

**MINUTES  
TEXT AMENDMENT  
OMA-01-16-17  
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/8/2016)  
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**APPLICANT:** City of Rochester, City Engineer

**PURPOSE:** To amend the Official Map of the City of Rochester by acquiring by permanent easement for street improvement purposes as part of the Elmwood Avenue Cycle Track Project the following parcels or portions thereof; 250 Elmwood Avenue, 400 Elmwood Avenue, 420 Elmwood Avenue, 430 Elmwood Avenue, 490 Elmwood Avenue, 645/655 Elmwood Avenue, 665 Elmwood Avenue 1133 Mt. Hope Avenue, 1305-1355 Mt. Hope Avenue, 110-170 Crittenden Blvd., 30 Celebration Drive; an action requiring City Planning Commission recommendation to City Council.

**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

**Jim McIntosh:** Hi, my name is Jim McIntosh and I am the City Engineer. The project is the cycle track that is going to run down Elmwood Avenue from Mt. Hope Avenue to the river. All of the parcels in questions are donations. The one parcel that is by the cemetery is outside of the fence. We want to make sure that we have all the pieces in the City right-of-way. That is the only way we will be able to spend the State funding on the project.

**Questions from the Members: NONE**

**Speakers in Favor: NONE**

**Speakers in Opposition: NONE**

**HEARING ENDS**

**CITY PLANNING COMMISSION**

**RECOMMENDATION**

**OFFICIAL MAP AMENDMENT**

**Re: To amend the Official Map of the City of Rochester by acquiring by permanent easement for street improvement purposes as part of the Elmwood Avenue Cycle Track Project the following parcels or portions thereof; 250 Elmwood Avenue, 400 Elmwood Avenue, 420 Elmwood Avenue, 430 Elmwood Avenue, 490 Elmwood Avenue, 645/655 Elmwood Avenue, 665 Elmwood Avenue 1133 Mt. Hope Avenue, 1305-1355 Mt. Hope Avenue, 110-170 Crittenden Blvd., 30 Celebration Drive; an action requiring City Planning Commission recommendation to City Council.**

**Case No: OMA-01-16-17**

**Resolution:**

**RESOLVED**, the City Planning Commission recommends that the Official Map of the City of Rochester be amended by To amend the Official Map of the City of Rochester by acquiring by permanent easement for street improvement purposes as part of the Elmwood Avenue Cycle Track Project the following parcels or portions thereof; 250 Elmwood Avenue, 400 Elmwood Avenue, 420 Elmwood Avenue, 430 Elmwood Avenue, 490 Elmwood Avenue, 645/655 Elmwood Avenue, 665 Elmwood Avenue 1133 Mt. Hope Avenue, 1305-1355 Mt. Hope Avenue, 110-170 Crittenden Blvd., 30 Celebration Drive.

**Vote: Motion Passes**

**Action: Recommend Approval**

**Filing date: August 8, 2016**

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

**D. Watson Recommend Approval  
S. Rebholz Recommend Approval**

<b>H. Hogan</b>	<b>Recommend Approval</b>
<b>T. Bruce</b>	<b>Recommend Approval</b>
<b>S. Mayer</b>	<b>Recommend Approval</b>
<b>E. Marlin</b>	<b>Absent</b>
<b>M. Gaudio</b>	<b>Recommend Approval</b>

**MINUTES  
TEXT AMENDMENT  
M-02-16-17 (#24)  
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/8/2016)  
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**APPLICANT:** Mark Fuller, DePaul Properties

**PURPOSE:** To amend the Zoning Map by rezoning the properties at 396, 402, 404-408 Hudson Avenue from C-1 Neighborhood Center District to R-3 High Density Residential District; and 101, 111, 121, 127, 168-172 Merrimac Street and 26, 30, 36, 37, 42, 43, 47, 48, 54, 58, 59 and 75 Cleveland Street and 8 Frederick Street from R-1 Low Density Residential District to R-3 High Density Residential District to facilitate the development of multi-family housing and ancillary parking for a DePaul project; actions requiring City Planning Commission recommendation to City Council.

**Commissioner Rebholz:** Mr. Chairman, I will be recusing myself from this case as the company that I work for is the architect for this project.

