

**CITY PLANNING COMMISSION**

**RECOMMENDATION**

**ZONING MAP AMENDMENT**

**Re:** To amend the Zoning Map by rezoning the property at 127 Flower Street from R-1 Low Density Residential District to C-2 Community Center District so that it can be combined with the existing church property located at 937 North Clinton Avenue (AKA 939 North Clinton Avenue).

**Case No:** M-06-15-16

**Resolution:**

**RESOLVED**, the City Planning Commission **RECOMMENDS** that the Official Zoning Map be amended by rezoning the property at 127 Flower Street from R-1 Low Density Residential District to C-2 Community Center District.

**Vote:** Motion Passes

**Action:** Recommend Approval

**Filing date:** May 16, 2016

**Record of Vote:** 6-0-0

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

**Findings of Fact:**

This decision was based on the following findings of fact:

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

The City Planning Commission determined that the proposed rezoning was in harmony with the goals, standards and objectives of the comprehensive plan. It was noted by the City Planning Commission that rezoning the property was necessary to allow the Church to combine 127 Flower Street with the Church property located at 937 North Clinton Avenue, so that the pending purchase of 127 Flower Street from the City of Rochester could be finalized.

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

The City Planning Commission noted that at the present time, the applicant will be keeping the property at 127 Flower Street as green space until the Church is ready to proceed with an expansion of their parking lot. Therefore, the City Planning Commission concluded that the current use, as green space, as well as possible future development as expanded parking for the Church, conforms with the uses of nearby properties and with the character of the neighborhood. In addition, it is important to note that any proposed parking expansion on this property would require site plan review approval by the City.

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

The City Planning Commission noted that the applicant will be combining the property with the existing church property at 937 North Clinton Avenue (AKA 939 North Clinton Avenue). Although any C-2 Community Center District use could be established on this property, it is the intent of the Church to have this parcel remain as green space for the time being. In addition, the Church is aware that should they decide to utilize this parcel for parking, they will be required to submit a site plan review application and go through the site plan review process.

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

The utilities and services available are sufficient.

**MINUTES**

**TEXT AMENDMENT**

**M-07-15-16**

**CITY PLANNING COMMISSION INFORMATIONAL MEETING (5/16/2016)**

**Page 1 of 1**

**APPLICANT:** Reverend Jose Marrero, Pentecostal Holiness Church

**PURPOSE:** To amend the Zoning Map by rezoning the property at 127 Flower Street from R-1 Low Density Residential District to C-2 Community Center District to combine with the existing church property located at 937 North Clinton Avenue (AKA 939 North Clinton Avenue); an action requiring City Planning Commission recommendation to City Council.

**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

**Louie Carini:** My name is Louie Carini and I am the Professional Engineer that prepared the plans for Reverend Marrero. About 25 years ago he built a church here and about 5 years ago he building a gymnasium here. They have been a benefit to the neighborhood. Now they have the opportunity to buy one small piece of property, a City lot. They have no immediate use for it. They will keep it green and cut the grass. In order to transfer this to their property, because they are in a C-2 and this is in an R-1, they need your approval. We are asking that you approve it for us. If you have any questions, I will do my best for you.

**Questions from the Members: NONE**

**Speakers in Favor: NONE**

**Speakers in Opposition: NONE**

**HEARING ENDS**



**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

June 2, 2016

Marybeth and Al Giglio  
Harry G's NY Deli and Café  
54 Riverferry Way  
Rochester, New York 14608

**NOTICE OF DECISION**

**In the matter of the request for Special Permits to:** to establish live entertainment in the existing bar/restaurant and to consider an Alternative Parking Plan to address the 17 space parking deficit creation by the addition of live entertainment.

**ON THE PREMISES AT:** 676-680 South Avenue

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

**APPLICATION NUMBER:** E-049-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 2016 the Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and said application was **APPROVED**.

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

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EITP  
Secretary, City Planning Commission

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 JUN -2 PM 1:53

**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 C-2 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 residentially developed areas are above the first floor of the buildings. Further, it was noted by the City Planning Commission that the types of live entertainment proposed will not result in a disturbance.
- 3) The applicants also submitted an Alternative Parking Plan for the 17 parking space deficit created by the addition of live entertainment. The City Planning Commission accepted this Alternative Parking Plan.

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

- 1) The subject property is located on South Avenue, near the intersection of South Avenue and Gregory Street. The building is legal for two sit-down restaurants on the first floor, two apartments on the second floor and two apartments on the third floor. Please note that although the building is legal for two sit-down restaurants, they function as one restaurant (Harry G's NY Deli and Café). The occupancy for both sit-down restaurants combined is 80 people.
- 2) The applicant wishes to add live entertainment between the hours of 4:30PM and 10:30PM, daily. Harry G's currently operates between the hours of 10:00AM and 9:00PM, Monday through Thursday, 10:00AM and 11:00PM; Friday and Saturday, and 10:00AM and 5:00PM, Sunday. According to the applicant, live entertainment will consist of low impact entertainment such as wine tastings, karaoke, trivia, wine and painting classes, acoustic music and the like.

- 3) The City Planning Commission noted that several letters of support were received. These letters detailed the current role that the bar/restaurant has played in the community and that it is a valuable community asset. In addition, written testimony noted that the addition of live entertainment will help the restaurant prosper and grow, thus benefitting the neighborhood.
- 4) The applicant submitted the following Alternative Parking Plan to address the 17 space parking deficit created by the addition of live entertainment:
  - Five spaces at St. Boniface Church located at 330 Gregory Street.
  - Public parking lot located at 713 South Avenue
  - Postler and Jaekle parking lot for nighttime and weekend use (as per an agreement with BASWA)
  - 7 bus stops within 1,000 feet
  - More than 300 on-street parking spaces

After review of the Alternative Parking Plan, the City Planning Commission determined that the plan sufficiently addressed the 17 space parking deficit.

