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

October 27, 2016

Mr. Tony Cilino
1942 East Main Street
Rochester, New York 14609

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a sit-down restaurant with accessory take-out and retail sales on the first floor of this nonconforming mixed-use building with hours of operation from 10:00AM to 10:00PM, daily; and to legalize ancillary parking lots at 1568 and 1572 East Main Street to serve the proposed use.

ON THE PREMISES AT:	**1568, 1572, and 1578 East Main Street**
ZONING DISTRICT:	**R-2 Medium Density Residential District / Overlay-Office**
APPLICATION NUMBER:	**E-011-16-17**
VOTE:	**6-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on October 17, 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

Margaret Lamm for

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

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

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

1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code.

2) The first floor of 1578 E. Main Street was established as a restaurant in 1976 at a time when the Zoning District permitted the use, and seven off street parking spaces were also legally established at that time. City records show the restaurant use has been discontinued since approximately 2001, and the space has remained vacant. In the current R-2/Office Overlay zoning designation for this parcel, a restaurant use is not permitted as of right, and therefore it is considered a nonconforming use. Due to the extended period of vacancy, the pre-existing nonconforming rights to the first floor restaurant use have been lost. The Certificate of Nonconformity process, however, affords the property owner the right to re-establish a commercial use of equal or lesser intensity through the issuance of a Special Permit by the City Planning Commission.

3) The City Planning Commission noted that the re-establishment of the use will serve the neighborhood, as the previous restaurant had for many years, as well as create employment opportunities in the neighborhood.

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

1) The subject properties are located on East Main Street between Quincy Street and Arch Street.

2) The applicant would like to establish use of the first floor as a sit-down and take out restaurant, with accessory retail sales, with hours of operation of 10:00am -10:00pm and also legalize the two parking lots that had been used for the previous restaurant use.

3) A Certificate of Nonconformity decision was issued on August 24, 2016 that determined that the request was equal to or less intense than the previous use and therefore, Special Permit approval is needed by the City Planning Commission to establish the proposed use.

4) The City Planning Commission noted that the Certificate of Nonconformity Decision determined that Effinger's German Sausage restaurant operated at this location for numerous years from the late 1970's until sometime in the late 1990's. After that, Mooney's restaurant occupied the building for a few years, and the space has been vacant since at least 2001. Live entertainment was never legal at this location, nor is it part of this request.

5) The applicant testified at the hearing that there would not be a grocery section or a large retail operation within the proposed sit-down restaurant. Retail would amount to selling shirts with the restaurant's name, along with other promotional merchandise.

6) The City Planning Commission determined that the proposed restaurant was a good re-use of the vacant nonconforming building. Therefore, the proposal to establish a sit-down restaurant with accessory take-out and retail sales on the first floor of this nonconforming mixed-use building with hours of operation from 10:00AM to 10:00PM, daily, was approved.

7) In addition, as noted in the Certificate of Nonconformity Decision, the existing parcels at 1568 and 1572 East Main Street were evaluated as off-street parking for the proposed restaurant use. Permit history for both of these parcels shows that permits were issued in the late 1970's (1978 and 1979) to demolish single family dwellings on each of these parcels. Although no permits were ever issued to develop parking on these parcels, both are developed as parking lots today, with approximately 18 spaces in total. Although the lots are not considered legal parking lots, they can be legalized as ancillary parking lots through the issuance of a Special Permit.

8) The City Planning Commission determined that the existing parking lots functioned previously as ancillary to the restaurant, and therefore, approved their continued use as ancillary parking lots.

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 determined that establishing the restaurant will not interfere with the development and use of neighboring properties, as it had previously building had previously operated as a restaurant for a number of years.

2) The City Planning Commission noted that a fence that exists behind the existing restaurant should be repaired or replaced. It is highly recommended that this issue be addressed as soon as possible to ensure that the proposed use does not negatively impact and interfere with the development and use of neighboring properties.

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

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

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

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

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-011-16-17** by **Tony Cilino,** to establish a sit-down restaurant with accessory take-out and retail sales on the first floor of this nonconforming mixed-use building with hours of operation from 10:00AM to 10:00PM, daily; and to legalize ancillary parking lots at 1568 and 1572 East Main Street to serve the proposed use.