**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

**Gary Smith, Parrone Engineering:** My name is Gary Smith and I am with Parrone Engineering. With me here tonight is Gillian Conde from DePaul Properties and also Joe Gibbons and Jim McIndoe from SWBR. We are here before the board tonight to ask for this rezoning for the parcels that were mentioned. Basically to rezone them from an R-1 to an R-3 for the multi-family development. We could provide information if the board would like.

**Commissioner Watson:** We are here to look at the rezoning, so that is not necessary.

**Questions from the Members:**

**Commissioner Gaudio:** In your thoughts for this rezoning, is there any commercial aspect of this project?

**Gary Smith, Parrone Engineering:** No.

**Speakers:**

**Rudeen Knight, 5 Frederick Street:** My name is Rudeen Knight. I am not in favor of this nor am I in opposition. I have been living in my neighborhood for 54 years and I want to know what impact this will have on my neighborhood. What are you going to be doing? That is what I would like to know.

## MINUTES

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### CITY PLANNING COMMISSION INFORMATIONAL MEETING (6/13/2016)

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#### **Speakers in Favor:**

**Dr. Janis Harbon:** Good evening, I am Dr. Janis Harbon. I did write a letter of support for this based on the fact that this will house mental health patients. What Jordan has been involved in is health care, but we need to look at the total person. We recognize that after they leave our walls---I have had mental health patients released to the House of Mercy because that is the only place they had to go. Our goal is to see how supportive we can be, how collaborative we can be so that we treat the whole patient. That is why I am in support of this housing, especially with the mental health component.

**David Carr, CONEA:** Hi, my name is David Carr and I work for CONEA. I am also a member of the Zoning Board. I am in favor of the project. We have ten different project on Hudson Avenue and we feel that this is one of the most important projects. We have been working on this project for almost three years. We looked at all of the ins and outs. We have had many community meetings. We are also looking at a number of projects that are starting on Hudson Avenue. This is one of the major projects that we need in our community to transform our community.

#### **Speakers in Opposition: NONE**

#### **Rebuttal:**

**Gary Smith, Parrone Engineering:** The project is going to be over 21 separate parcels, two of which are occupied. The two that are occupied are fronting on Hudson Avenue. All of the remaining parcels are City owned vacant land so the house have already been torn down.

**Commissioner Watson:** So what is the type of housing?

**Gillian Conde, DePaul Properties:** I can actually handle that. I am Gillian Conde, the vice president of DePaul Properties. This project is encompassing a total of 150 apartments. 75 of those apartments are for mental health. We were charged with relocating apartments that we had over at the Monroe Community Hospital Campus. We wanted to relocate and another thing that has happened is that housing has changed. There is no longer a single room occupancy. Everyone is getting their own apartments. We are also blending apartments with those that don't get

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**M-02-16-17 (#24)**

**CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/8/2016)**

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services. This is the new model and it has been the new model for the last ten years. Our vision is to put 150 apartments on these parcels and 75 apartments will get case management and 75 will not. There will not be a demarcation of who gets services and who does not. It will be one and two bedroom apartments and some studios. We have held four community meetings. I have sent out over 1000 letters to addresses that I was given by City Hall. I have had meetings at all times. We have also sent out flyers and presented at community events. So I am happy to meet with anyone else. We have actually got great feedback. I am happy to meet with people and talk in detail.

**HEARING ENDS**

**CITY PLANNING COMMISSION**

**RECOMMENDATION**

**ZONING MAP AMENDMENT (#24)**

**Re: To amend the Zoning Map by rezoning the properties at 396, 402, 404-408 Hudson Avenue from C-1 Neighborhood Center District to R-3 High Density Residential District; and 101, 111, 121, 127, 168-172 Merrimac Street and 26, 30, 36, 37, 42, 43, 47, 48, 54, 58, 59 and 75 Cleveland Street and 8 Frederick Street from R-1 Low Density Residential District to R-3 High Density Residential District to facilitate the development of multi-family housing and ancillary parking for a DePaul project; actions requiring City Planning Commission recommendation to City Council.**

**Case No: M-02-16-17**

**Resolution:**

**RESOLVED**, the City Planning Commission **RECOMMENDS** that the Official Zoning Map be amended **ON CONDITION** that the properties at 396, 402, 404-408 Hudson Avenue be rezoned from C-1 Neighborhood Center District **to R-2 Medium Density Residential instead of R-3 High Density Residential District as originally requested by the applicant**; and that 101, 111, 121, 127, and 168-172 Merrimac Street; and 26, 30, 36, 37, 42, 43, 47, 48, 54, 58, 59 and 75 Cleveland Street; and 8 Frederick Street **be rezoned from R-1 Low Density Residential to R-2 Medium Density Residential District instead of R-3 High Residential District as originally requested by the applicant.**

**Vote: Motion Passes**

**Action: Recommend Approval on Condition that the above Properties are rezoned to R-2 instead of R-3**

**Filing date: August 8, 2016**

**Record of Vote: 5-0-0**

<b>D. Watson</b>	<b>Recommend Approval on Condition</b>
<b>S. Rebholz</b>	<b>Recusal</b>
<b>H. Hogan</b>	<b>Recommend Approval on Condition</b>
<b>T. Bruce</b>	<b>Recommend Approval on Condition</b>
<b>S. Mayer</b>	<b>Recommend Approval on Condition</b>
<b>E. Marlin</b>	<b>Absent</b>
<b>M. Gaudioso</b>	<b>Recommend Approval on Condition</b>

**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 from R-1 Low Density Residential to R-3 High Density Residential was mostly in harmony with the goals, standards and objectives of the comprehensive plan, but that the proposed rezoning was not exactly appropriate for this area. The City Planning Commission also noted that these properties do not exhibit the characteristics of the existing R-1 Low Density Residential District, as many properties were vacant, indicating that there is not a desire for single family homes. However, the City Planning Commission expressed apprehension at rezoning these properties to R-3 High Density Residential because lot and bulk requirements in that district do not provide enough protections to ensure that multi-family housing projects will fit in and complement the single family homes that still exist in this neighborhood. The City Planning Commission determined that rezoning the properties to R-2 Medium Density Residential was more appropriate and would provide the opportunity for all multi-family housing to be reviewed by the City Planning Commission during the Special Permit process.

**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 rezoning the above properties to R-2 Medium Density Residential was more appropriate. Since multi-family housing is a Specially Permitted use in the R-2 Medium Density Residential District, the City Planning Commission concluded that this would provide an opportunity for review of the project, as well as public input and public participation in the process. Upon submittal of a Special Permit application, the City Planning Commission will ensure that this proposed use is compatible with the uses that are located within close proximity, as well as the character of the neighborhood, the proposed use during a public hearing.

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

The City Planning Commission noted that this neighborhood is in the midst of change and that the project being proposed by DePaul is considerably different than what is there now. Therefore, the City Planning Commission determined that rezoning these properties to R-2 Medium Density Residential rather than R-3 High Density Residential was more appropriate and would allow for multi-family housing proposals to be reviewed in a public setting, through the Special Permit process, ensuring an opportunity for community input.

**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.

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M-03-16-17 (#25)  
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/8/2016)  
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**APPLICANT:** City Planning Commission

**PURPOSE:** To amend the Zoning Map by rezoning the properties at 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District; and 19, 62, 68, 72, 78, 84, and 90 Cleveland Street, 15, 17, 19, 21, 23, 23.5, 25, 27, 29, 30, 31, 33 Wadsworth Street, 131, 135, 145, 151, 153 Merrimac Street, 144, 148, 156, 160, 164 Gilmore Street, 745, 755, 759, 763, 769 North Street, from R-1 Low Density Residential District to R-3 High Density Residential District to prepare these properties, many of which are city owned, for the possibility of future development

**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

**Jill Wiedrick, Bureau of Planning and Zoning:** My name is Jill Wiedrick. I'm a Sr. Planner in the Bureau of Planning and Zoning and staff to the City Planning Commission. As a result of the rezoning request made by DePaul (M-02-16-17), the City has requested that the Planning Commission act as the applicant for this rezoning so that the remaining properties in this area are ready for the possibility of future development. With the exception of those properties owned by the City of Rochester, certified letters regarding the proposed rezoning were sent to the owners of the other properties listed above. A copy of this letter is attached. To date, we have only received three inquiries to our letters and those inquiries have been satisfied. It is important to note that if the rezoning is approved, any M-1 or R-3 use would be permitted on these properties.

**Questions from the Members: NONE**

**Speakers in Favor: NONE**

**Speakers in Opposition: NONE**

**HEARING ENDS**

**CITY PLANNING COMMISSION**

**RECOMMENDATION**

**ZONING MAP AMENDMENT (#25)**

**Re: To amend the Zoning Map by rezoning the properties at 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District; and 19, 62, 68, 72, 78, 84, and 90 Cleveland Street, 15, 17, 19, 21, 23, 23.5, 25, 27, 29, 30, 31, 33 Wadsworth Street, 131, 135, 145, 151, 153 Merrimac Street, 144, 148, 156, 160, 164 Gilmore Street, 745, 755, 759, 763, 769 North Street from R-1 Low Density Residential District to R-3 High Density Residential District to prepare these properties, many of which are city owned, for the possibility of future development; actions requiring City Planning Commission recommendation to City Council.**

**Case No: M-03-16-17**

**Resolution:**

**RESOLVED**, the City Planning Commission **RECOMMENDS** that the Official Zoning Map be amended by rezoning the properties at 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District; and the City Planning Commission also **RECOMMENDS** that the Official Zoning Map be amended **ON CONDITION** that the properties at 19, 62, 68, 72, 78, 84, and 90 Cleveland Street; 15, 17, 19, 21, 23, 23.5, 25, 27, 29, 30, 31, and 33 Wadsworth Street; 131, 135, 145, 151, and 153 Merrimac Street; 144, 148, 156, 160, and 164 Gilmore Street; and 745, 755, 759, 763, and 769 North Street **be rezoned from R-1 Low Density Residential District to R-2 Medium Density Residential instead of R-3 High Density Residential District as originally requested by the applicant.**

**Vote: Motion Passes**

**Action: Recommend Approval to M-1 Industrial District for 128 Merrimac Street and 15 Wadsworth Street; and Recommend Approval on Condition that the remaining properties listed above are rezoned to R-2 instead of R-3**

**Filing date: August 8, 2016**

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

<b>D. Watson</b>	<b>Recommend Approval on Condition</b>
<b>S. Rebholz</b>	<b>Recommend Approval on Condition</b>
<b>H. Hogan</b>	<b>Recommend Approval on Condition</b>
<b>T. Bruce</b>	<b>Recommend Approval on Condition</b>
<b>S. Mayer</b>	<b>Recommend Approval on Condition</b>
<b>E. Marlin</b>	<b>Absent</b>
<b>M. Gaudioso</b>	<b>Recommend Approval on Condition</b>

**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 for 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District was in harmony with the goals, standards and objectives of the comprehensive plan as these two properties do not exhibit the characteristics of the R-1 Low Density Residential District. The City Planning Commission determined that the proposed rezoning of 128 Merrimac and 15 Wadsworth Street is appropriate as these properties are industrial in nature and bear no resemblance to their present zoning of R-1 Low Density Residential.

The City Planning Commission also determined that the proposed rezoning from R-1 Low Density Residential to R-3 High Density Residential was mostly in harmony with the goals, standards and objectives of the comprehensive plan, but that the proposed rezoning was not exactly appropriate for this area. The City Planning Commission determined that rezoning 19, 62, 68, 72, 78, 84, and 90 Cleveland Street; 15, 17, 19, 21, 23, 23.5, 25, 27, 29, 30, 31, and 33 Wadsworth Street; 131, 135, 145, 151, and 153 Merrimac Street; 144, 148, 156, 160, and 164 Gilmore Street; and 745, 755, 759, 763, and 769 North Street from R-1 Low Density Residential District to R-2 Medium Density Residential was more appropriate for this area and thus will coincide with the recommendation for M-02-16-17.

**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 determined that rezoning 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential to M-1 Industrial is appropriate as the structures on these properties are industrial, and neither are likely to be demolished and replaced with single family homes in the future. In addition, the buildings on both of these parcels cross property lines, resulting in each building being in two different zoning districts.