- 5) The City Planning Commission determined that the request to add live entertainment would not have a substantial or undue adverse effect on adjacent properties, as the live entertainment proposed was determined to not produce a significant amount of noise.

**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 addition of live entertainment to this existing bar/restaurant would not interfere with the development and use of neighboring properties. In fact, the City Planning Commission pointed out that written testimony indicated the addition of live entertainment to this bar/restaurant would benefit the business itself, as well as the neighborhood.

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

The utilities and public services available are sufficient to meet the demands of the addition of live entertainment to the existing bar/restaurant.

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES** application **E-049-15-16** by **Marybeth and Al Giglio, Harry G's NY Deli and Cafe**, to establish live entertainment in an existing bar/restaurant and to consider an Alternative Parking Plan to address the 17 space parking deficit creation by the addition of live entertainment.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Al Giglio  
Marybeth Giglio

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Survey Map, Floor Plan, Interior photographs  
Alternative Parking Plan  
V-073-11-12 Decision, dated May 1, 2012  
Letter of Support from BASWA, dated May 16, 2016  
Letter of Support from DK Zakrzewski, Zak's Avenue, dated May 9, 2016  
Letter of Support from Marcelle Richer, dated May 9, 2016  
Letter of Support from Evan Pierce, Butapub, dated May 9, 2016  
Letter of Support from Thread, dated May 9, 2016  
Letter of Support and Parking Agreement from Rita S. Kramer, St. Boniface Church, dated May 9, 2016  
Letter of Support from Christopher Hennelly, The Christopher Group, dated May 14, 2016  
Letter of Support from Jennifer and Madelyn Posey, Hedonist Artisan Chocolates and Little Button Craft and Press, dated May 15, 2016  
Notice of Environmental Determination dated May 16, 2016  
Short Environmental Assessment Form Parts I and II  
Site Map  
Aerial photograph  
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**  
**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: 676-680 South Avenue  
Applicant: Marybeth and Al Giglio, Harry G's NY Deli and Cafe  
Description: To establish live entertainment in an existing bar/restaurant and to consider an Alternative Parking Plan to address the 17 space parking deficit created by the addition of live entertainment.

**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:** May 16, 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-053-14-15

**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

June 2, 2016

Mr. Jose A. Fontanez  
82 Massey Drive  
Rochester, New York 14611

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit:** to re-establish a vehicle repair operation with hours of operation between 9:00AM and 6:00PM.

**ON THE PREMISES AT:** 176 Child Street

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

**APPLICATION NUMBER:** E-050-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 2016, said application was **APPROVED ON CONDITION THAT:**

- 1) The applicant shall install a pipe bumper rail (between curb cut entrances) on the lot line to separate the parking area from the sidewalk to reduce the potential for vehicular and pedestrian conflicts.
- 2) The applicant shall restore the storefront windows by removing the T-111 wood paneling and installing glass that is transparent.
- 3) There shall be no outdoor storage.

**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 call Tom Kicior at (585) 428-7762 to complete this process.**

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

2016 JUN -2 PM 3:03

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE



**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 R-2 Medium Density Residential District provides a mix of housing choices. The inclusion of single-family residential, two-family residential and multifamily residential provides a diversity of housing choices while the bulk and density regulations maintain the lower-density scale of the neighborhoods. These residential areas are located proximate to neighborhood-scale shopping and service opportunities. The district requirements are intended to preserve, promote and protect a quality of urban residential living characterized by unobstructed front yards, pedestrian-scale streetscapes and buildings scaled and designed to be compatible with the neighborhood.
- 2) The structure was built as a vehicle repair garage, which was permitted at the time, but has not been allowed under previous zoning codes in this area since at least 1957 and perhaps earlier. Because vehicle repair is not permitted in the R-2 district, the past repair operation is considered a nonconforming use, which could have legally remained if it had been continuously operating on-site. A denied application in 2001 to use the building for vehicle repair indicates the use has been abandoned for at least fifteen years. Nonconforming uses are regulated by Article XXIV, Sections 120-198 through 120-201 of the 2003 Zoning Code.
- 3) To reestablish vehicle repair at 176 Child Street, a determination needs to be made if the new use is of the same or less intensity than the previous use based on 120-199F.(2) and 120-192B.(1)(b). The reactivation of a commercial use in a space designed for commercial purposes requires Special Permit approval.
- 4) Special Permit uses are those that have some special impact that require a careful review of their location, hours, design and configuration to determine their desirability on any given site.

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

- 1) The site is located in the R-2, Medium Density Residential District at the northeast corner of Child Street and Maple Street. The surrounding properties include single-family, two-family, and multi-family homes, as well as mixed-use structures.
- 2) The site includes a vacant one-story, 1,942 sq. ft. concrete block building and a paved front yard parking area that abuts the sidewalk with no separation or barrier (such as landscaping or fencing). Currently, all of the storefront windows are boarded up.
- 3) Permit records indicate that a vehicle repair garage was built in 1919 and in 1923 an addition was constructed. Vehicle repair was often found in residential and commercial districts in the past, as it provided a neighborhood service and employment opportunities for nearby residential uses. No other permits are available to explain what the building was used for after 1923. However in 1973, three underground fuel tanks were removed suggesting the site was used as a gas station for some period of time.
- 4) The applicant wishes to re-establish a two-bay vehicle repair operation in the existing 1,942 square foot building. No changes to the building are proposed. The site plan illustrates two parking spaces in front of the building (to the west) with concrete wheel stops, and two feet of landscaping separating the parking from the neighboring two-family residence to the north.
- 5) The City Planning Commission determined that re-establishing a vehicle repair operation with hours of operation 9:00AM to 6:00PM, would be equal to or less intense, as noted in the preliminary site plan review findings. Therefore, it was concluded that the proposed use would not have a substantial or undue adverse effect on adjacent properties and approval on condition was granted. Please note the following conditions:
  - 1) The applicant shall install a pipe bumper rail (between curb cut entrances) on the lot line to separate the parking area from the sidewalk to reduce the potential for vehicular and pedestrian conflicts.
  - 2) The applicant shall restore the storefront windows by removing the T-111 wood paneling and installing glass that is transparent.
  - 3) There shall be no outdoor storage.

