

ROCHESTER ENVIRONMENTAL COMMISSION

MEETING MINUTES

6-3-24

Roll Call

A quorum was present as made up by the following current REC members:

REC Commissioners

- Rosemary Jonientz, Chair
- Kate Powers, Vice Chair
- Bill Schellinger
- Mia Morgillo

Absent:

- Elizabeth Primus
- Carlos Perez

City of Rochester Zoning Alignment Project Attendees

Matthew Simonis, Manager of Zoning

Johanna Brennan, Counsel

Dorraine Kirkmire, Assistant to the Managers of Zoning and Planning

Members of the Public

None in attendance

Chair Jonientz called the meeting to order at 6:00pm

Agenda Approval

The agenda was accepted without a vote.

Housekeeping

There were no housekeeping matters.

Review/Acceptance of Last Minutes

The prior meeting was the regularly scheduled May meeting of the REC. The May meeting minutes were distributed to all REC members in advance of the June meeting.

Chair Jonientz asked for a motion to approve the minutes.

Commissioner Powers so motioned, Commissioner Schellinger seconded, and on a vote of 4-0-0, the REC approved the May minutes as distributed.

Review of Correspondence

There was no correspondence for review or to be issued.

Reports

There were no reports for review or to be issued.

New Business

There was no new business to conduct.

Old Business

- Zoning Alignment Project
 - o comment disposition report

Matthew Simonis welcomed the REC and briefly introduced the 75-page report containing all comments received during the Zoning Alignment Project's (ZAP) comment period and how each had been categorized into one of seven categories describing the type of comment and what action, if any, was being taken in response. This report had been distributed to the REC on May 20, 2024 in advance of the regularly scheduled monthly meeting for June (6/3/24 REC meeting). At the time of distribution, the REC was asked to review the comments in advance and assess the accuracy with which the comments had been categorized by the ZAP project team. These categories are listed below:

1. This comment expresses an opinion that does not require a change to the code or map. It may be a comment that supports the draft Code and/or Map. No Response Required.
2. This comment presents an issue or suggestion that is not relevant to Zoning (e.g., work in the right of way). No Response Required.
3. This comment requires clarification of a particular Code provision or the Code as a whole. A response is required.
4. This comment suggests an alternative that doesn't meet the intent expressed in Rochester 2034. No response required.
5. This comment suggests an alternative or an issue that needs further consideration. A Response is required. (This includes topics like Short-term Rentals, Accessory Dwelling Units, Building Height, etc.)
7. This comment suggests a mapping change that needs consideration. A Response is required.
8. This comment points out where a correction of the Code is needed. The correction is made.

Category #6 was combined with #5 during the ZAP project team's categorization efforts and eliminated. The categories were not renumbered to maintain the integrity of the other categorization work that had been completed.

Dorraine Kirkmire then presented to the REC on the scope and nature of the work that had gone into the categorization of the comments by the ZAP project team. She emphasized that every single comment had been read, considered, and discussed multiple times by the ZAP project team in determining the proper categorization and disposition of each comment. For the record, Dorraine indicated that REC's role was to have also reviewed each comment and determine the accuracy of the category to which each had been assigned, and suggesting changes as they saw fit based on their prevue

as advisory board to the city. Dorraine explained the REC could determine how they wished to proceed with providing their advice, which might include reviewing and discussing each comment at the meeting, discussing only those comments the REC thought might be more appropriately categorized than the ZAP project team's determination, or in some other manner of their choosing. The REC chose to discuss only those comments any one or more member had flagged prior to the meeting by them as being miscategorized, working page by page. Only the page numbers discussed below (of the 75-page report) contained comments the REC felt warranted discussion and possible re-categorization as detailed below. Commissioner Powers noted she felt the categories were sufficiently broad and that there were no deficiencies in the range of categories; Commissioner Schellinger concurred. Chair Jonientz confirmed that the four members present agreed the categories were appropriate and that a note should be provided in all documentation indicating why there is not a #6 in the list of categories:

- Page 3 – Schellinger called out the comment (#55) about Yard Campfire units. Residents concerned about impact (categorized as #2) REC suggested changing it to #3 so the comment can be clarified and responded to because #2 is N/A and no response.
 - o New code article 13.8.D.2 prohibits use that emits smoke etc on neighboring property
- Page 5 Morgillo discussed comment (#87) about more chargers for EVs and is categorized as #5, REC ultimately decided it should remain #5
- Page 7 – Jonientz – change the community gardens comment #135 from #3 to a #5 for categorization consistency
- Page 10 – Jonientz comment #149 about upzoning should be recategorized to #5 with referral to FEIS on ADU response
- Page 13 – Schellinger – comment #178 about enforcement – is #3 the right category? Discussed the concerns but determined should stay #3 because nothing more can be done from a zoning perspective. Will pull language from DGEIS on the topic and reiterate what has been done
- Page 24 – Powers suggested #256 perhaps should be recategorized – but new zoning code will allow commercial uses in LDR so stays #3
- Page 28 Powers re #340 recommend it be changed to #5 category. DES suggested access mgmt. is more appropriate for suburban and rural and less for urban. After discussion REC decided #3 category is sufficient
- Page 30 – Powers recommended #369 be changed to #5 – REC agreed and change being made
- Page 40 – Powers #486 questioned #5 categorization; REC determined should be #3

- Page 48 – Schellinger on comment #538. About public notification. ZAP project team noted changes had been made to how public notice will be done under new zoning code so categorization was retained
- Page 58 REC identified comment #595 as needing recategorized. Comment was about concern about R3/HDR. ZAP team changed code to keep heights lower if adjacent to lower density. Discussion ensued – REC determined should keep category as #5
- Page 58 #629 – recommended it be #5 – but correction had already been done by ZAP team
- Page 67 Powers on #729 recommended it should not be #7 but should be #4
- Page 74 Powers #806 – suggested it should not be #7 – was changed to #8 as code was corrected

Dorraine indicated that for those comments not re-categorized during the meeting based on discussions, the ZAP team would re-evaluate the REC's recommendations about recategorizing.

Adjournment

There being no other concerns about the categorization of the comments and no other business, Chair Jonientz adjourned the meeting at 7:37pm.