



# Browncroft Crier

NEWSLETTER OF THE BROWNCROFT NEIGHBORHOOD ASSOCIATION

SINCE 1973 - Volume #212

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

Winter 2023

## BNA Executive Committee

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### Crier Editor -

Cassy Petsos

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## BNA

# Winter Gathering

*We are returning to Glendoveers  
for our annual Winter Gathering*

*Join us in welcoming 2024  
with your friends and neighbors!*

**Friday, January 26th**

**Place: Glendoveers**

**2328 Old Browncroft Blvd**

**5:30-6:30 p.m. cash bar**

**2 hot hors d'oeuvres and cheese and  
vegetable platters**

**6:30 Buffet Dinner**

**Chef Carved Beef Sirloin**

**Chicken French**

**Rolls and Butter**

**Pasta with Marinara Sauce and Alfredo Sauce**

**Oven Roasted Potatoes**

**Fresh Vegetable Medley**

**Fresh Spring Mixed Salad with Two Dressing Choices**

**Coffee/tea/soft drinks**

**Surprise Dessert**

**\$35.00 per person - Reservations due by: January 15**

**Send payment to: BNA, P.O. Box 10127, Rochester, NY 14610.**

**Include your name, address, and number of persons.**

**Questions can be directed to [BNAwinter@gmail.com](mailto:BNAwinter@gmail.com).**

# TRIBUTE TO BNA VOLUNTEERS 2023

## BNA Board

Officers: Frank Fields, Cassy Petsos, John McQueen, Sara Castro.

Street Reps: Jim Nicholson, Jane Way, Cara Paul, Kathy Boyle, Kathy Nye, Sara Cousins, Holly Petsos, Dede Ranger, Ann Kanthor, Jim Bishop, Kathy Grady, Ivan Lennon, Lorri Bayer, Joan Hopkins, Sam Walters, David Kaiser. (Note, street reps are needed for Croydon Road and Gramercy Rd.);

Committee Chairs not included in Officer or Street Rep list: Sharon Bloemendaal, History; Robert Genthner, Webmaster.

## Beautification Volunteers 2023

Perhaps one of the most demanding BNA volunteer jobs is toiling in the heat of summer or cold of spring and fall in the Browncroft

Rose Garden, a public garden-park in the center of the neighborhood:

Connie and Don Schmidt, Browncroft Blvd; Joyce Nagel, Beresford; Keeley Wightman, Quentin Rd.; Tom Wood and daughter Maegen, Berwick Rd; Kathy Meeh and grandson Cameron, Berwick Rd.; Tim DeNatale, Beresford; Shal Beath, Browncroft Blvd; Kathy and John Edelman, Newcastle Rd.; Tom Tillson, Dorchester Rd.; Cassy and Holly Petsos, Browncroft Blvd; and the U of R student volunteers for Wilson Day.

## Crier Newsletter Deliverers

Like the postal workers carrying on rain or shine are our Crier deliverers: Jim Nicholson, Karen Schillinger, Becky Hall, Cara Paul, Kathy Boyle, Kathy Nye, Sara

Cousins, Holly Petsos, Connie Schmidt, Debbie Courouklis, Stella Nozzi, Carlos Gomez for Jeff Frasier, Ann Kanthor, Larry Wardlow, Jim Bishop, Sam Walters, Todd Grady, Bob Scheidt, Shirley & Phillip Hinkelman, Robert McLoughlin. John McQueen, Cass Doyle, Carol Winer, Lorri Bayer, Joan Hopkins, David Kaiser, Dana Fuelhardt, Tom Argust, Joyce McAndrew, Bob Genthner, Ann VanGraafieland.

## Ad Hoc Events Committee

Ann Kanthor, Kathy Boyle, Jane Way, Sara Castro, Cathy Smith, John McQueen.

## Special Thanks to Paul Tomblin who hosts the BNA Website.

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## BNA FAMILY PICNIC 2023

The BNA Family Picnic in Ellison Park returned this year on September 28th. There had been an hiatus of a few years since this event could safely happen again, due to Covid. Approximately 50

neighbors were happy to have this early fall picnic to enjoy in a fun and informal setting before the season ended. BNA provided hot dogs and condiments, and neighbors brought many delicious dishes to share.

Appreciation goes to the committee, chaired by Ann Kanthor, for organizing this successful event: Kathy Boyle, Jane Way, Holly Petsos, Sara Castro, John McQueen, and Cathy Smith.

And thank you to everyone who attended, making it a fun experience for all who were reconnecting with old neighbors and meeting new ones.



# THE IMPORTANCE OF THE ZONING CODE

The purpose of a zoning code is to regulate the differing uses of properties within a municipality, and the scale and appearance of those properties. A municipality has a finite geographic land area in which to fit numerous varieties of uses, so it allocates – “zones” – sections of its area for specific types of activities because it is important that each type of property does not overly impose on its neighboring one; but rather fits into a community in a beneficial way. Also, the size of the lots and the appearance of the buildings need to fit with their surroundings. Additionally, if a neighborhood is in an historic district, city preservation district, or a building is a designated landmark, special considerations are given to prevent the loss of integrity of the neighborhood district or building.

Under the existing code the Browncroft area, like most of the

residential sections of the city, has been zoned “R-1 Low Density Residential”, which is supposed to be composed of single family houses, public schools, churches, and a few other exceptions. These could be pre-existing doubles, and permitted uses within the residence of small scale home occupations that are deemed unobtrusive in matters such as noise or parking to the neighboring properties, and show no outward signs of commercial happenings within the home.

A zoning code dictates what uses, lot dimensions and building characteristics are allowed “as of right” in a zoning district; what is allowable under special conditions; or what requires a special permit or a variance. The Manager of Zoning reviews applications of property owners to determine whether they should receive a “Certificate of Zoning Compliance” relative to what the

applicant proposes to do. Uses or property area changes that do not fit the code requirements of the district require the property owner to get a variance from the Zoning Board of Appeals, or a special permit from the Planning Commission. In a designated City Preservation District, which Browncroft is not, changes to the exterior of a property go to the Preservation Board.

Under the current code’s Design Guidelines, however, neighborhoods that have been deemed of historic significance by way of appearing on the City’s 1980 Historic Survey or by being listed on the National Register of Historic Places – both of which Browncroft is – are given some additional scrutiny or requirements in the code; but do not need to go to the Preservation Board.

The above is a simplified explanation of the zoning process

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## *Winter Gathering Reservation:*

*Please reserve tickets for*

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_ and/or Email \_\_\_\_\_

\$35.00 per person X No. of People = Total Enclosed \_\_\_\_\_

**Mail reservation to: BNA Winter Gathering, P.O Box 10127, Rochester, NY 14610**



# Zoning

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given space limitation. It is intended to help give residents some context in understanding the proposed amended zoning code, and the written positions other neighborhoods have taken with regard to the new designation from “R-1 Low Density Residential” to “Low Density Residential (LDR)”

The September Crier noted that there are more uses allowed as of right in the proposed LDR districts. Some of them have been added to legalize evolving ways residential lots are being used, such as community gardens, hospice care, community homes and farm markets. Others, such as the live-work use, which is currently allowed in R-2 (now MDR) zones with a special permit, has been moved into R-1 (LDR) zones with a special permit, and could bring a spectrum of commercial occupations or trades that could be conducted in a single family dwelling. But what these might be without the code defining them specifically could bring discomfort to neighbors in the future.

Similarly, the home occupation use, which has been allowed in R-1 zones with special conditions, such as “no stock and trade” to be displayed or sold and no commercial vehicles, has been opened up to allow “stock and trade” and commercial vehicles. This writer is not sure that Browncroft residents would be happy looking out their windows to see a stock and trade being conducted with commercial vehicles in the driveway or at the curb as part of their heretofore idyllic residential environment. The new code reduced the allowed useable floor area for home occupations from 25% to 15%; but this is nothing

impressive, as it is not something a code inspector could inspect and the Manager of Zoning must take the applicant’s word for it.

Bed and Breakfasts are allowed in the current code by special permit, which holds proprietors to a number of requirements, a few of which are related to health and safety. In the proposed code they are permitted as of right. In the time in-between, on-line booking services like AirBnB have turned the business from what was initially a cottage industry any homeowner can engage in with their assistance, into a real estate investment block buster – both figuratively and literally. (See article regarding Mary Lupien’s proposed legislation to control this type of short term rental.) The city failed to act at the beginning by treating this use as what it was/is – an illegal bed and breakfast. Now it has gotten out of control in every town and city.

Some of the newly allowed uses could turn out to be too intense for a single family residential neighborhood, generally; and uncomfortable for an adjacent neighbor, specifically. An “allowed as of right” use will not afford neighbors pre-knowledge of the neighboring property owner’s intention. There would be no notice received regarding a pending change, and no opportunity to appear before a Board to object. Appeals of an administrative decision that issued a permit are usually too late. This rests a considerable amount of power in the Manager of Zoning and his staff. This is scary when considering that the City has had four different individuals in the last

10 years serving in that position. In fact, the new code shifts the power and the work load from the Boards, which are composed of city resident volunteers (like juries), to the City Zoning staff (government).

Another indication of this shift is evident in the expansion of the “Administrative Adjustment” section of the code. The number of lines this section has in the new code compared to the current one is very concerning. It seems designed to allow the Manager to override provisions of the code if it seems reasonable to do so. In some cases it could be deemed reasonable – but who is the arbiter of that? A great many cases go before the Zoning Board of Appeals to get approval for something that, in a particular neighborhood, has happened up and down the block already. Maybe it’s reasonable to save the Board the time and trouble of hearing such an application. But where does the City draw the line in treating some neighborhoods differently from others?

Well, it does treat some neighborhoods (“districts”) differently. The code has set aside five unique areas of the city that have their own rules. Albeit, they are mixed use commercial districts with unique “placemaking” attributes. But a number of residential neighborhoods have unique quality placemaking characteristics which should be considered as eligible for protection within the code, rather than trying to fit all residential neighborhoods into three general categories.

The NBN6 neighborhoods – South Wedge, Azalea, Lilac,

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# WORKING OUT THE SHORT TERM RENTAL PROBLEMS

Councilmember Mary Lupien, in recognition of her constituents' concerns about bed and breakfast style short term rentals in single family houses, has put together some ideas for regulating them that might help remediate the mounting problems many other municipalities are experiencing with online booking of guest rooms in single family houses, or the whole house. And she is studying how they deal with them for solutions that could be applied locally.

AirBnB and Vrbo – just two of such enterprises -- have grown into billion dollar industries off of small property owners. They have morphed into a vast real estate investment phenomena that traditional hotel chains have been forced to compete with, cities have found to have added to their housing supply challenges because prospective home buyers are being outbid by out-of-town investors, and residential neighborhoods have had to cope with their commercial intrusions and associated disturbances. An additional downside to this use of Rochester's housing for short term rental is that it does not contribute to increasing density and population numbers – a goal of the Vision 2034 Plan.

The proposed zoning code amendment, which will permit bed and breakfasts in single family neighborhoods as-of-right, defines the allowable bed and breakfasts (whether booked online or directly) as establishments where the property owner resides in their own reserved bedroom in the house and only up to five bedrooms can be used as rentable guest rooms for up to 10 people. The provision that the

property owner is residing in the house is designed to eliminate out-of-town ownership, and prevent some of the impositions on neighbors and other problems that occur when they are not in residence. But enforcement of such constrictions would be difficult.

One solution to the enforcement problem that Councilmember Lupien is working on is to mandate that the on-line booking agent requires their host/homeowner to show that they have received from the City a certificate of zoning compliance and a permit showing they have paid the fee. Requiring the property owner to obtain a permit creates a public registry data base and the ability to charge a tax the same as hotels in Monroe County.

Other enforcement enabling recommendations she has are: a mandatory inspection of listed B and B properties, non-compliance information-gathering from written complaints from neighborhood residents, and penalties such as fines and revocation of a permit. Additionally, the platforms' (AirBnB, Vrbo) advertisements must include a short term rental permit number. If they do not the platform could be fined.

Councilmember Lupien's recommendations are not unreasonable in the context that hotels, inns and current old fashioned bed and breakfasts have been held to licensing, inspection requirements, and/or taxes, as part of government's responsibilities to protect the public these establishments serve. But these ideas were not well received by current property owners who use AirBnB, many of whom live

in the suburbs or other cities, nor with the small scale homeowners that have been participating in this online service without paying a fee or being inspected. They were all out in force at a public meeting held in the City Council Chambers in November.

It will be up to regular city constituents to communicate how they want bed and breakfasts to be regulated, or whether they should even be allowed in the LDR district. The deadline to submit comments to the Manager of Zoning, Matthew Simonis at [matthew.simonis@cityofrochester.gov](mailto:matthew.simonis@cityofrochester.gov), regarding the draft zoning code is January 29th.

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## Zoning

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Highland Park, Swillburg and Upper Mount Hope, have composed a 16 page position paper to comment on the proposed zoning code. They cite some of the same issues listed above – short term rentals (especially boarding houses, which would be allowed in LDR by special permit); AirBnBs as inappropriate in LDR and MDR due to the mushrooming use of homes by AirBnB investors; and increased administrative power with less public input. They also raise concern regarding height maximums for buildings on arterials in mixed use commercial districts that abut residential properties. This is an important concern for this neighborhood, as well. If there was to be any redevelopment on Winton Road in the NMU (neighborhood

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## CRIME UPDATE

I would like to share with our neighbors information forwarded to me by 3 individuals involved in other organizations that border our neighborhood, and also include info shared in the PCIC (Police and Citizens Interaction Committee) meeting Wednesday, December 6th.

The information below is edited to include incidences near our borders and is provided in order to educate neighbors to be aware of their surroundings for their personal safety, and to encourage looking out for each other.

Thieves regularly move through neighborhoods, including Browncroft, at night looking for opportunities to steal items from cars, or the car. As a reminder and as reported in previous Crier articles, the RPD advises citizens to lock doors, use exterior lighting, refrain from walking with your head down looking at a phone, or with ear phones on.

Be aware of the fact that the RPD is down an alarming number of officers due to retirements, medical absences and a lack of the number of trainees in the latest Police Academy class. And it appears that it will be a long time before the numbers of police officers improves.

Meanwhile, North Winton Village Neighborhood Association has organized monthly Zoom meetings with the police, held the last Monday of each month. The city's Southeast Neighborhood Service Center and all interested parties on the east side are in attendance. This is a chance to ask questions and to voice individual concerns in the hope of finding

solutions. This forum is also a good place to find out important news. Everyone in Browncroft is invited. Contact Lt. Robert Wilson, robert.j.wilson@cityofrochester.gov to request an email link to the meeting.

Another group has also formed to address the problems at the 3 apartment complexes bordering our area: Harris Park, Ellison Park Apartments and Tryon Estates.

I have recently heard about an attempted car robbery on Corwin Road, and another car stolen and 5 car break-ins in the Humboldt and Culver Roads area

Recent nearby incidences reported by RPD include:

November 8th 10:30 p.m. on the 200 block of Arbordale, 2 suspects with a gun robbed a woman and stole 3 cell phones.

November 8th 11:00 p.m. at corner of Blossom Road and Gaslight Lane, 2 suspects with a gun, robbery.

November 20th 8:00 p.m. on 500 block of Humboldt, 3 suspects with a gun, robbery.

November 27th 10:30 p.m. at corner of Cedarwood and Berry, 2 suspects with a gun, robbery of cell phone and money.

Holly Petsos

**Wanted: BNA Crime Committee Chairperson** to be a liaison between this neighborhood, other neighborhoods and the RPD, and to gather information. Organize neighborhood watch blocks, where there is interest.

*Go Green.*

### Recycle your natural Holiday tree

After Christmas the City has a natural tree drop-off site at Cobbs Hill Park near Lake Riley Lodge. The trees will be chipped and returned to the public through the Materials Give Back Program at Ferrano Street near Colfax.

Residents may also leave the tree at the curb on their designated refuse/recycling day, unbagged and clean of artificial ornaments.

## Zoning

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mixed use) areas, the code would allow residential homes to be overshadowed by a 40 to 55 foot building. NBN6 also cites concerns for historic preservation. They feel there is not enough protection from demolition of historically designated buildings, or consideration for historic character preservation.

They invite Browncroft and other neighborhoods to join them in voicing these concerns.

The deadline to comment is January 29. Send comments to Matthew Simonis, Manager of Zoning, by email to matthew.simonis@cityofrochester.gov.

To let BNA know your concerns, send them to the attention of the Zoning Chairperson, Holly Petsos, h.petsos@yahoo.com, and copy-in The BNA Board at BNA-Board@Browncroftna.org



# NEIGHBORS DECKED OUT FOR 2023 FUN TIMES - PART I

## HALLOWEEN





## NEIGHBORS DECKED OUT FOR 2023 FUN TIMES - PART II

### *Holiday Lights*