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

To ensure that the re-establishment of a vehicle repair operation with hours of operation between 9:00AM and 6:00PM does not interfere with the development and use of neighboring properties, the City Planning Commission approved the proposed use on condition that:

- 1) The applicant shall install a pipe bumper rail (between curb cut entrances) on the lot line to separate the parking area from the sidewalk to reduce the potential for vehicular and pedestrian conflicts.
- 2) The applicant shall restore the storefront windows by removing the T-111 wood paneling and installing glass that is transparent.
- 3) There shall be no outdoor storage.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES ON CONDITION** application **E-050-15-16** by **Jose A. Fontanez** to re-establish a vehicle repair operation with hours of operation between 9:00AM and 6:00PM

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Louie Carini  
Jose Fontanez

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application  
Preliminary Site Plan Findings, dated March 21, 2016

**Evidence Continued**

Survey Map

Site Plan

Floor Plan

Aerial Photograph of location

Location Map

Zoning Map

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

Survey Map  
 Site Plan  
 Floor Plan  
 Aerial Photograph of location  
 Location Map  
 Zoning Map  
 Personal Appearance Notice  
 Notification Labels  
 Speakers' List

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



June 2, 2016

Mr. Bhim Biswa  
699 South Clinton Avenue  
Rochester, New York 14620

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** add high-impact secondhand jewelry to an existing jewelry store.

**ON THE PREMISES AT:** 695 South Clinton Avenue

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

**APPLICATION NUMBER:** E-051-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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, said application was **APPROVED FOR TWO (2) YEARS, UNTIL MAY 31, 2018.**

**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 Lagonero, AICP, EIT  
Secretary, City Planning Commission



**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 the goals, standards and objectives of the Comprehensive Plan:**

- 1) The relevant goals and objectives of the Comprehensive Plan are reflected in the Zoning Code and its 2012 amendments which require Special Permit approval to establish a high-impact retail use in a C-2 Zoning District while other retail uses remain permitted as of right. Zoning Code §§ 120-43T, 120-42M. The proposed use is defined as a High-Impact retail use because it requires a secondhand dealer's license. The Zoning Code applies additional scrutiny and places additional restrictions on certain categories of retail sales and service that it classifies as "High-Impact." High-Impact retail includes secondhand dealers, firearms dealers, and shops selling tobacco products or lottery tickets. "High-impact retail sales and service and pawnbrokers, due to the nature, volume or intensity of the sales and services provided, have a history of or a likelihood of creating negative impacts to adjacent properties or the surrounding neighborhood by virtue of operational impacts such as noise, traffic, parking, loitering, and increased need for police services." Zoning Code §120-146.1. One of the additional general requirements is a separation of at least 500 feet from other High-Impact retail establishments as well as certain "protected uses" comprised of either public and semipublic uses, except police and fire stations, or private schools.
- 2) Per Section 120-192B(4)(d) and (e) of the Zoning Code, the Planning Commission can approve the application for a Special Permit "such conditions as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood," including but not limited to issuing it for a specific time period. As such, the City Planning Commission granted a two (2) year temporary approval for Bhim Biswa, Bhim Jewelry and Repair House.

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

- 1) The subject property is a mixed use building at South Clinton Avenue and Gregory Street. The building is legal for a store on the first floor, four families on the second floor and three families on the third floor.
- 2) The applicant currently operates a jewelry store on the first floor of this building. The sale of jewelry is a low-impact retail use permissible as of right in the C-2 District. The applicant wishes to add the ability to buy and trade jewelry at his store. The hours of operation are currently Monday through Sunday from 9:00AM to 6:00PM and are not proposed to change. Parking is located in the back of the building.
- 4) Testimony indicated that there was no concern regarding public safety during the approximately 3 years that the applicant has been operating the jewelry store. The applicant states that he desires to extend his operations into second hand dealing in order to be able to buy back jewelry from repeat customers so that they may either purchase a new piece or exchange for a different piece.
- 5) The proposed use is within 500 feet of one other high-impact retail sales use, a grocery stores located at 709 South Clinton Avenue. However, the Commission may waive the 500-foot separation requirement if it determines that unique physical conditions of the premises and/or or particular characteristics of surrounding properties make the separation requirement unnecessary to mitigate the adverse operational impacts, such as noise, traffic, parking, loitering, and increased need for police services, associated with the typical high-impact retail use. Zoning Code §120-129B. The City Planning Commission determined that a waiver of the 500-foot separation requirement is justified in this case based on the following factors: repairing and selling jewelry will be the applicant's primary activities with transactions in secondhand jewelry being a secondary activity; the store will not deal in other secondhand goods, such as electronics, that are more likely to be stolen and fenced; a secondhand jewelry store is different in kind from a convenience store; and the store hours are limited so it will not entail late night activities that can disturb the nearby residents.
- 6) The City Planning Commission granted a temporary approval for two years until May 31, 2018, to reevaluate at the end of the term based on real-life experience whether the store can be operated without contributing to an increase in theft and other illegal or nuisance activities in the surrounding neighborhood.

