

**ROCHESTER CITY COUNCIL PUBLIC HEARING**  
**April 15, 2014**  
**CITY COUNCIL CHAMBERS**  
**7:13 PM**

**COUNCILORS PRESENT**

Councilor Collins  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Kittredge  
Councilor Lachapelle  
Councilor Larochelle  
Councilor Lauterborn  
Councilor Varney  
Councilor Walker  
Mayor Jean

**MEMBERS EXCUSED**

Councilor Torr

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Attorney Wensley  
Doris Gates, Resident  
Ric Perreault, Resident  
Bobbie Hantz, Representative  
of Route 202 LLC  
Brian Bouchard, Representative  
of Route 202 LLC  
Tom Abbott, Resident  
Janice Gardner, Non-Resident  
Roger Halk, Planning Consultant  
Diane Wood, Resident  
Kent Melchior, Resident  
Lyndon Rickards, Resident  
Richard Breton, Resident  
Tom Kaczynski, Resident  
Walt Barstow, Resident  
Cliff Newton, Resident  
Gregg DeNobile, Resident

**MINUTES**

**1. Call to Order**

Mayor Jean called the Public Hearing to order at 7:13 PM. Kelly Walters, City Clerk, took a silent roll call. All Councilors were present except for Councilor Torr, who had been excused.

**2. Amendment to Ordinances Repealing Chapter 42 of the General Ordinances of the City of Rochester and Adopting a New Comprehensive Zoning Ordinance to be known as Chapter 42 of the General Ordinances of the City of Rochester, in its Stead**

**AMENDMENT TO ORDINANCES REPEALING CHAPTER 42**  
**OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER**  
**AND ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE,**

**TO BE KNOWN AS CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY  
OF ROCHESTER, IN ITS STEAD**

**THE CITY OF ROCHESTER ORDAINS:**

- I. That Chapter 42 of the General Ordinances of the City of Rochester, as presently amended and enacted as of April 15, 2014, is hereby repealed in its entirety, and a new comprehensive zoning ordinance, in the form set forth and annexed hereto as **EXHIBIT A** (the text of the proposed new Chapter 42) and **EXHIBIT B** (proposed new Official Zoning Map(s) for the City of Rochester) including the tables and map(s) included therein, whether by specific inclusion therein or by inclusion by reference thereto is adopted in its stead, said comprehensive zoning ordinance to be known as Chapter 42 of the General Ordinances of the City of Rochester.
- II. That the City Clerk, or her designee, is hereby authorized to format and/or reformat the aforesaid new Chapter 42 of the General Ordinances of the City of Rochester, in its form as herein adopted, in a manner consistent and/or compatible with the formatting utilized in the existing General Ordinances of the City of Rochester, of which such new Chapter 42 will hereinafter constitute a part.
- III. That the new Chapter 42 of the General Ordinances of the City of Rochester shall take effect upon its passage.

Mayor Jean requested that speakers limit their comments to five minutes each in order to hear from all interested citizens.

Mayor Jean noted that the Codes and Ordinances Committee listened to testimony from the residents of Chesley Hill Road at the March 27, 2014, meeting and unanimously recommended keeping Chesley Hill Road zoned as Residential 1.

Doris Gates, resident, addressed the City Council regarding the development of Secretariat Estates. She gave a brief history of past promises made by developers that were not kept. She specified that one developer promised to fund the water main if the development exceeded 130 units as proposed; the developer stopped building after 120 units, thus not being required to pay for the water main.

Ric Perreault, resident, wished to thank the Codes and Ordinances Committee for recommending that all of Chesley Hill Road remain Residential 1.

Bobbie Hantz, Sheehan Phinney, & Bass, Green PA, representing the Route 202 LLC, addressed the City Council. She disclosed that she is currently in litigation with the City over the Route 202 LLC parcel. She requested that the City Council consider zoning this area as Highway Commercial.

Brian Bouchard, Sheehan Phinney Bass, Green Pa, addressed the City Council. He stated that there are three points to be made about his client's property [Route 202 LLC]. The first issue deals with frontage. This property directly abuts Route 202, which

has developed into a major thoroughfare. Secondly, the reliance issues, in which case his client has received both verbal and written communication from the City that this parcel would be eventually zoned for Highway Commercial. Lastly, zoning is supposed to reflect the area of land and it cannot be arbitrary.

Tom Abbott, resident, addressed the City Council. He spoke in favor of the recommendation made by the Codes and Ordinances Committee to keep Chesley Hill Road zoned for Residential 1.

Mr. Abbott spoke against the proposed ordinance relative to following matters: the definition and regulations for kennels; the change to the definition about farms; the parking restrictions placed on recreation vehicles; glare restrictions for single family homes; and contracted storage yards. He requested that the City Council consider that people wish to have reasonable rights to use their own property.

Janice Gardner, not a resident, questioned why the City felt the need to change the definition of a kennel. She compared the State's definition with the City's definition. She suggested the City readdress the nuisance ordinance pertaining to a barking dog. The current wording makes the ordinance hard to enforce.

Roger Halk, Planning Consultant for the Route 202 Reality LLC, addressed the City Council. He felt sympathy for the residents of Florence Drive; however, he did not feel his client should be forced to develop his parcel of land residentially.

Diane Wood, resident, spoke against the restrictions posed on mobile homes, whether they are located in a mobile home park or private property. She added that property rights are being taken away and hoped the City Council would vote against this ordinance.

Kent Melchior, resident of Labrador Drive, spoke in favor of keeping Labrador Drive Residential 1.

Lyndon Rickards, resident of Labrador Drive, spoke in favor of keeping Labrador Drive as Residential 1, as well as the two abutting properties on either side. He spoke against the proposed Neighborhood Mixed Use. He said that traffic would have to enter through Florence Drive, increasing the risk to pedestrians in the neighborhood.

Richard Breton, Riverside Drive, encouraged the City Council to vote in favor of the Codes and Ordinances Committee recommendation to keep North Main Street a Residential 1 Zone. He added that a petition was signed and submitted to the Planning Board to keep this area Residential 1.

Tom Kaczynski, resident, questioned if there was a five minute time limit to speak at this public hearing. He questioned why so many restrictions are placed on property rights. He spoke about natural development vs. government development. He said people and customers would eventually determine whether a business succeeds or fails. He spoke in favor of having more businesses located on North Main Street and

South Main Street, stating that the government cannot guarantee a quiet neighborhood forever. He questioned why the City would allow Rochester Hill Road [near the airport] to remain residential. This is an area of the City that should be developed with restaurants to support the businesses in the area.

Mr. Kaczynski stated that he is in favor of property rights and if a citizen does not harm or pollute the area then they should have the right to use the land as they please, noting that many dreams are lost because of restrictions on property rights. He said the Zoning Ordinance that took effect in 1986 limited what he could do with his own property. He spoke against the 10 acre requirement for farming.

Walt Barstow, resident of Florence Drive, said he has lived here since 1979. He spoke in favor of keeping Florence Drive zoned as Residential 1. He added that his home is the lowest property located on Florence Drive and he is concerned about future development because of the wetlands in this area.

Cliff Newton, resident, stated that he has lived here for 58 years. He said the prior proposed ordinance was not appropriate for the City of Rochester. He said this process for the new proposed ordinance has followed procedure and has been transparent. This ordinance is on the right track for Rochester with a few public concerns to be resolved. He publicly thanked the Planning Board and the City Council for their work.

Gregg DeNobile, resident, publicly thanked the Codes and Ordinances Committee for the recommendation to keep Chesley Hill Road zoned for Residential 1 and hoped that the City Council would vote in favor of that recommendation. He asked for clarification on how the adoption of this ordinance would take place.

Mayor Jean closed Public Input at 8:07 PM.

Mayor Jean stated that the Public Hearing was intended to contemplate the Comprehensive Zoning Ordinance submitted by the Planning Board in its entirety. This document is based from the City's Master Plan and the existing uses.

Mayor Jean stated that the Comprehensive Zoning Ordinance was read for the first time at the Special City Council meeting, which triggers both the current and proposed ordinances to be enforced at this time. Any applications to the Planning Board will be enforced according to the stricter of the two ordinances. For this reason, it has always been the intent of the City Council to limit this time as much as possible. The second reading and further deliberation is scheduled to take place next Tuesday, April 22, 2014, at the Special City Council meeting. The City Council would have opportunity to vote on the Codes and Ordinances Committee recommendations. The City Council could potentially adopt the ordinance at that point or postpone it for another week. He informed the public that public input would not be on the Agenda because it is considered a Special City Council meeting.

### **3. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Public Hearing at 8:08 PM. Councilor walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk