



March 8, 2016

Mr. Robert Fornataro  
SWBR Architects  
387 E. Main Street  
Rochester, NY 14604

**Re: Site Plan Approval – SP-008-15-16  
37 Eagle Street  
R-3 High-Density Residential District**

Dear Mr. Fornataro:

Your application for Site Plan Approval to construct a two-family dwelling and a separate garage with a single-family dwelling above is hereby **APPROVED**.

The granting of this approval does not authorize the establishment or expansion of any use but merely authorizes the preparation, filing and processing of applications for any permits and approvals required by the ordinances of the City, including but not limited to a building permit, a certificate of zoning compliance and/or a certificate of occupancy.

It is your responsibility to read and thoroughly familiarize yourself with the approved plans, conditions, and additional approvals required.

**This Approval is subject to the following Conditions:**

1. One set of final site drawings, floor plans and elevations shall be submitted to the Zoning Office for review and approval by City departments. Once those drawings are approved, three final sets of drawings shall be submitted for final approval and preparation of the Certificate of Zoning Compliance, Building Permit and Certificate of Occupancy. One set will be kept in the Site Plan Review file and two will be forwarded to Plan Review for Building Code Review and permit issuance.
2. The project must be constructed in accordance with the approved drawings. Any proposed modifications to either the site or buildings must be brought to the attention of Peter Siegrist in the Zoning Office at the contact numbers below, and approved by the Director of Planning & Zoning prior to implementation.
3. All required permits are obtained from the Department of Environmental Services-Permit Office (DES-Permits) for any work in the public right-of-way.
4. The two parcels must be combined into a single tax parcel by resubdivision. An application is attached.

**Findings:**

The design does not meet five requirements of Section 120-28 of the Rochester Zoning Code, requiring area variances from the Zoning Board of Appeals. At its hearing of January 21, 2016, the Board issued those five variances, as follows:

1. A 2-family dwelling requires a lot of at least 6,000 sq. ft., where only 4,117 sq. ft. is available.
2. The front yard setback along Eagle Street must be 20', where 10'-6" is proposed.
3. The side yard setbacks for the 2-family dwelling must be at least 5' with a combined total of 15', where 7'-4" and 5'-1" are proposed.
4. The rear yard setback for the 1-family dwelling must be 20', where 9' is proposed.
5. Buildings may cover no more than 35% of the lot, and no more than 50% with driveways. As proposed, building coverage is 42% and lot coverage is 56%.

The eastern portion of the lot is in the Corn Hill Preservation District, so construction there requires a Certificate of Appropriateness from the Rochester Preservation Board. When the district was created in 1977, the lot was two parcels, with only the eastern one included in the district. City records show that the line was established by metes and bounds, not by parcel address, so the rear portion of the lot is outside the district.

The Preservation Board reviewed the design at its hearing of November 4, 2015 but held its decision pending a decision by the Zoning Board. Once that decision was issued, the Preservation Board reviewed and approved the design on March 2, 2016.

**State Environmental Quality Review (SEQR)/Chapter 48 Compliance:**

Pursuant to Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as a Type II Action, requiring no further environmental review.

If you have questions regarding this letter, please contact Peter Siegrist, Development Review Coordinator, at (585) 428-7238 or [peter.siegrist@cityofrochester.gov](mailto:peter.siegrist@cityofrochester.gov).

Sincerely,



Zina Lagonegro, AICP, EIT  
Director of Planning and Zoning

Cc: Jim Quackenbush, DES