the neighborhood even with the availability of bus transport and bike racks and without the applicant's addition of restaurant seating. Although the City Planning Commission understands the applicant's desire to add additional chairs to his restaurant so that customers may sit while waiting for their food, the City Planning Commission cannot ensure that the additional seating functions in that particular way only.
- 5) Since the above plan does not meet the regular parking requirement by any alternative means, the City Planning Commission did not accept and therefore denied the submitted Alternative Parking Plan.
- 6) The applicant is also requesting to legalize the existing sign by establishment of an Alternative Sign Program.
- 7) The City Planning Commission noted that the applicant utilized the entire roof for signage for his take-out restaurant. The City Planning Commission determined that this sign was much larger than the regulations allow as the C-2 District allows for one attached sign identifying uses or services on the premises that includes  $\frac{1}{2}$  square foot in area for every one foot of building frontage per street frontage.
- 8) The City Planning Commission evaluated the existing sign and determined that it is inappropriate for the structure and incompatible with the neighborhood. As a result, the request to establish an Alternative Sign Program was denied. In their denial, the City Planning Commission noted that the sign did not appear to be professionally painted nor imaginative or creative in a way that would satisfy the Zoning Code's criteria for an acceptable Alternative Sign Program. The City Planning Commission encouraged the applicant to speak with the Monroe Avenue Merchants Association for signage ideas and examples that are in keeping with City regulations, as well as existing signage in the neighborhood.

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

Given the above analysis, the City Planning Commission determined that approving this Alternative Parking Plan along with the Alternative Sign Program is likely to interfere with the development and use of neighboring properties by exacerbating an existing shortage of parking spaces and by interfering with Monroe Avenue merchants' and neighbors' efforts to create an attractive commercial corridor desirable to visitors and neighbors. As detailed above, the Alternative Parking Plan and the Alternative Sign Program do not complement the neighborhood, and were therefore, denied.

**D. Whether the proposed use will be served by essential public facilities and services.**

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

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

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

**Based on these facts and findings,** be it resolved that the City Planning Commission **DENIES** application **E-045-15-16** by **Mohammad Ibrahim, Kabob Restaurant**, to establish an Alternative Sign Program, and to consider an Alternative Parking Plan for the ten parking spaces required for the conversion of the existing take-out restaurant to a sit-down restaurant at **203 Monroe Avenue**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Sheberyar Mohammad

**Opposing Testimony:**

Jack Darcy

John Lembach

**Evidence:**

Staff Report

Special Permit Application and Standards

Request for an Alternative Sign Program and an Alternative Parking Plan

Survey Map

Floor Plan

Exterior Photographs

**Evidence Cont'd:**

- Letter of Support from David F. Mayer, undated
- Letter of Opposition from Jack Darcy, dated April 18, 2016
- Letter of Opposition from John Lembach, Park-Meigs Neighborhood Association, dated April 18, 2016
- Letter of Opposition from Moira Lemperle, Monroe Avenue Merchants Association, dated April 14, 2016
- Letter of Opposition from multiple neighbors, undated
- Monroe Avenue Parking and Mobility Study, public information handout, submitted at hearing by John Lembach
- Location Map
- Zoning Map
- Aerial Photograph
- Personal Appearance Notice
- Notification Labels
- Speakers' List

**Record of Vote:**

- |            |      |
|------------|------|
| D. Watson  | Deny |
| S. Rebholz | Deny |
| E. Marlin  | Deny |
| H. Hogan   | Deny |
| T. Bruce   | Deny |
| S. Mayer   | Deny |



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Mr. Chris Holdridge  
441 Ministries  
441 Parsells Avenue  
Rochester, New York 14609

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish a low-impact take-out coffee shop with six convenience seats at 437 Parsells Avenue and to legalize a community center at 441 Parsells Avenue.

**ON THE PREMISES AT:** 437-441 Parsells Avenue

**ZONING DISTRICT:** R-1 Low Density Residential

**APPLICATION NUMBER:** E-046-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016, the City Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and at the City Planning Commission deliberations held on April 20, 2016, said application was **APPROVED**.

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

2016 MAY 9 - 11 AM 9:02  
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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval to establish a low impact take-out restaurant in an R-1 Low Density Residential District. Section 120-146.1 has determined that retail operations, low-impact, specialty, and full-line food stores, have so few negative impacts that they may be located in close proximity to residential uses as they will offer necessary products and services to residents. Special Permit approval is also required to legalize the existing community center.