The City Planning Commission concluded that rezoning 19, 62, 68, 72, 78, 84, and 90 Cleveland Street; 15, 17, 19, 21, 23, 23.5, 25, 27, 29, 30, 31, and 33 Wadsworth Street; 131, 135, 145, 151, and 153 Merrimac Street; 144, 148, 156, 160, and 164 Gilmore Street; 745, 755, 759, 763, and 769 North Street from R-1 Low Density Residential District to R-3 High Density Residential District would not follow suit with the recommendation that had been issued for the companion rezoning request for DePaul (M-02-16-17). As noted in that recommendation, the City Planning Commission determined that rezoning these properties from R-1 Low Density Residential to R-3 High Density Residential would not be appropriate for this area. They also determined that rezoning these properties to R-2 Medium Density Residential was more appropriate and would provide the opportunity for all multi-family housing to be reviewed by the City Planning Commission during the Special Permit process.

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

The City Planning Commission noted that the properties proposed to be rezoned from R-1 Low Density Residential to M-1 Industrial District, 128 Merrimac Street and 15 Wadsworth Street, were industrial in nature, and therefore, it was appropriate to rezone these properties to M-1.

However, the City Planning Commission also noted that this neighborhood is in the midst of change. Therefore, the City Planning Commission determined that rezoning these properties to R-2 Medium Density Residential rather than R-3 High Density Residential was more appropriate and would allow for future multi-family housing proposals to be reviewed in a public setting, through the Special Permit process, ensuring an opportunity for community input.

**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.

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TEXT AMENDMENT  
M-04-16-17 (#26)  
CITY PLANNING COMMISSION INFORMATIONAL MEETING (8/8/2016)  
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**APPLICANT:** Christopher Brett

**PURPOSE:** To amend the Zoning Map by rezoning the vacant property at 1009-1011 Jay Street from R-1 Low Density Residential to M-1 Industrial District to facilitate the development of a self-storage facility; an action requiring City Planning Commission recommendation to City Council.

**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

**Christopher Brett:** My name is Christopher Brett. I live at 1336 Bayshore Boulevard. So, I purchased a property at 1037 Jay Street. It is being developed for self-storage. I believe we are about 95% approved. The lot at 1037 Jay Street is rectangular. I bought a lot that the City owned. We want to square it off with our property. Real estate had the stipulation that it being rezoned and combined with the larger parcel. So that is where I am at. If it does get rezoned then I will have complete ownership. They would like to square it off and make one parcel out of it. That is it. Thank you.

**Questions from the Members:**

**Commissioner Watson:** There was a property that fronts on Campbell. Did you purchase that one?

**Christopher Brett:** My property goes from Jay to Campbell but I didn't purchase any other properties.

**Speakers in Favor:** NONE

**Speakers in Opposition:** NONE

**HEARING ENDS**

**CITY PLANNING COMMISSION**

**RECOMMENDATION**

**ZONING MAP AMENDMENT (#26)**

**Re: To amend the Zoning Map by rezoning the vacant property at 1009-1011 Jay Street from R-1 Low Density Residential District to M-1 Industrial District to facilitate the development of a self-storage facility; an action requiring City Planning Commission recommendation to City Council.**

**Case No: M-4-16-17**

**Resolution:**

**RESOLVED**, the City Planning Commission **RECOMMENDS** that the Official Zoning Map be amended by rezoning the vacant property at 1009-1011 Jay Street from R-1 Low Density Residential District to M-1 Industrial District to facilitate the development of a self-storage facility.

**Vote: Motion Passes**

**Action: Recommend Approval**

**Filing date: August 8, 2016**

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

<b>D. Watson</b>	<b>Recommend Approval</b>
<b>S. Rebholz</b>	<b>Recommend Approval</b>
<b>H. Hogan</b>	<b>Recommend Approval</b>
<b>T. Bruce</b>	<b>Recommend Approval</b>
<b>S. Mayer</b>	<b>Recommend Approval</b>
<b>E. Marlin</b>	<b>Absent</b>
<b>M. Gaudioso</b>	<b>Recommend Approval</b>

**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 from R-1 Low Density Residential to M-1 Industrial was in harmony with the goals, standards and objectives of the comprehensive plan. The City Planning Commission noted that this property was sold to the applicant by Real Estate with the understanding that it be combined with his property at 1037 Jay Street. In order for this to be accomplished, the vacant property at 1009-1011 must be rezoned to M-1 Industrial so that both properties are located in the same zoning district.

**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 rezoning the vacant property would enable the combination of the two parcels under common ownership, and ultimately facilitate the development of a self-storage facility. This project is currently undergoing Site Plan Review.

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

The City Planning Commission noted that 1009-1011 Jay Street will be combined with 1037 Jay Street, as a condition of the sale of 1009-1011 Jay Street. These parcels will be part of a project to develop a self-storage facility. Should this project not move forward, the uses that would be permitted or specially permitted under the M-1 Industrial District would be suitable for this property.

**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.



**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

August 18, 2016

Eugenio Maria de Hostos Charter School  
938 Clifford Avenue  
Rochester, NY 14621

**NOTICE OF DECISION**

**In the matter of the request for a Special Permit to:** establish a charter school in a former school building at 27 Zimbrich Street for grades 2-12 with 400 students initially, and by 2020 for grades K-9 with a total of 750 students; and to legalize the 69 space ancillary parking lot at 44 Zimbrich Street historically associated with the school building.

**ON THE PREMISES AT:** 27 and 44 Zimbrich Street  
**ZONING DISTRICT:** R-1 Medium Density Residential  
**APPLICATION NUMBER:** E-006-16-17  
**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on August 8, 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

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CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE  
2016 AUG 18 PM 2:59

xc: Emily McCaffrey, LaBella Associates, 300 State Street, Rochester, New York 14614



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

- 1) The proposal is consistent with Campaign Two of the City's Rochester 2010: The Comprehensive Plan - Educational Excellence, which intends for the educational system to provide students with a safe, supportive and challenging education experience and environment.
- 2) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval for public and semi-public uses, such as Charter Schools.

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

- 1) The subject properties are located on Zimbrich Street and were formerly used as School #22 and the parking lot associated with the school.
- 2) The applicant proposes to establish a charter school in the former school building at 27 Zimbrich Street and to legalize the 69 space ancillary parking lot at 44 Zimbrich Street, previously used in conjunction with the school.
- 3) The proposed charter school is scheduled to open in September 2016 with an enrollment of 400 students in grades 2-12. There will be a staff of 41, with an additional 12 staff members that come in at 3:00 p.m for the extended day program. By 2020, secondary levels will move into the existing charter school at 1063 Joseph Avenue. Grade levels at 27 Zimbrich Street will be K-9 with a projected population of 750 students.
- 4) A total of 66 parking spaces are required. The existing parking lot, located at 44 Zimbrich Street, provides 69 parking spaces. The proposed charter school does not anticipate students walking to school. Transportation will be provided by the Rochester City School District by using 11 full size buses. Originally, the applicant proposed to use Leo Street as the load and drop off location for the buses. However, at the hearing, the applicant noted that the plan had changed and that load and drop off would now occur on Zimbrich Street as it had historically. The City Planning Commission was pleased to learn of this change, since the members expressed concerns about the load and drop off occurring on Leo Street.

- 5) The City Planning Commission noted that this building and the associated parking lot had previously been used by the Rochester City School District, and therefore, the proposal to operate a charter school and ancillary parking lot was a good re-use of the sites.
- 6) The City Planning Commission determined that the charter school at 27 Zimbrich Street for grades 2-12 with 400 students initially, and by 2020 for grades K-9 with a total of 750 students and the legalization of the 69 space ancillary parking lot at 44 Zimbrich Street would not have a substantial or undue adverse effect upon adjacent properties.

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

The City Planning Commission determined that the charter school and ancillary parking lot would be operated in such a way as to not interfere with the development and use of neighboring property. The City Planning Commission specifically noted that Zimbrich Street would function in a similar fashion as it had when the school was operated by the Rochester City School District, and therefore, would not pose issues with the development and use of neighboring properties.

**D. The project site 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 proposal 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-006-16-17 by Eugenio Maria de Hostas Charter School, to establish a charter school in a former school building at **27 Zimbrich Street** for grades 2-12 with 400 students initially, and by 2020 for grades K-9 with a total of 750 students; and to legalize the 69 space ancillary parking lot at **44 Zimbrich Street** historically associated with the school building.

This decision was based on the following testimony and evidence:

**Supporting Testimony**

Emily McCaffrey, LaBella Associates  
Gabe Antenucci, LaBella Associates

**Opposing Testimony**

None

**Evidence:**

Staff Report  
Special Permit Application and Special Permit Standards  
Letter of Intent  
Ancillary Parking Lot Description and Requirements  
Drawings for Facility Renovations  
Exterior Photographs  
Aerial photograph of site  
Location map  
Zoning Map  
Short Environmental Assessment Form Parts I and II  
Notice of Environmental Determination dated August 8, 2016  
Personal Appearance Notice  
Notification Labels  
Speakers' List

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve
M. Gaudioso	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 and 44 Zimbrich Street  
Applicant: Eugenio Maria de Hostos Charter School  
Description: To establish a charter school in a former school building at 27 Zimbrich Street for grades 2-12 with 400 students initially, and by 2020 for grades K-9 with a total of 750 students; and to legalize the 69 space ancillary parking lot at 44 Zimbrich Street historically associated with the school 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 Buildings and Zoning, (585) 428-6914

**DATE ISSUED:** August 8, 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-006-16-17

**DISTRIBUTION:** Planning Commission  
Case File



August 18, 2016

True North St. Jacob Street, LLC  
Uncommon Schools  
826 Broadway, 9<sup>th</sup> Floor  
New York, NY 10003

**NOTICE OF DECISION**

In the matter of the request for a Special Permit to: establish a charter school (ES#3) in a former school building at 85 St Jacob Street with a total of 490 students in grades K-4 and to legalize a 9 space ancillary parking lot at 75-77 Carter Street historically associated with the school building.

**ON THE PREMISES AT:** 85 St. Jacob Street and 75-77 Carter Street

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

**APPLICATION NUMBER:** E-007-16-17

**VOTE:** 6-0-0

**PLEASE TAKE NOTICE** that at the City Planning Commission meeting held on August 8, 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  
CLFRK/COUNCIL OFFICE  
2016 AUG 18 PM 3:00

xc: Eric Schaaf, Marathon Engineering, 39 Cascade Drive, Rochester, New York 14614



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

- 1) The proposal is consistent with Campaign Two of the City's Rochester 2010: The Comprehensive Plan - Educational Excellence, which intends for the educational system to provide students with a safe, supportive and challenging education experience and environment.
- 2) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval for public and semi-public uses, such as Charter Schools.

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

- 1) The subject properties are located on St. Jacob Street and Carter Street. The proposed charter school at 85 St. Jacob Street was formerly used as School #36, and additional parking associated with the school was located at 75-77 Carter Street.
- 2) The applicant proposes to establish a charter school in the former school building and use the ancillary parking lot that was formerly used for the school for parking for the charter school.
- 3) Initially, students from two different schools will be occupying the building at 85 St. Jacob Street: the new charter school (ES #3) and Rochester Prep Elementary School – West Campus (RPWC). The new charter school will open in August of this year and will have an inaugural class of 90 kindergarten students. RPWC is currently located in leased space at 1020 Maple Street, and their lease expired in June 2016. The 395 students currently attending RPWC will be temporarily relocated to the St. Jacob Street school building for the 2016-2017 school year. Prior to the 2017-2018 school year, these 395 students will relocate to the Uncommon Schools building on Andrews Street.
- 4) Parking is provided on site and also at the 9 space ancillary parking lot located at 75-77 Carter Street. In total, 50 spaces will be provided. Most students will arrive to school by bus. A maximum of 15 buses is projected. A two wave system will be employed. The plan is to have the first 8 buses line up in the bus cutouts in front of St. Jacob Street. The first

eight buses will load and then pull off to their respective routes as a unit. The next 7 buses will then line up, load and pull off to their respective routes as a unit.

- 5) The City Planning Commission noted that this building and the associated parking had previously been used by the Rochester City School District, and therefore, the proposal to operate a charter school and ancillary parking lot was a good re-use of the sites.
- 6) The City Planning Commission noted that should the number of students and the grades increase as a result of the Charter School's success, a new Special Permit shall be required.

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

- 1) The proposed location of the charter school will be in a structure that was constructed and has functioned as a school for many years. The City Planning Commission determined that the reuse of the building will not interfere with the development and use of neighboring properties.
- 2) It was also recommended by the City Planning Commission that the applicant meet with the neighbors to ensure that the Charter School is developed and operated so that it is a positive feature of the neighborhood and does not pose challenges to those properties within close proximity.

**D. The project site 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 proposal 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-007-16-17 by True North St. Jacob Street, LLC, establish a charter school in a former school building at 85 St Jacob Street with a total of 490 students in grades K-4 and to legalize a 9 space ancillary parking lot at 75-77 Carter Street historically associated with the school building.

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Eric Schaaf, Marathon Engineering  
Mike Sherry, Uncommon Schools  
Alex Weis, Uncommon Schools

**Neutral Testimony:**

Don Sura

**Opposing Testimony:**

None

**Evidence:**

Staff Report

Special Permit Application and Special Permit Standards

Letter of Intent

Ancillary Parking Lot Description and Requirements

Survey Map

Floor Plans

Exterior Photographs

Aerial photograph of site

Location map

Zoning Map

Short Environmental Assessment Form Parts I and II

Notice of Environmental Determination dated August 8, 2016

Personal Appearance Notice

Notification Labels

Speakers' List

**Record of Vote:**

D. Watson	Approve
S. Rebholz	Approve
E. Marlin	Absent
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Approve
M. Gaudioso	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: 85 St. Jacob Street and 75-77 Carter Street  
Applicant: True North St. Jacob Street, LLC  
Description: To establish a charter school in a former school building at 85 St Jacob Street with a total of 490 students in grades K-4 and to legalize a 9 space ancillary parking lot at 75-77 Carter Street historically associated with the school 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:** August 8, 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-007-16-17

**DISTRIBUTION:** Planning Commission  
Case File



August 17, 2016

Ms. Kimberly Russell  
Home Leasing  
180 Clinton Square  
Rochester, New York 14604

Location: 1307-1337 East Main Street  
Zoning District: R-2 Medium Density Residential District  
File Number: E-059-15-16

**NOTICE OF DECISION**  
**REQUEST FOR REHEARING**

In the matter of the request for a new hearing to obtain a special permit to construct 2 three-story townhomes and 1 two-story townhome containing a total of 24 dwelling units at 1307-1337 East Main Street, after the City Planning Commission, in a Notice of Decision dated June 27, 2016, denied a previous special permit application to construct at the same site 1 three-story apartment building comprised of 50 dwelling units, please take notice that at the City Planning Commission meeting held on August 8, 2016, the request was **DENIED**.

As per Section 120-1880 of the Zoning Code, in order for a rehearing request to be granted, the City Planning Commission members must unanimously find that one of the standards for accepting the subsequent application has been met. After reviewing the request for rehearing and the submitted documentation, the Commission members voted 4-1-0 in favor of granting the rehearing request. The vote was not unanimous. Therefore, the City Planning Commission will not consider the subsequent special permit application.

Zina Lagonegro, AICP, EIT  
Secretary, City Planning Commission

**Record of Vote:**

D. Watson	Deny Rehearing
S. Rebholz	Recusal
E. Marlin	Absent
H. Hogan	Grant Rehearing
T. Bruce	Grant Rehearing
S. Mayer	Grant Rehearing
M. Gaudioso	Grant Rehearing



**Findings of Fact:**

**Pursuant to the standards set forth in Section 120-188.O(1) of the Zoning Code, at least one of the following standards shall be met for the granting of a rehearing:**

- 1) There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.

There was no change in circumstance.

- 2) New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.

Not applicable.

- 3) A new application is proposed that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application.

Four of the members of the City Planning Commission determined that the new application satisfies this standard so that it should be considered in a new hearing. However, one member disagreed, opining that the new application's reduction in the number of dwelling units and the changes in the design and configuration of buildings on the site did not constitute a material difference when considered in the context of the proposed site and its surrounding neighborhood. The dissenting member determined that, when considered in this context, the modifications did not make a material difference in the Commission's prior determination on the initial application that the nature and scale of the proposed use would be inappropriate for this neighborhood.

- 4) The final decision on the variance was based on a material mistake of fact or mistake of law.

Not applicable.

**Evidence:**

**Application for Request for Rehearing  
Revised Drawings  
Flyer for Neighborhood Meeting**