**C. The proposed use will not dominate the immediate vicinity nor interfere with the development and use of neighboring properties:**

- 1) Pursuant to Section 120-146.1 of the Zoning Code, storefront transparency must be maintained and no interior shelving may block the windows of the storefront. The applicant is aware of this requirement and is not proposing to block the windows.
- 2) Given that the proposed use is not a convenience store and will only be operating between 9:00 AM and 6:00 PM daily, the City Planning Commission concluded that establishing this high-impact secondhand jewelry store would not dominate the immediate vicinity nor interfere with the development and use of neighboring properties, and therefore granted a two (2) year temporary approval until May 31, 2018, after which the applicant will need to return to the City Planning Commission to assess the impacts of this use on the surrounding area.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES FOR TWO (2) YEARS, UNTIL MAY 31, 2018**, application **E-051-15-16 by Bhim Biswa, Bhim Jewelry and Repair House**, to add high-impact secondhand jewelry to an existing jewelry store, at **695 South Clinton Avenue**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Bhim Biswa  
Joyce Gilchrist

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards

**Evidence Continued**

Floor Plan

Interior and Exterior Photographs

High Impact Buffer Map

Aerial Photograph of Site

Zoning Map

Site Location Map

Short Environmental Assessment Form Parts I and II

Notice of Environmental Determination dated May 16, 2016

Personal Appearance Notice

Notification Labels

Speakers' Lists

**Record of Vote:**

D. Watson

Approve for two years

S. Rebholz

Approve for two years

E. Marlin

Approve for two years

H. Hogan

Approve for two years

T. Bruce

Approve for two years

S. Mayer

Approve for two years

**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: 695 South Clinton Avenue  
Applicant: Bhim Biswa  
Description: To add high-impact secondhand jewelry to an existing jewelry store.

**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 as presented is not incompatible with the area and adjacent uses.

**LEAD AGENCY:** City Planning Commission

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

**DATE ISSUED:** May 16, 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-051-15-16

**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

June 2, 2016

Ms. Yvette Brown  
19 Ainsworth Lane  
Rochester, New York 14624

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit:** to establish a residential care facility for a maximum of seven young women.

<b>ON THE PREMISES AT:</b>	<b>27 Reed Park</b>
<b>ZONING DISTRICT:</b>	<b>R-1 Low Density Residential District</b>
<b>APPLICATION NUMBER:</b>	<b>E-052-15-16</b>
<b>VOTE:</b>	<b>6-0-0</b>

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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 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 call Jill Wiedrick at (585) 428-6914 to complete this process.**

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 JUN -2 PM 1:53



**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 to establish a residential care facility in an R-1 Low Density Residential District. In addition, the proposed residential care facility is subject to Section 120-146.
- 2) The R-1 Low Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 Low Density Residential District is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes but often contains a diverse mix of other preexisting higher-density residential uses. Each R-1 neighborhood is unique in character, composition and scale. The District requirements are intended to preserve and promote neighborhoods characterized by unobstructed front yards and pedestrian-scale streetscapes and to protect against undesirable uses and residential conversions.

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

- 1) The subject property is located on Reed Park. The house is currently legal as a two family. One family is located on the first floor, and one family is located on the second floor. There is no third floor occupancy.
- 2) The applicant wishes to establish a residential care facility for a maximum of seven young women. Yvette's House of Destiny is proposed to be a home for young women who are at risk of homelessness and dropping out of school due to challenges associated with their current environment.
- 3) Oral and written testimony expressed support for the applicant, as well as her proposal. Testimony noted the challenges that are faced in the community and the need for the use that the applicant proposes.

- 4) The City Planning Commission noted that those who are part of this project have submitted resumes that demonstrate their experience and current involvement in the community.
- 5) The City Planning Commission determined that the location that is proposed for this use is sufficient. The existing two family home will be used to house a maximum of seven young women. It was also noted that there is ample parking for employees on site and that on street parking exists for visitors.
- 6) The City Planning Commission concluded that based on the above, the proposed residential care facility for a maximum of seven young women will not have a substantial or undue adverse effect upon adjacent properties.

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

- 1) The City Planning Commission noted that the proposed use will be located in an existing two family home. In addition, ample parking exists on site for employees and that there is also on street parking.
- 2) Testimony indicated that the proposed use was needed and necessary for the community. Further, testimony expressed that this was another opportunity in the area, which along with other projects and revitalization efforts, will support the community and its residents.
- 3) The City Planning Commission determined that the residential care facility for a maximum of seven young women will be developed so as not to interfere with the development and use of neighboring properties.

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

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

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **APPROVES ON CONDITION** application **E-052-15-16 by Yvette Brown** to establish a residential care facility for a maximum of seven young women at **27 Reed Park**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Yvette Brown  
James Brown  
Jennifer Reed  
David Carr

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Addendum to Standards  
Resumes  
Floor plans  
Photographs of the exterior and interior  
Aerial Photograph of location  
Location Map  
Zoning Map  
Letter of Support from Susen Hart, dated May 11, 2016  
Letter of Support from HABA, dated May 12, 2016  
Letter of Support from CONEA, dated May 14, 2015  
Short Environmental Assessment Form Parts I and II  
Notice of Environmental Determination dated May 16, 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: 27 Reed Park  
Applicant: Yvette Brown  
Description: To establish a residential care facility for a maximum of seven young women.

**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, Sr. City Planner  
Bureau of Buildings and Zoning, (585) 428-6914

**DATE ISSUED:** May 16, 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-052-15-16

**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

June 2, 2016

Mr. William O'Dell  
Romig's Tavern  
18 Bennington Drive  
Rochester, New York 14616

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish an accessory outdoor seating/assembly area for the existing bar/restaurant with the outdoor area operating until 2:00AM, daily.

**ON THE PREMISES AT:** 18 Bennington Drive  
**ZONING DISTRICT:** C-2 Community Center District  
**APPLICATION NUMBER:** E-053-15-16  
**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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 said application was **APPROVED ON CONDITION THAT:**

**The accessory outdoor seating/assembly area shall only be utilized until 1:00AM, daily.**

**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

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 JUN -2 PM 1:54



**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 in a C-2 Community Center District to establish accessory outdoor seating to a permitted use.

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

- 1) The subject property is an existing bar/restaurant located on Bennington Drive, near Dewey Avenue. The current occupancy is 162 people.
- 2) The applicant wishes to add outdoor seating to the established bar/restaurant. The outdoor area is proposed to operate until 2:00AM, daily. The applicant has indicated that there will be no music in the outdoor area. This area will be for patrons to eat and drink. The Buildings Division has noted that the addition of the outdoor area will not increase the occupancy posting for the bar/restaurant.
- 3) Written testimony was submitted that opposed the addition of an outdoor seating area, noting that currently, without such an area, the sound emanating from the bar is disruptive. The applicant submitted written testimony and repeated in oral testimony that he has tested the noise levels and determined that nothing could be heard on Banker Place, noting that nothing other than street traffic and noise from Ontario Plastics can be heard. Further, the applicant stated in oral testimony that he resided on Banker Place years ago and never heard noise from the bar/restaurant, but did hear noise from street traffic.
- 4) Oral testimony indicated that since the applicant has taken over the bar/restaurant, several changes have taken place to make the location more  
  - 1) family friendly and part of the community, including staff changes and attraction of a different clientele. The applicant noted in oral testimony that he and his brother, co-owner of the bar/restaurant, are there every day to ensure that things
  - 2) are run properly and that the bar/restaurant has a positive impact on the neighborhood.

- 5) To ensure that the neighborhood was not impacted by the addition of the accessory outdoor seating/assembly area, the City Planning Commission approved the request on condition that the outdoor seating/assembly area shall only be utilized until 1:00AM, daily.

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

Noting both oral and written testimony and to ensure that the establishment of an accessory outdoor seating/assembly area for the existing bar/restaurant did not dominate the immediate vicinity or interfere with the development and use of neighboring properties, the City Planning Commission conditioned the approval on the outdoor seating/assembly area only being utilized until 1:00AM, daily.

**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 ON CONDITION** application E-053-15-16 by **William O'Dell, Romig's Tavern**, to establish an accessory outdoor seating/assembly area for the existing bar/restaurant with the outdoor area operating until 2:00AM, daily at **18 Bennington Drive**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

William R. O'Dell  
John Stewart  
Dan Barletta  
Barry Klimuszka  
William A. O'Dell  
Karen Heit O'Dell  
Robin Sodeman  
Dawn Korts  
John McNeil

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Survey Maps  
Survey Map showing outdoor seating/assembly area location  
Post locations  
Views of fence  
Drawing of steel bollard  
Dimensions of enclosure  
Material list  
Exterior Photographs with cones representing outdoor seating/assembly area  
Site Map  
Aerial photograph of site  
Zoning Map  
Email of Opposition from Ed and Corinne Blakely, dated May 12, 2016  
Email of Opposition from Ed Patrick and Jennifer Mosher, dated May 16, 2016  
Email Response to Opposition from William O'Dell, dated May 12, 2016  
Short Environmental Assessment Form Parts I and II  
Notice of Environmental Determination dated May 16, 2016  
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: 18 Bennington Drive  
Applicant: William O'Dell, Romig's Tavern  
Description: To establish an accessory outdoor seating/assembly area for the existing bar/restaurant with the outdoor area operating until 2:00AM, 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:** May 16, 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-053-15-16

**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

June 2, 2016

Solar Liberty Energy Systems  
6500 Sheridan Drive, Suite 120  
Buffalo, New York 14221

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** install a ballasted, ground-mounted solar array on a decommissioned landfill.

**ON THE PREMISES AT:** 1655 Lexington Avenue

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

**APPLICATION NUMBER:** E-054-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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, 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 Lagongro, AICP, EIT  
Secretary, City Planning Commission

xc: Anne Spaulding, City of Rochester Department of Environmental Services

2016 JUN -2 PM 1:54  
RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE



**Resolution and Findings of Fact:**

This decision was based on the following findings of fact:

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

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

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval for solar energy systems, subject to a marketability analysis, and subject to the requirements for specified uses in Section 120-148.2.

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

- 1) The parcel located at 1655 Lexington Avenue is located on the northwestern portion of the Former Emerson Street Landfill (FESL). The FESL was owned and operated by the City from about the early 1940's to 1971 as a landfill for the disposal of municipal solid waste. The landfill was initially designed to dispose of ash derived from the incineration of municipal solid waste at City operated incinerators.
- 2) The City-owned parcel located at 1655 Lexington Avenue is vacant industrial land, approximately 24 acres in size, and is zoned M-1. This parcel is unimproved and does not contain any permanent buildings or structures.
- 3) The applicant, Solar Liberty, proposes to install a ballasted, ground-mounted solar array on this property.
- 4) Solar Liberty will finance, permit, design, install, own, maintain and operate an approximately two megawatt (MW) photovoltaic (PV) solar energy generating facility on a portion of City-owned property at 1655 Lexington Avenue, the former Emerson Street Landfill. The City will purchase power from Solar Liberty and will benefit from energy savings over the 25 year term of the Power Purchase Agreement (PPA).
- 5) The proposed solar photovoltaic (PV) array to be located on 1655 Lexington Avenue site will provide 2 megawatts of interconnected AC generating capacity of electricity, the largest single plant PV generating capacity allowed under NYS Standardized Interconnection requirements. The proposed PV array occupies approximately 6.4 acres of land on the parcel and will be comprised of close to 8,000 solar panels. Ballasted ground mount solar racking of 20 degree tilt will eliminate the need for driven structural supports. It is anticipated that year one production will be 2,885,729 kWh of electricity.

- 6) During the term of the PPA, Solar Liberty will be solely responsible for all operating and maintenance activities at the site. Other than the obligation to purchase power, the City would incur no ongoing costs for operating or maintaining the PV facility. At the completion of the 25 year term of the PPA, the City will have the option to purchase the system at its depreciated value or have Solar Liberty remove the system.
- 7) The City Planning Commission noted that the applicant had submitted a marketability analysis and concurred with the analysis, as the property has been vacant for 45 years with no viable proposal for development offered. In addition, due to the large amount of solid waste present at the site, geotechnical conditions prohibit any cost effective development.
- 8) The City Planning Commission determined that the proposed installation of a ballasted, ground-mounted solar array on a decommissioned landfill would not have a substantial or adverse effect upon adjacent properties. Commissioners noted that the solar array will be relatively low to the ground and will be ballasted. Further, the City Planning Commission noted that reusing this property for this purpose was a good reuse of land that had been vacant for 45 years.

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

The City Planning Commission determined that the proposed use will not interfere with the development and use of neighboring properties, as the land surrounding this property is industrial in nature.

**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-054-15-16 by **Solar Liberty Energy Systems, Inc.** to install a ballasted, ground-mounted solar array on a decommissioned landfill at **1655 Lexington Avenue.**

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Mike Prinzi  
Mark Gregor

**Opposing Testimony:**

None

**Evidence:**

- Staff Report
- Special Permit Application and Standards
- Project Information
- Marketability Analysis
- Letter regarding delisting of site
- New York State Office of Parks, Recreation and Historic Preservation No impact letter
- Location Map
- Detailed Site Map
- State Water Body Map
- Additional Information on Project Area from NYSDEC
- Wetland Inventory Map
- FEMA Flood Hazard Map
- Survey Map
- Grading Plan
- Solar Pad Map
- Electrical Stamp Area Map
- Array and Inverter Details
- Photographs of Site
- Aerial Photograph of Site
- Zoning Map
- Location Map
- Notice of Environmental Determination dated May 16, 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: 1655 Lexington Avenue  
Applicant: Solar Liberty Energy Systems, Inc.  
Description: To install a ballasted, ground-mounted solar array on a decommissioned landfill.

**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:** May 16, 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-054-15-16

**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

June 2, 2016

Mr. Dwayne Lanzillo  
Hostile Horde Motorcycle Club, Inc.  
629 Oak Street  
Rochester, New York 14608

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** legalize a private motorcycle club and to consider an Alternative Parking Plan for the 34 parking spaces required to establish the private club.

<b>ON THE PREMISES AT:</b>	<b>629 Oak Street</b>
<b>ZONING DISTRICT:</b>	<b>C-2 Community Center District</b>
<b>APPLICATION NUMBER:</b>	<b>E-055-15-16</b>
<b>VOTE:</b>	<b>6-0-0</b>

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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 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

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 JUN -2 PM 1:54



**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.**

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval in a C-2 Community Center District to establish a private club.
- 2) Within the 2003 Zoning Code is the potential for an Alternative Parking Plan. An alternative parking plan is a means to meet vehicle parking requirements other than to provide parking spaces on site in accordance with the ratios established in the Zoning Code.

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

- 1) The subject property is a mixed use building near the intersection of Lyell Avenue and Oak Street. The last certificate of occupancy indicates that the building is legal as a store on the first floor and two apartments on the second floor.
- 2) The applicant wishes to legalize an existing private motorcycle club. The club currently has 19 members. The membership fee is \$40 per month. In order to be part of the club, you must own either a Harley-Davidson motorcycle or another motorcycle that is made in the United States. The club has a President, Vice President, Secretary, Treasurer, and a Road Captain.
- 3) Meetings are held biweekly on Wednesday evenings between 5:00PM and 9:00PM. At these meetings, club bills, as well as where the upcoming weekend rides will be, are discussed. Members are also at the club on Saturday nights between the hours of 6:00PM and 11:00PM. Members socialize on Saturday nights.
- 4) The City Planning Commission noted that a letter of support signed by numerous neighbors was submitted. In addition, oral testimony indicated that

the motorcycle club is a social club that conducts activities indoors that conclude by 11:00PM.

- 5) The applicant submitted the following Alternative Parking Plan for the 34 parking spaces required to establish the private club:
- Shared parking agreement with 601 Oak Street- 15 spaces
  - Credit for on-street spaces- 7 spaces
  - Motorcycle parking (south of building)- 10 spaces
  - Transit credit for bus stop located at Lyell Avenue and Oak Street- 2 spaces

After review of the Alternative Parking Plan, the City Planning Commission determined that the plan sufficiently addressed the 34 space parking deficit.

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

The City Planning Commission noted that the surrounding properties are commercial or industrial in nature, and therefore, the legalization of a private motorcycle club at 629 Oak Street, 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-055-15-16** by **Dwayne Lanzillo**, to legalize a private motorcycle club and to consider an Alternative Parking Plan for the 34 parking spaces required to establish the private club at **629 Oak Street**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Tom West  
Rick Vitale

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Alternative Parking Plan  
Map of designated parking area  
Parking agreement  
NYS DOS Division of Corporation Entity Information  
Survey Map  
Elevations  
Floor Plans  
Letter of Support signed by 11 neighbors, dated March 17, 2016  
Aerial photograph of site  
Zoning Map  
Short Environmental Assessment Form Parts I and II  
Notice of Environmental Determination dated May 16, 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: 629 Oak Street  
Applicant: Dwayne Lanzillo  
Description: To legalize a private motorcycle club and to consider an Alternative Parking Plan for the 34 parking spaces required to establish the private club.

**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:** May 16, 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-055-15-16

**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

June 2, 2016

Sister Grace Miller, House of Mercy  
752 Hudson Avenue  
Rochester, New York 14621

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** to expand a previously approved homeless shelter in a former manufacturing building.

**ON THE PREMISES AT:** 285 Ormond Street

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

**APPLICATION NUMBER:** E-005-15-16

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on May 16, 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 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, EH  
Secretary, City Planning Commission

XC: NH Architecture PC, 2099 West Ridge Road, Rochester NY 14626  
Edward Hourihan, Bond, Schoeneck, & King, 350 Linden Oaks, Suite 310, Rochester NY 14625

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
JUN 2 2016

Phone: 585.428.6526

Fax: 585.428.6137

TTY: 585.428.6054

EEO/ADA Employer



**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.**

- o The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval to establish a homeless shelter in an M-1 Industrial District, meeting the requirements for specified uses found in Section 120-141.

