



Browncroft Crier

NEWSLETTER OF THE BROWNCROFT NEIGHBORHOOD ASSOCIATION

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P.O. Box 10127, Rochester, New York 14610
<http://browncroftna.org>

Fall 2017

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Inside This Issue

President's Message

Books for 46 School

BNA Picnic

4th of July Parade

Motorcycle Noise

Crime Report

Fall Clean-up

A Visitor's Impressions

Letter from School 46

Deed Restrictions 101

Point of View - AirBnB

Yarmouth Street Party

2017 - 2018 BNA MEMBERSHIP DRIVE UNDERWAY

The 2017 Membership Drive has begun. Your Street Representative will be visiting you this month.

Your membership is important to the Browncroft Neighborhood Association. It provides fiscal and moral support to your organization, which builds relationships between neighbors so that we can more effectively communicate our concerns and continue to ensure the quality of life in our area. Through the BNA, we can present a singular voice to local governments and organizations to build a cohesive, concerned and safer community.

Annual dues are \$10 per household and go directly to supporting the activities of the BNA such as: publishing this newsletter; maintaining the Rose Garden at Browncroft Boulevard and Merchants Road; printing flyer notices; holding general meetings; hosting social events like the Winter Gathering and the BNA Family Summer Picnic; organizing general meetings with guest speakers; and sponsoring the biennial BNA Garage Sale.

Equally important, your payment of dues is an expression of support and appreciation for the valuable personal volunteer time donated by BNA's 17 Street Representatives, 4 Officers, and 8 Committee Chairs who serve on the BNA Board of Directors, as well as the volunteers who perform their work for the betterment of this neighborhood of 685 residential households.

A new benefit of membership this year will be discounts at local participating merchants upon showing your membership card.

How to Pay Your Dues:

Please take the time to be a supporting member of BNA by enclosing your \$10 annual dues in the self addressed BNA envelope provided with this newsletter and filling in your name, address, phone, email, and demographic information. This information is kept confidential. Either hand it in to your Street Rep, or if you missed them, mail them. Also, we recommend that you subscribe to the BNA-Announce list to receive noti-

continued on page 2



From the President..... James Seitz

Fall is upon us. The chores to prepare for winter are on our "To Do" lists.

It's time to put away lawn and porch furniture, clean gutters, and rake leaves. Change furnace filters, close up storm windows, put away summer clothes and regretfully drag out the winter clothes. Mothball the lawn mower and make ready the snow blower. Winter is quietly approaching.

The City leaf collection in Browncroft is from Nov. 20-24. Collected leaves are composted, screened and made available to residents, through the City's free Give-Back Program. The site, located at Ferrano and Colfax Streets, is open from 8 a.m. to 7 p.m. daily, April through December.

The City requests that we rake loose leaves into a pile between the sidewalk and the curb before the 20th. They request that we not rake leaves into the street. Leaves may

also be bagged and placed at the curb on your regular refuse collection day.

If there are questions about city services call 311.

One more thing on your Fall "To Do" list is to renew your BNA membership. Now is when we request members to renew their BNA membership or if you are not a member become a BNA member.

Your membership is the only funding that BNA receives. We do not request donations from businesses or private donors. Please take a moment, place a check for \$10 in the attached envelope and drop it in the mail. This small donation will ensure that BNA remains financially stable and capable of meeting our commitments to our friends and neighbors. Membership will also entitle you to discounts and promotions exclusive to BNA members. More on that in future editions.

NEW BOOKS FOR NEW STUDENTS AT #46 SCHOOL

Many thanks to all the neighbors who generously donated to our NEW BOOKS FOR NEW STUDENTS project! We collected a large number of books and enough money to purchase additional books for all of the kindergarten and 60 new students who enrolled in grades 1-6 at #46 School this September. The staff at #46 School has enthusiastically supported this project. The books were given to the students during



the first week of October. Joan Hopkins, and Nancy Carlisle assisted with the gift wrapping of the more than 100 books; a note was included in each package indicating that the books were a Welcome Gift from Browncroft Neighbors. Barnes and Noble's helped to make this annual project a success.

Ann Kanthor
annkanthor@gmail.com

NEW HOSPITALITY CHAIRPERSON

BNA would like to welcome and thank our new neighbor, Melissa Payne, of Dorchester Road, who has volunteered to take up the post of Hospitality Committee chairperson.

One of Melissa's duties is the organizing and distributing of welcome folders for new neighbors.

Throughout the year Melissa will also help with other associated duties such as refreshments at membership meetings.

Melissa and her husband Peter, moved to our neighborhood in October 2016.

Membership

continued from page 1

fication of important neighborhood information or late breaking news. Your email will not be shared with any outside entity, social media or other neighbors, but it is a great way to stay connected with BNA between newsletters and meetings.

Thank you to all of our members!! Now is the time to renew or join and keep the traditions alive.



Have a safe and fun Halloween. Turn porch lights on if you are handing out treats. Do not forget non-candy treats are good, too. Put out an aqua blue pumpkin to show that you have non-candy treats.

Summer Fun - The BNA Picnic ...



Presidential Duties



Accepting Award from
NWV for Arts Festival
Sponsoring



Winning the Fun Hat
Award was Sharon
Bloemendaal of Quentin
Road



Eating



Having Family Fun

... AND A NEIGHBORHOOD 4TH OF JULY PARADE!!



Here they come!!



DEED RESTRICTIONS 101

The last issue of the Crier provided an overview of the zoning code provided in the City Charter, and how it regulates the use and layout of all properties of a defined zoning district, such as R-1 (residential 1).

This issue will cover how deed restrictions and covenants can also limit a property owner's use and ability to make changes to their property, and how they differ from zoning regulations.

Deed restrictions, which are placed on a property by one of the owners in the chain of title by inserting specific language either into a deed conveyance or a mortgage, become part of a property's title and must be honored by all subsequent owners. They are also known as tract restrictions because usually it is the subdivision developer who, when dividing the land into lots, places the covenants into each deed

in the subdivision. Common and enforceable deed restrictions are setback requirements and the allowance of single-family residential use only, such as in the Browncroft subdivision deeds, to name a few. When a deed recites toward the end "Subject to easements, covenants and restrictions of record..." it is a reference that the current buyer accepts title knowing that any prior covenants placed on the property are in full force and affect.

Deed restrictions must be enforced by individuals who share a common interest in the restriction, such as property owners of lots within the same subdivision.

The BNA area is comprised of a number of subdivisions -- Browncroft, Elmcroft, Kingsbury, DePotter -- each with their own differing set of restrictions.

The purpose of deed restrictions is to ensure the uniform and

pleasing appearance of a subdivision community, as well as to affirm to all parties buying in to the subdivision that their fellow neighbors/subdivision lot owners will adhere to the same rules that will ensure the subdivision retains its character and "the peaceful enjoyment" for its residents on into the future or perpetuity.

The differences between deed restrictions and zoning regulations are:

Deed restrictions are enforced by fellow subdivision property owners through the courts, whereas zoning regulations are enforced by the municipality such as in our case the City of Rochester. And deed restrictions do not get modified once they are inserted into the property title, whereas the zoning code and its definitions are constantly changing via City Council referendum depending on the political climate;

continued on page 8

POINT OF VIEW *(Crier Speaking out piece)*

Bed and Breakfasts in Browncroft?

There is something happening in Browncroft and many other neighborhoods, made popular and easy by the internet. It's called AirBnB. People rent rooms in the family home to make money. AirBnB is merely a service to advertize and list a house as a bed and breakfast with world-wide exposure to attract customers.

What is a bed and breakfast establishment in actuality? Though the connotation of the term is genteel, it is no less than a small inn, boarding house or hotel that takes in lodgers, who are strangers, for short periods of time. It is an

income producing enterprise and as such is a commercial use of a house.

Although the City of Rochester Zoning code allows, by special permit, bed and breakfasts in single family residential-1 zones, the covenants in the Browncroft deeds do not. Browncroft covenants restrict the use of a residence for commercial purposes.

The city's approach to zoning is often based on what is easiest for the city to enforce given their limited resources and, in some instances, court rulings against municipal zoning codes. When the city zon-

ing code or its enforcement division is ineffectual for Browncroft interests, there are the Browncroft subdivision deed restrictions to rely on if private residents have the will to take legal action.

The Browncroft Subdivision deed restrictions state "Each lot in the tract covered by said maps ... shall be used for residence purposes only and that no double house, Boston flat nor apartment house shall ever be built upon any lot in said tract." These restrictions, along with setback requirements, were inserted in all Browncroft Realty Corp. deeds, and therefore, show up in the abstract of title for the properties. The term "shall be used

continued on page 8

MOTORCYCLE NOISE

Whereas the motorcycle noise on the 590 expressway has somewhat settled down, we still hear spikes in noise pollution at certain times.

The NY State Police have been out trying to apprehend the violators. They have had some success stopping them when they reach the exit ramps. They cannot chase them on the highway for safety reasons.

The end of the summer will take care of the worst of the problem of noise, but for now we still are hearing the motorcycles almost everyday.

Don't stop calling 911 to report the motorcycles' noise to the State Police.

Holly Petsos

A VISITOR'S IMPRESSIONS OF ROCHESTER

This summer our Browncroft neighbors entertained their parents visiting from New York City. The following is an excerpt of their impression of Rochester to remind us natives of what we should ourselves appreciate:

We wish to share some of our experiences of our visit of July 2017.

The city of Rochester is blessed. During summer nature expresses it's smile at the people of Rochester through the resplendent glory of beautiful flowers. After an arduous winter the city's patience is rewarded with the colorful flora to become "The Flower City". Life giving sunshine brings good cheer and merriment for the young and old alike. It draws everyone out in the open to participate

CRIME REPORT

There has been a slight up tick in crime in the car 235 beat.

There is nothing directly happening in Browncroft but instead around us and west of Winton Road. Once again there were unsecured garage doors, screen windows cut, car break-ins and package thefts. Be on the alert and always beware of the potential for crime.

Do not advertise on social media that you will need a pet sitter because you will be on vacation. Don't forget to set timers on your interior lights. Make your house look lived in!

Brian Cannon, one of our RPD Crime Prevention Officer encourages all of us to check out the RPD Open Data portal @<http://datarp-dny.open.data.arcgis.com/>. Brian suggests you check out the site to get information and statistics from the previous weeks. Take a minute to familiarize yourself with the site and pull some interesting information off of it to use, to educate yourself.

Holly Petsos

in a wide range of outdoor activities at the waterfront, parks, scenic locations, open air theaters, carnivals, and markets.

We found the people of Rochester to be friendly, courteous & polite, more typical of a small town than a major city. The streets and neighborhoods visited were well maintained.

The Rochester Farmers' Market was bustling with the activity and cacophony of customers walking between several rows of stalls; vendors presenting their produce, offering their best price.

Fall Clean Up in the Browncroft Rose Garden

**Saturday,
October 28th,
9:30 a.m.**

**(rain date set for
November 4th)**

Many volunteers are needed to quick prune the rose bushes, weed, and rake out the beds.

Bring thick work gloves, pruners and/or loppers, rake, and wear water repellent shoes.

**Please Help Keep Your
Park Looking Good!**

On July 5th we attended a world class performance of the Rochester Philharmonic Orchestra at Ontario Beach Park. Classical music performed by renowned professionals to entertain the public in honor of the men & women who served the nation's armed forces.

Mt. Hope Cemetery, one of the most remarkable Victorian cemeteries in America, is registered as a national historical site. It is located in a 196 acres site of lofty hills and beautiful valleys created by glaciers. Great historical figures such as Fredrick Douglas and Susan B. Anthony are buried in this cemetery, as well as my boyhood heroes, "Buffalo Bill" Cody and Cody's son Kit Carson Cody.

During our brief visit to Rochester, NY we were touched by the kindness, courtesy and friendship the people have shown us.

Mohan and Sheila Rao

REPLANTING OF LOST TREES ON SCHOOL 46 CAMPUS - THANK YOU RCSD!



This summer more Brown Brothers' historic tree plantings were lost -- this time on the School 46 campus. When the land for the school was set aside by Browncroft Realty Corporation and the school was built, Brown Brothers landscaped the campus, as they did the ten streets within the subdivision.

Austrian pines were used in interesting ways in the landscape design. The intersections of Newcastle Road at Corwin, Windemere and Dorchester Roads were punctuated by this spe-

cies; and clusters, resembling mini-forests, were planted on the tree lawns of Windemere Road and Gramercy Road.

Austrian pines were also used on the 46 School campus in specific ways: in the middle of the sections of front lawns between each of the sidewalks leading to the school doors, one pine behind each ball field backstop to shade those waiting to go up to bat (Note, the backstops are gone, but the pines remain.) and clusters again -- one of Austrian and one of white pines -- at the dividing line of the front and back playing fields.

The northern most pine in front of the main entrance died this year, as well as some of the trees in the southern most cluster in the playground. Also, as reported in the spring Crier, a maple was lost along the sidewalk.



The Rochester City School District Grounds Keeping Department supervisor, Douglas Baker, with whom BNA has worked in the past, replanted without any prompting from BNA or the Principal of the school. Fine young balsam trees and a red maple fill the spots where the trees were lost. Changing the species



was a prudent decision to prevent the same disease from taking the new trees.

Thank you Doug Baker and the RCSD!

YARMOUTH ROAD BLOCK PARTY SUMMER FUN



A LETTER FROM THE SCHOOL #46 PRINCIPAL AND THE ROCHESTER CITY SCHOOL DISTRICT

On behalf of Charles Carroll School No. 46, I want to thank the Browncroft Neighborhood Association for working collectively to support our school's success. Our partnership continues to collaborate on:

- Supporting and conducting fundraising
- Advocating for enhanced programming
- Welcoming new students into our beautiful community
- Advocating for safe, well-maintained neighborhood-friendly facilities

I look forward to continuing our productive partnership on behalf of our students.

During a recent meeting, Browncroft Neighborhood Association President James Seitz shared questions he has received from community members regarding District enrollment protocols. On October 11, 2017, I met with Placement Director, Joe Capezzuto, to discuss policies and review current enrollment data to provide guidance on navigating the School of Choice Process. Here are a few details, which are critical for our neighbors to know regarding the enrollment process for Pre-K and Kindergarten.

- Every school in the RCSD has a geographic area attached to it known as geocode. Everyone that resides in that geocode is guaranteed a seat when entering Kindergarten. If you live within .5 miles or in the geocode and submit an application before the School of Choice deadline, you are guaranteed enrollment. To obtain information regarding your geocode, please

contact the Department of Student Equity and Placement at 262-8680.

- If your child has a sibling at School No. 46 and you submit an application before the School of Choice deadline, you are guaranteed a seat in Kindergarten.

- In order to ensure these guarantees, you must select School No. 46 as your first option on the application. The application deadline is March 9, 2018.

- If your child does not live in the .5 mile or geocode and is not placed at School No. 46, they go on a District-monitored waitlist. I urge you to communicate with the Department of Student Equity and Placement regarding your child's spot on the waitlist.

- Pre-K students who attend School No. 46 have an additional weighting in the lottery for placement into our school. Currently, the seats that are not filled by neighborhood families are filled by students who attended Pre-K here; however, they may not be in our specific geocode. Since there is preference placed on neighborhood students first, these specific students are not necessarily guaranteed seats in Kindergarten.

- The full day prekindergarten program at School No. 46 is free to city residents. The program runs for six hours per day, Monday – Friday, during the school year. The program is funded by the Universal Prekindergarten grant, which requires a random selection process be used to select students to attend the program. Parents who live in the School No. 46 area should register as early as possible before the April 6th deadline to

have the best opportunity to enroll their child in the prekindergarten program at School No. 46. Pre-K registration begins January 2018 for September 2018.

- School No. 46 offers services for students with disabilities, but specific needs may require a program in a different building.

Please Note: There were 24 students last year who lived in the .5 miles or geocode and selected School No. 46 as their first choice. All were assigned to School No. 46. Furthermore, this past September, there were 12 students who lived in the .5 miles or geocode and selected School No. 46 as their first choice, and all now attend School No. 46.

The Rochester City School District Parent Preference/Managed Choice Policy provides more detailed information regarding historical context and identifies how equitable assignments of all Kindergarten elementary students is conducted. As an effort to analyze enrollment trends, managed choice, geocodes, placement zones, and regional schools, the Superintendent has initiated the Path Forward Initiative.

The purpose of the Path Forward Initiative is to engage the community's voice in the planning for all aspects of education for our students, one school at a time. Our school's first opportunity to elicit feedback will be on October 26, 2017, where BNA President James Seitz, along with other School No. 46 community partner leaders, are invited to engage in conversations around building a better future for our students. There will also be

continued on page 8

School 46

from page 7

multiple quadrant forums that elicit community recommendations and plan for School of Choice, geocode, and facilities modernization.

Please know that staff at Charles Carroll School No. 46 are deeply committed to supporting this community in educating all students. Thank you in advance for your participation in our joint efforts and for your support of our city.

Sincerely,
T'Hani Pantoja
Principal

AirBnB

from page 4

for residence purposes only” is a clear statement that the lot owner cannot use the house for a business or commercial purpose. These restrictions are so basic and rational that they were upheld in a Supreme Court case in 1946 and again in the New York State Court of Appeals in 1985.

Most reasonable people would assume the hallmarks of neighborhoods with properties zoned for single family use is that there are no commercial intrusions and neighbors are permanent residents who are known to each other. If there is a bed and breakfast establishment nearby, neighbors are exposed to the coming and going of strangers and increased parking on their street. These strangers can know who is living on the street as a matter of public record, but they are unknown to the residents of the street. With city homes so close together -- usually only separated by a driveway -- having unidentified people right outside one's windows

Deeds

from page 4

and variances and special permits can be granted for any individual property by panels (Zoning Board of Appeals or Planning Commission) composed of volunteer laypeople whose personal attitudes can affect their decisions.

Cassy Petsos

and doors, seeing them come and go, might be uncomfortable for residents who expect to be living in an economically stable single family residential neighborhood devoid of boarding houses or rental properties.

The homeowner who rents rooms, potentially subjects themselves, their property, and their neighbors to crime.

There are many neighborhoods in Rochester composed of single family homes that have been divided up into rental units. They are evidence of a negative progression that starts with the renting of rooms.

The large homes in Browncroft are attractive to wannabe real estate investors who think that all city properties have potential for conversion to apartments. It has been our aggressive protectionist approach to enforcing our deed restrictions and our zoning status that preserves this neighborhood's desirability and reputation for stability.

The AirBnB phenomena will continue to gain momentum as so many internet based services tend to do. There are currently five known houses listed on AirBnB in the Browncroft Neighborhood Association boundaries, three of which are in the Browncroft Subdivision. This has happened

within the short period of time since the service started. Perhaps it is time again to put the deed restrictions to the test.

Cassy Petsos



A New Baby!

Kudos to the homeowners at 163 Corwin Road for planting a red maple and preserving the environment and the Browncroft landscape! Now the youngster at 169 Corwin has a friend.

CALENDAR OF EVENTS

10/18/17 –Executive Committee Meeting, Seitz home 220 Dorchester 7:00 p.m.

10/28/17 – Browncroft Rose Garden Fall Clean-up 9:30 a.m.

11/15/17 – Board of Director's Meeting, Christ the Good Shepherd Church, 1000 Winton Road

12/13/17 – Executive Committee, Seitz home 220 Dorchester 7:00 p.m.

01/26/18: Winter Gathering—Location TBD