This decision was based on the following testimony and evidence:

Supporting Testimony:
Tony Cilino

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Project Information
Certificate of Nonconformity Decision, dated August 24, 2016
Floor Plan
Interior Photographs
Exterior Photographs
Photographs of Surrounding Properties
Aerial Photograph
Location Map
Notice of Environmental Determination dated October 17, 2016
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
S. Rebholz	Absent
E. Marlin	Approve
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: 1568, 1572, and 1578 East Main Street
Applicant: Tony Cilino
Description: To establish a sit-down restaurant with accessory take-out and retail sales on the first floor of this nonconforming mixed-use building with hours of operation from 10:00AM to 10:00PM, daily; and to legalize ancillary parking lots at 1568 and 1572 East Main Street to serve the proposed use.

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: **October 17, 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-011-16-17**

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

October 27, 2016

Mr. Frederick James
585 Colby Street
Spencerport, New York 14559

NOTICE OF DECISION

In the matter of the request for a Special Permit to: legalize a nonconforming one-story structure located at the rear of this property for use as a private gym.

ON THE PREMISES AT:	**12 Bloomingdale Street**
ZONING DISTRICT:	**R-1 Low Density Residential District**
APPLICATION NUMBER:	**E-012-16-17**
VOTE:	**6-0-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on October 17, 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:**

1) **there shall be no commercial use of the gym;**
2) **there shall be a maximum of 4 users at any one time;**
3) **the hours of operation shall be limited to noon to 8:00 pm Monday through Saturday, and**
4) **there shall be no impacts affecting the quiet enjoyment of the property in general.**

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

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

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

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

1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code.

2) The Certificate of Nonconformity process, affords the property owner the right to re-establish a commercial use of equal or lesser intensity through the issuance of a Special Permit by the City Planning Commission. Due to the nature of the original construction of this building as a nonresidential structure (a surgical instrument shop), the building can be considered a "nonconforming structure." In accordance with Section 120-191B(4)(a)(c)(1) of the Zoning Code, the City Planning Commission can issue a Special Permit to re-establish a use that is of the same or less intensity than the abandoned previous use in a structure not designed for a permitted used in the district.

3) The City Planning Commission determined that legalization of the nonconforming one-story structure at the rear of this property as a gym was a favorable action as long as the following conditions are met:

   a) there shall be no commercial use of the gym;
   b) there shall be a maximum of 4 users at any one time;
   c) the hours of operation shall be limited to noon to 8:00 pm Monday through Saturday, and
   d) there shall be no impacts affecting the quiet enjoyment of the property in general.

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

1) The subject property is located on Bloomingdale Street between North Clinton Avenue and Remington Street.

2) City records show that a permit (#0028483) was issued April 11, 2014 to "erect a frame surgical instrument shop", and historical Sanborne maps show that the rear building was used as storage. Although some portion of the rear building may have been used

as an accessory garage at one time, the majority of the building was part of the surgical instrument shop, and what may have been an accessory garage has been structurally altered and combined into the part of the building which was used as the surgical instrument shop.

2) Property records indicate this property was purchased by the applicant in September of 1989 and utilized as an owner occupied two-family dwelling. At the time of purchase, the rear building was in its present footprint and used for accessory storage only. The accessory building was converted to a gym for personal use in 1991. Hours of use have been generally weekdays, starting around 5:30 pm and ending no later than 8:00 pm. There have been no commercial aspects to this gym use; there are no groups or classes meeting here, and no income is generated from this gym use.

3) A Certificate of Nonconformity decision was issued on August 18, 2016 that determined that the request was equal to or less intense than the previous use, and therefore, Special Permit approval is needed by the City Planning Commission to establish the proposed use.

4) The City Planning Commission noted the presence of an unlicensed vehicle. The applicant stated that this vehicle belonged to one of the tenants of the two-family structure located on the property. The applicant is advised to address this matter by either removing the vehicle or licensing the vehicle and applying for a permit to store it on the property.

5) The City Planning Commission determined that legalizing this nonconforming one-story structure located at the rear of this property as a gym, as it has been operated for a number of years, would not have a substantial or undue adverse effect upon adjacent properties. To ensure this, conditions were placed on the approval, as noted above.

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 legalizing the private gym at the rear of the property will not interfere with the development and use of neighboring properties, as it has operated in the neighborhood for a number of years. Conditions were placed on this approval to ensure that this private gym continues to operate as it has, with no interference or disturbance to nearby residential properties.

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

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

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

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

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES ON CONDITION** application **E-012-16-17** by **Frederick James,** to legalize a nonconforming one-story structure located at the rear of this property for use as a private gym at **12 Bloomingdale Street.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Frederick James

Opposing Testimony:
None

Evidence:
Staff Report
Special Permit Application and Standards
Project Information
Certificate of Nonconformity Decision, dated August 18, 2016
Survey Map
Interior Photographs
Exterior Photographs
Aerial Photograph
Location Map
Notice of Environmental Determination dated October 17, 2016
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve
S. Rebholz	Absent
E. Marlin	Approve
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: 12 Bloomingdale Street
Applicant: Frederick James
Description: To legalize a non-conforming one-story structure located at the rear of this property for use as a private gym.

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: **October 17, 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-012-16-17**

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

October 27, 2016

Mr. Nicholas G. Mangini
1147 Hinchey Road
Rochester, New York 14624

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish live entertainment in the proposed bar/restaurant; to consider an Alternative Parking Plan to address the 47 space parking deficit created by the addition of live entertainment; and to establish an accessory outdoor seating/assembly area operating between 11:00PM and 2:00AM, daily.

ON THE PREMISES AT: **1551 Mt. Hope Avenue**

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

APPLICATION NUMBER: **E-013-16-17**

VOTE: **0-6-0**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on October 17, 2016, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant adverse 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 **DENIED.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to whether it satisfies 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 relevant to this application are reflected in the Zoning Code's requirement of 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 relevant goals and objectives are also reflected by the following uses that the C-2 district regulations allow as a matter of right: multifamily residential and bars and restaurants, "including accessory outdoor/seating/assembly area, provided that the outdoor areas only operate between the hours of 6:00A.M. and 11:00P.M. ...," and that a special permit is required to extend the operating hours of an accessory outdoor seating area to the hours of 11:00P.M to 2:00A.M. {Zoning Code Section 120-42(B) and (T), 120-43(B)}. There is an apartment building next-door to the north and a retail building with second-floor apartments next-door to the south side of the subject property. There is an R-1 zoned neighborhood of single-family houses that begins adjacent to the west boundary of the property.

3) An entertainment establishment that generates parking demand that uses up or exceeds the capacity of on-street spots and/or uses without permission off-street spaces on other properties is inconsistent with the goals, standards and objectives of the Comprehensive Plan. Similarly, an establishment that operates in a way that unreasonably disturbs neighboring owners' enjoyment of their properties with noise, especially during the late night hours, or with lights, littering, illegal parking or other nuisance activities would be inconsistent with the Comprehensive Plan.

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

1) The subject property is located on Mt. Hope Avenue between Rossiter Road and Irvington Road. The property has been developed as a bar/restaurant. This bar/restaurant was previously operated as Sheridan's Pub and has been closed. The bar/restaurant is proposed to re-open in mid-October.

2) The applicant proposes to add live entertainment in the bar/restaurant between the hours of 8:00PM and 1:00AM, Wednesday through Sunday. According to the applicant, live entertainment will consist of karaoke, jazz and a DJ.

3) The applicant also proposes to establish accessory outdoor seating/assembly areas operating between 11:00PM and 2:00AM. The applicant proposes to place these outdoor areas both in the front of the building and the rear of the building.

4) Neighbors testified that there are very few on-street parking spaces on Rossiter Road, a residential side street nearby, and that patrons of the prior bar/restaurant at the subject site frequently parked in the few spots that were available and parked illegally elsewhere on the street. Additional neighbors' oral and written testimony, often alluding to what they observed with regard to the prior restaurant at this location, indicated the potential for negative impacts as a result of the addition of live entertainment, specifically parking issues and noise issues. In testimony, neighbors noted the lack of on-site parking and the potential for neighborhood disturbance due to the close proximity of the proposed bar/restaurant to residential uses.

5) Although the applicant did not propose live entertainment that was excessive or inappropriate for the interior of the proposed bar/restaurant, the City Planning Commission concluded that live entertainment could not be approved because there is insufficient parking on the site and insufficient off-street parking reasonably available nearby. The City Planning Commission determined that the shared parking agreements, as part of the Alternative Parking Plan, were not acceptable. Concern was expressed by Commission members regarding the total number of parking spaces that were available for sharing. The City Planning Commission noted that the parking agreements that were submitted did not specify the location of the spaces that would be dedicated for the proposed bar/restaurant, or whether or not they are currently dedicated for the uses located on those properties. Therefore, the City Planning Commission concluded that the parking agreements and thus, the Alternative Parking Plan, was not acceptable.

6) Neighbors' oral and written testimony also detailed the negative impacts to surrounding properties should the accessory outdoor seating/assembly area operate between the hours of 11:00PM and 2:00AM. Neighbors noted the likelihood of disturbance of their quiet surroundings, as they have previously experienced issues with the bar/restaurant that preceded this request.

7) Although a different operator would be responsible for the proposed bar/restaurant, the City Planning Commission determined that adding live entertainment and expanding the hours of operation for the proposed accessory outdoor seating/assembly area would create noise well above ambient levels and possibly lead to other undesirable behavior. Therefore, the potential for undue, adverse impacts on the surrounding properties far outweighed the benefit of granting approval.

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 determined that the addition of live entertainment to the proposed bar/restaurant would interfere with the development and use of neighboring properties. It was concluded that the increased parking requirement and the parking demand that would result from the live entertainment would interfere with the use and enjoyment of surrounding residential and commercial properties.

2) In addition, the City Planning Commission denied the application for a Special Permit for operating the outdoor seating areas between the hours of 11:00PM and 2:00AM. The City Planning Commission determined that extending the hours beyond the hours that are permitted as-of-right in the district would cause undue negative impacts to surrounding properties, specifically those that are residentially developed. It was reasoned by the City Planning Commission that in this particular location, with residential properties nearby, the level of noise inherent to outdoor patrons, even if they are behaving reasonably, would be disruptive during the late night hours.

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 **DENIES** application **E-013-16-17** by **Nicholas G. Mangini** to establish live entertainment in the proposed bar/restaurant; to consider an Alternative Parking Plan to address the parking deficit created by the addition of live entertainment; and to establish an accessory outdoor seating/assembly area operating between 11:00PM and 2:00AM, daily at **1551 Mt. Hope Avenue.**

This decision was based on the following testimony and evidence:

Supporting Testimony:
Nicholas G. Mangini
Charles E. Roe, Jr.

Opposing Testimony:
Cornelius Sullivan
Cathy Robinson
Patrick Sardella
Geetha Vijay
Dan Hunz

Evidence:
Staff Report
Special Permit Application and Standards
Letter of Intent
Alternative Parking Plan
Addendum
Landscaping Plan and Site Plan
Existing Features Plan
Floor Plan
Aerial Photograph
Location Map
Letter of Support from Michael A. Fisher, dated October 8, 2016
Letter of Support from Donna Forsyth, dated September 28, 2016
Email of Support from Charles E. Roe, Jr, dated October 11, 2016
Letter of Opposition from Ann R. Schifano, undated
Letter of Opposition from Catherine Diringer, dated October 5, 2016
Letter of Opposition from Bob Craig, dated October 10, 2016
Letter of Opposition from Dan Hurley, Upper Mount Hope Neighborhood Association, dated October 13, 2016
Letter of Opposition from Catherine Diringer, dated October 13, 2016
Letter of Opposition from Patrick Sardella, undated
Email of Opposition from Terri Craig, dated October 7, 2016
Email of Opposition from J. Gilbert, dated October 13, 2016
Email of Opposition from Jeanne Yamonaco, dated October 14, 2016
Email of Opposition from James Marengo, dated October 14, 2016
Email of Opposition from Jerry Reynolds, dated October 14, 2016
Email of Opposition from Gwendolyn Nelson, dated October 16, 2016
Email from Dan Hurley to Upper Mount Hope Neighborhood Association Members, dated October 7, 2016
Email from Nicholas Mangini to Dan Hurley, dated October 8, 2016
Questions and Answers from Upper Mount Hope Neighborhood Association Meeting, submitted October 13, 2016
Letter from Nicholas Mangini to City Planning Commission and Upper Mount Hope Neighborhood Association, undated
Notice of Environmental Determination dated October 17, 2016
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote (Live Entertainment):

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

Record of Vote (Outdoor Seating/Assembly Area between 11:00PM and 2:00AM):

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

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: 1551 Mt. Hope Avenue
Applicant: Nicholas G. Mangini
Description: To establish live entertainment in the proposed bar/restaurant; to consider an Alternative Parking Plan to address the 47 space parking deficit created by the addition of live entertainment; and to establish an accessory outdoor seating/assembly area operating between 11:00PM and 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: **October 17, 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-013-16-17**

DISTRIBUTION: Planning Commission
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