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

- 1) The subject property is a manufacturing building. The building is predominantly a single story structure, but is two stories in some portions.
- 2) The applicant proposes to expand the previously approved homeless shelter to be operated by the House of Mercy. Currently, the House of Mercy operates a homeless shelter at 725 Hudson Avenue. Should the proposed use of this location be approved as a homeless shelter, 725 Hudson Avenue will no longer be utilized.
- 3) Please note that a homeless shelter for House of Mercy was approved at this location in July 2015. Since this time, the House of Mercy has proposed to reduce the number of beds by 9, for a total of 90 beds. The House of Mercy is also proposing to add a BBQ Shelter, covered area for an entry porch and picnic tables, a fireplace and a grill. An addition at the South of the property will be for new laundry and bathroom facilities, while another addition will be for a fire stair and elevator. As these changes are substantially different from the original proposal, a new Special Permit is required.
- 4) The City Planning Commission determined, through provided documentation, along with oral testimony, that the proposal met all of the requirements for homeless shelters found in Section 120-141 of the Zoning Code.
- 5) The City Planning Commission noted that the proposed expansion of the previously approved homeless shelter in a former manufacturing building was a good reuse of a vacant building. The structure and property provide the much needed space that the House of Mercy is seeking to ensure that they are able to continue and expand their mission.

7) Therefore, it was determined by the City Planning Commission that the proposed use would not have a substantial or undue effect on adjacent properties, as demonstrated by supporting documentation.

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

The City Planning Commission determined that the proposed use, to expand a homeless shelter in a former manufacturing building, would not interfere with the development and use of neighboring properties. Further, the City Planning Commission noted that the applicant had developed several steps that would be taken to ensure a safe and secure location, ensuring that the homeless shelter would not impact the development and use of properties within close proximity.

**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-056-15-16** by **Sister Grace Miller, House of Mercy**, to expand a previously approved homeless shelter in a former manufacturing building at **285 Ormond Street**.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Edward Hourihan  
Sister Grace Miller

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Letter of Intent  
Floor Plans  
Homeless Shelter Location Map  
Notification Map  
Site and Landscaping Plan

**Evidence Continued**

- Exterior Photograph
- Aerial Photograph
- Zoning Map
- Location Map
- Notice of Environmental Determination dated May 16, 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

Exterior Photograph  
Aerial Photograph  
Zoning Map  
Location Map  
Notice of Environmental Determination dated May 16, 2016  
Short Environmental Assessment Form Parts I and II  
Personal Appearance Notice  
Notification Labels  
Speakers' List

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: 285 Ormond Street  
Applicant: Sister Grace Miller, House of Mercy  
Description: To expand a previously approved homeless shelter in a former manufacturing building.

**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:** May 16, 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-056-15-16

**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

June 2, 2016

10 Gold Street Properties, LLC  
1080 Pittsford-Victor Road, Suite 202  
Pittsford, New York 14534

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit:** to develop a 47 space ancillary parking lot to serve the proposed residential apartment buildings located at 1176-1188 Mt. Hope Avenue.

**ON THE PREMISES AT:** 16, 24 Gold Street and 17 Langslow Street

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

**APPLICATION NUMBER:** E-057-15-16

**VOTE:** 0-6-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on January 25, 2016, said application was **DENIED**.

**CITY PLANNING COMMISSION**

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 JUN -3 AM 8:58



**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 the goals, standards and objectives of the Comprehensive Plan.**

- 1) Special Permit uses are those that have some special impact that require a careful review of their location, hours, design and configuration to determine their desirability on any given site.
- 2) While the Zoning Code provides a Special Permit option for ancillary parking, it does not allow ancillary parking to be provided in a zoning district (in this case R-1) that is more restrictive than the district of the use that the parking will serve (i.e. C-1) unless the Planning Commission waives the restriction. The R-1 Low Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 Low Density Residential District is a distinct urban area that is characterized predominantly by single-family detached and attached homes but often contains a diverse mix of other preexisting higher-density residential uses. Each R-1 neighborhood is unique in character, composition and scale. The District requirements are intended to preserve and promote neighborhoods characterized by unobstructed front yards and pedestrian-scale streetscapes and to protect against undesirable uses and residential conversions.
- 3) The City Planning Commission concluded that the ancillary parking lot as proposed is not in harmony with the R-1 Low Density Residential District. According to the City Planning Commission, the ancillary parking lot negatively impacts the residential neighborhood in order to serve an adjacent C-1 District use. In addition, the City Planning Commission determined that the ancillary parking lot represents a commercial intrusion into the R-1 Low Density Residential District, because the setback and other requirements of the residential zoning district and the requirements for ancillary parking lots are not met. Therefore, the City Planning Commission found no bases for waiving the Zoning Code's restriction on placing within the R-1 district ancillary parking for a C-1 commercial district use.

**B. Whether the proposed use will have a substantial or undue adverse effect upon adjacent properties.**

- 1) 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.
- 2) The applicant proposes to develop a mixed-use development located within the C-1 Neighborhood Center District along Mt. Hope Avenue for housing 96 students. In order to provide the required parking for those residents, the applicant proposes to use a portion of an existing parking lot on 17 Langslow Street and extend it south onto 16 and 24 Gold Street.
- 3) The existing parking lot on 17 Langslow is not a preexisting non-conforming use that can be converted to the ancillary parking lot that the applicant proposes without the issuance of a Special Permit. Therefore, a Special Permit from the City Planning Commission is required to establish an ancillary parking lot in the R-1 district on all three parcels proposed by the applicant, 17 Langslow Street, and 16 and 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 that would be served by the proposed parking, and parcels across district lines cannot be combined (or 'resubdivided'). Therefore, the parking lot is considered to be ancillary to the two buildings.
- 4) As part of its review of the ancillary parking lot, the City Planning Commission may also waive certain aspects of the parking lot that are noncompliant with numerical standards of the Zoning Code, such as setbacks and landscaping. 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 parking lot is the principal use of the three proposed parking parcels, and must comply with regulations for a principal, rather than an accessory, use.
- 5) The proposed parking lot does not comply with some of those numerical standards for parking lots located in the R-1 district. Oral and written testimony noted that there are several issues with the design that make this non-compliant parking lot design undesirable. Neighbors expressed concern with snow storage. Although snow storage was indicated on the submitted drawing, the applicant indicated that all spaces would be utilized for this project, leading the City Planning Commission to question how snow would be distributed to this area if cars were in front of the snow storage area, as the snow storage is located

behind the parking area. The City Planning Commission reiterated that it is the property owner's responsibility to adequately manage snow removal.

- 6) Drainage was also noted by the community and the Commission as a concern, specifically by the neighboring property owner. The City Planning Commission questioned how storing all snow in one particular area would impact the neighboring property, as the slope of the area indicates that snow melt would likely flow into the neighboring property.
- 7) Oral and written testimony also expressed concern about the creation of new curb cuts on a residential street and the impacts that this would have on traffic in the area. The City Planning Commission expressed concern that the ancillary parking lot would add to the amount of congestion and potentially become a cut-through for those trying to avoid using Mount Hope Avenue or South Avenue.
- 8) The City Planning Commission concluded that, although the proposed ancillary parking lot may seem comparatively small to other ancillary parking lots, when an ancillary parking lot of this size is constructed in an R-1 District between two relatively short streets, the impacts of the parking lot are magnified. The City Planning Commission noted that the ancillary parking lot as designed presented a negative visual impact to the surrounding neighbors as there was a significant amount of asphalt shown on the drawing and not enough landscaping to ensure that it would not stand out from the surrounding residential neighborhood.
- 9) The City Planning Commission determined that the construction of an ancillary parking lot would have a substantial or undue adverse effect on adjacent properties. The City Planning Commission noted that the requirements of the R-1 District, as well as the requirements for ancillary parking lots, are intended to mitigate any impacts. Waivers were requested for lot coverage, front yard and side yard setbacks, and landscaping. The City Planning Commission determined that the design of the ancillary parking lot would create a substantial and undue adverse impact upon adjacent properties and therefore was unwilling to waive the requirements for lot coverage, front yard and side yard setbacks, and landscaping. Although the applicant often referred to the existing parking lot as not being in compliance and that the new portion was more in compliance, it should be noted that the existing parking lot has no records that legalize this use. The City Planning Commission determined that the burden was on the applicant to design an ancillary parking lot that served the needs of the principal use, while meeting the regulations of the Zoning Code.
- 10) In addition, a waiver was requested to construct an ancillary parking lot in a district that is more restrictive than the location of the principal use. The City Planning Commission determined that granting this waiver and thus approving the construction of an ancillary parking lot in an R-1 Low Density Residential District would pose a substantial and adverse effect on adjacent properties. Creation of a parking lot in a district that is more restrictive poses additional requirements to ensure that the surrounding properties in the more restrictive district are not negatively impacted. As noted above, the requirements were not

met and the City Planning Commission did not feel that mitigation adequately addressed those requirements. Further, the City Planning Commission concluded that the ancillary parking lot as proposed represented a commercial use encroaching into a residential district, which was not the intent of the allowance of ancillary parking lots as specially permitted uses. The Commission members did not accept the applicant's assertion that this residential neighborhood's proximity to College Town justifies waiving the Zoning Code's ancillary parking standards to such a significant degree.

**C. Whether 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 proposed 49 space ancillary parking lot to serve the proposed residential apartment buildings located at 1176-1188 Mt. Hope Avenue would interfere with the development and use of neighboring properties for the reasons noted above.

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

- 1) The utilities and services available are sufficient to meet the demands of the proposed use. However, the City Planning Commission expressed concern that the lights that would be installed surrounding the parking lot were too large in scale and were not scaled to fit into the residential neighborhood. At 20' tall, the City Planning Commission noted that these lights were commercial in nature, causing light to infiltrate and pollute the neighborhood.
- 2) The City Planning Commission also noted that the dumpster was placed in a location that was inaccessible to a refuse truck. Parking spaces that essentially block the dumpster prevent a refuse truck from accessing the dumpster. In addition, the City Planning Commission noted that the turning radii for a refuse truck to access the dumper was inadequate.
- 3) As noted above, the City Planning Commission reiterated the need to provide a snow storage area that was reasonable.

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

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

**BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED** that the City Planning Commission **DENIES** application **E-057-15-16** by **10 Gold Street Properties, LLC** to develop a 47 space ancillary parking lot to serve the proposed residential apartment buildings located at 1176-1188 Mt. Hope Avenue at **16, 24 Gold Street and 17 Langslow Street.**

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Duncan Frame  
Craig Jensen  
Ken Burnham

**Opposing Testimony:**

Victoria Posner  
Jason Brightful  
Dan Hurley  
Carol Baumeister  
Martin Pettibone  
Paul Liberatore

**Evidence:**

Staff Report  
Special Permit Application and Standards  
Addendum to standards  
Preliminary Site Plan Findings, dated April 20, 2016  
Boundary Line Agreement  
Survey Map  
Site Plan  
Floor Plans  
Elevations  
Exterior Perspectives  
Photographs of the Site  
Photographs of Structures on the Site  
Photographs of the Adjacent Properties  
Aerial Photograph of location  
Location Map  
Zoning Map  
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

Final Report	
Staff Report	
Special Permit Application	
Standards	
Photographs of the Site	
Photographs of Structures on the Site	
Photographs of the Adjacent Properties	
Aerial Photograph of location	
Location Map	
Zoning Map	
Personal Appearance Notice	
Notification Labels	
Speakers' List	