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

- 1) The subject property is located on Parsells Avenue at the corner of Greeley Street. The most recent certificate of occupancy states that the building is legal as an office, retail and two families on the first floor, and four families on the second floor.
- 2) The applicant would like to establish a low-impact take-out coffee shop with six convenience seats at 437 Parsells Avenue. The proposed coffee shop will be used to train local youth and aiding them in development of workplace skills, while at the same time provide a service to the neighborhood.
- 3) The applicant would also like to legalize a community center at 441 Parsells Avenue. This space is currently used for children's programs, nutrition programs, and "12 Step" groups. According to the applicant, all programs are designed and implemented to serve the immediate neighborhood.
- 4) Parking for both uses is located at the rear of the property. There are five parking spaces, as well as three spaces in the garage. The applicant noted that there is also on-street parking in front of the building. In addition, most people walk, bike or take the bus to the community center.

- 5) The City Planning Commission noted that there were numerous letters of support submitted for this proposal. Written testimony noted the positive impact that the applicant and his organization have had in the community, along with strong support for the establishment of the coffee shop and legalization of the community center.
- 6) Based on the above, the City Planning Commission determined that the establishment of the low-impact take-out coffee shop with six convenience seats and legalization of the community center will not have a substantial or undue adverse impact on adjacent properties.

**C. The proposed building or use will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.**

The proposal to establish a low-impact, take-out coffee shop with six convenience seats at 437 Parsells Avenue and to legalize the community center at 441 Parsells Avenue will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.

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

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

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

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property that will be impacted by the proposed uses.

**Based on these facts and findings**, be it resolved that the City Planning Commission **APPROVES** application **E-046-15-16** by **Chris Holdridge, 441 Ministries**, to establish a low-impact take-out coffee shop with six convenience seats and to legalize a community center at 441 Parsells Avenue.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Chris Holdridge

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Addendum to Application  
Survey Map  
Floor Plan  
Interior and Exterior Photographs  
Aerial Photograph of Site  
Zoning Map  
Location Map  
Letter of Support from Rodric Cox-Cooper, The Community Place of Greater Rochester, Inc., dated April 7, 2016  
Letter of Support from Daniel Acevedo, dated April 8, 2016  
Letter of Support from John F. Andres, dated April 13, 2016  
Letter of Support from Kyle Crandall, Beechwood Neighborhood Coalition, dated April 15, 2016  
Letter of Support from Rev. Dr. Ann C. Kemper, Covenant United Methodist Church, dated April 15, 2016  
Letter of Support from Nelson Leenhouts and Kimberly P. Russell, Home Leasing, dated April 15, 2016  
Letter of Support from Pastor Marlowe V.N. Washington, Parsells Church, dated April 15, 2016  
Email of Support from Nancy Johns-Price, Southeast Neighborhood Service Center, dated April 7, 2016  
Email of Support from Joe DiFiore, dated April 18, 2016  
Short Environmental Assessment Form Parts I and II  
Notice of Environmental Determination dated April 18, 2016  
Personal Appearance Notice  
Notification Labels  
Speakers' list

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve

**CITY OF ROCHESTER  
NOTICE OF ENVIRONMENTAL DETERMINATION**

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

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

**ACTION:** Classification: Unlisted  
Description: Special Permit Determination

**PROJECT:** Location: 437-441 Parsells Avenue  
Applicant: Chris Holdridge, 441 Ministries  
Description: To establish a low-impact take-out coffee shop with six convenience seats at 437 Parsells Avenue and to legalize a community center at 441 Parsells Avenue.

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

**LEAD AGENCY:** City Planning Commission

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

**DATE ISSUED:** April 18, 2016

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

**FILE REFERENCE NUMBER:** E-046-15-16

**DISTRIBUTION:** Planning Commission  
Case File



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Rochester Christian Church Ministries  
3177 Lyell Road  
Rochester, New York 14606

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** legalize a total of 12 apartments (available for rent to the public) in this former school building that were previously approved for use by the visiting ministries of the bible college.

**ON THE PREMISES AT:** 208 North Goodman Street

**ZONING DISTRICT:** R-2 Medium Density Residential District

**APPLICATION NUMBER:** E-047-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016 and at the deliberations held on April 20, 2016, said application was **APPROVED**.

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

**CITY PLANNING COMMISSION**

  
Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

xc: Barkstrom Architects, 50 Chestnut Plaza, Rochester, New York 14607  
Daniel F. Brennan, Esq., 2 State Street, Rochester, New York 14607

2016 MAY -6 AM 9:02  
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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval in an R-2 Medium Density Residential District to establish a multifamily dwelling, subject to the additional requirements of Section 120-166. This proposal meets the additional requirements of Section 120-166.

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

- 1) The subject property is located on North Goodman Street between University Avenue and Anderson Avenue. The building was constructed in 1919 as School 31.
- 2) The building is currently used by the applicant for ministry activities, including a television production studio. There are also six existing apartments in this building that are currently legal to house visiting ministers only.
- 3) The applicant is proposing to convert six classrooms to six additional apartments for a total of 12 studio apartments. Each apartment will be approximately 750-800 square feet and will maintain original features of the classrooms, including chalkboards, hardwood floors, and architectural details will be restored. The apartments will be located on the second floor of the building. (Please note, this property was granted approval in 2013 to develop 12 apartments for the visiting ministries of the bible college, but only six were completed.) Once the classrooms are converted, the applicant would like the ability to rent all 12 apartments to the public.

- 4) The proposal to legalize all 12 apartments in this former school building is subject to Section 120-166, dwelling unit conversions standards. The proposed apartments will exceed all of the minimum standards under the dwelling unit conversion section.
- 5) The City Planning Commission noted that 21 parking spaces have been provided. This was determined to be adequate for the apartments, as well as the other permitted uses that are existing or proposed for the property.
- 6) Based on oral testimony, the City Planning Commission determined that the proposed use was one that would fit well into the neighborhood. Therefore, the City Planning Commission concluded that allowing all 12 apartments in this former school building to be rented to the public would not have a substantial or undue adverse effect upon adjacent properties.

**C. The proposed building or use will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.**

Given that there is neighborhood support for this project, the City Planning Commission determined that the proposed use will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.

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

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

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

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

**Based on these facts and findings**, be it resolved that the City Planning Commission **APPROVES** application **E-047-15-16** by **Rochester Christian Church Ministries**, to legalize a total of 12 apartments (available for rent to the public) in this former school building that were previously approved for use by the visiting ministries of the bible college at **208 North Goodman Street**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Daniel Brennan, representative for applicant  
Evan Lowenstein

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Letter of Intent  
Floor plans  
Site Plan with Parking Spaces shown  
Interior and exterior photographs  
Site Map  
Aerial photograph of site  
Zoning Map  
Personal Appearance Notice  
Notification Labels  
Speakers' list

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve



**City of Rochester**

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

Bureau of Planning  
and Zoning

May 4, 2016

Mr. Paul Scuderi  
City of Rochester  
30 Church Street  
Rochester, New York 14614

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish an Alternative Sign Program for the Port Terminal Building.

**ON THE PREMISES AT:** 1000 North River Street

**ZONING DISTRICT:** H-V Harbortown Village District

**APPLICATION NUMBER:** E-048-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on April 18, 2016 and at the deliberations held on April 20, 2016, said application was **APPROVED**.

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

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**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval to establish an Alternative Sign Program (ASP). Section 120-177K provides the opportunity for a property owner to submit a sign program containing provisions different from the sign requirements found in the Zoning Code to allow for imaginative, effective and visually compatible plan for all signs on a property. The intent of this provision is to allow for creative responses to site-specific conditions or uses.

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

- 1) This request involves approving an ASP for the Port Terminal Building.
- 2) According to the applicant, the proposed ASP is intended to establish a reasonable and appropriate framework for advertising each tenant's business. By controlling placement, type and size of signs, the applicant intends to prevent sign clutter and provide an appearance that is aesthetically harmonious with an assortment of signs that complement the architecture of the building.
- 3) The City Planning Commission found that the proposed ASP was imaginative, effective, and visually compatible with the adjacent properties. It was also noted by the City Planning Commission that an ASP was necessary to ensure that the signage of all the tenants complements the Port Terminal Building.
- 4) As a result, the City Planning Commission approved the proposed ASP for the Port Terminal Building.

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

The City Planning Commission concluded that the ASP would not interfere with the development and use of neighboring properties. Creation of an ASP will ensure that signs are deliberately placed in a way that will complement the building and provide essential advertising without creating a chaotic and unattractive visual environment.

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

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

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

The proposed ASP for the signage on the Port Terminal Building will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES** application **E-048-15-16** by the **City of Rochester** to establish an Alternative Sign Program for the Port Terminal Building at **1000 North River Street**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Paul Scuderi  
Tim Raymond

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Addendum to Standards  
Photos of the Site and Building and Renderings of the Proposed Signage  
Aerial Photograph of Site  
Zoning Map  
Site Location Map  
Personal Appearance Notice  
Notification Labels  
Speakers' List

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve