

ZONING BOARD MEETING  
NOVEMBER 29, 2001

PRESENT

Chairman Powell Keery  
George Fellows  
John Dole  
Louis Grammatico  
Michael Flavin

ABSENT

Donna Stassen, Zoning Board Secretary  
Richard Olson, Village Attorney  
Thomas West, Superintendent of Highways

Sign in sheet. Attachment #1

PUBLIC HEARING

The public hearing for the application of St. Johns Church, located at 58 Amity Street, Spencerport to construct an addition to the west- side of the church is now re-opened to allow the applicant to resubmit and the public to be heard on a revised plan which will require area variances as follows:

1. Setback from Martha Street of .8 feet whereas the neighborhood uniformed line of setback is 37 feet + or -.
2. Lot coverage of 32.2 % where 25% is required.

Furthermore, the revised plan reduces the size of the proposed addition from 738 square feet to 546 square feet.

Sean Moran (architect for the applicant) Tonight we respectfully ask the Zoning Board to assist St. Johns Church in meeting accessibility requirements. The alternative plan was submitted, and a sketch showing site line distances has been submitted. The requested side setback has not changed, however this impact is decreased with the reduction in size of the addition. The proposed addition is only 37% of the west elevation. The north/south dimension of the addition was reduced by 12 feet, and the east/west dimension of the addition is dictated by the internal clearances for accessibility requirements. Visibility; the line of sight from the corner will not be impacted by the proposed additions as shown on the sketches submitted to the board. The County of Monroe recommends the line of sight for a vehicle approaching an intersection as designated by the speed limit is approximately three to sixty feet, the apparent line of sight is 400 feet.

Attorney Holbrook: What we are responding to tonight is that at the close of the last meeting the board said they would accept the submission of a changed plan. In response to that I have submitted a letter dated 10/30/01 with the reduced plans. As Sean Moran stated the plans in terms of its closeness to the Martha Street setback can't really be changed if you are going to provide the type of access that the church wants to which is the handicapped access and the stairway, that dimension is not changed at all. The dimension that was changed was the so -called gathering space, that has been reduced down to very little, it has been reduced by 12 feet.

I would like to clarify the following based on Mary Carrols' review of the minutes.  
" The ownership of the church is the parish.  
" The main entrance of the church will not change, Amity Street will still be the main entrance.  
" The side entrance is to provide and improve handicap access.  
" As far as snow safety the new roof will not be as steep as the existing church, which will not provide for as much potential snow to fall, and will not clog the sidewalks.

" The traffic potential of the masses will not increase, the same number of people will be attending mass.

· Tom West stated that in his opinion the storm water increase from the additions new roofline would not increase the storm water to any appreciable degree.

Attorney Holbrook read aloud a court decision from Westchester Co., which states that in granting the petition in favor of the church, that, religious institutions are entitled to variances from ordinary zoning requirements absent convincing evidence that they pose a direct and immediate threat to public health safety and welfare. This was an area variance for a steeple, height variance, bottom line is that the language the court uses is that churches are to be given a little more slack perhaps, than an average residential homeowner. The Village of Spencerport zoning ordinances says that churches are a permitted use in a residential district and that is the case statewide. In terms of a church, they should be cut some slack because of their community importance and the fact that they serve the community in a salubrious way.

We believe that the applicant has met the criteria in 7-712 B of the Village Law, that the greater good will be served by granting this variance, The church is limited in the amount of space. The church was built in 1915 and is a nonconforming use with regards to the lot coverage.

Frank Ferris: Before I start I would like a clarification that the present plan is still in continuation of St. Johns application for variances for construction of an addition.

Attorney Richard Olson: Yes, because the applicant made a change, this is the same hearing, but the public hearing remained opened to allow the public to comment on the change.

Frank Ferris: If we convert the required setback of 37 feet into inches it comes up to 444 inches, and the requested variance is for eight inches which makes this a 98.2% variance almost 100 %, this is a very large variance.

This doesn't seem reasonable, also, the tearing out of the sidewalk is a concern. The length of the building is not the crucial factor, rather that the proposed building will come right out to the property line.

The addition would bring lot coverage to 32%, by your own admission the standard building is already 20% over code.

This plan is not substantially different than the original application. They are asking for the same variances.

Some real public safety concerns were raised at the other meetings, pedestrian safety, children safety with the entrance being so close to the street.

I would like to go on record in saying that we are very sympathetic to making the church handicapped accessible, and we have been trying to say and do that for the past five years. We have indicated that there are ways of handling that within the present site without going to extreme expense.

Our church has been around for 85 years, it is unique in many ways. What is riding this whole thing is the dioceses desire to impose a standard upon every church, this may be fine for a new church being built, but for this church it would be an injustice to the character of this church.

Jeremiah Clifford read aloud a letter from Attorney Daniel Schum. (in file)

Jan Denis: My first concern is the nearness to Martha Street, with cars parked along Martha Street and many more exiting the parking lot this could be a dangerous situation. Secondly,

one of the things the board needs to consider is whether the objective sought by the variance can be achieved in any other way. As far as the gathering space goes, St. Johns has many other spaces, the rectory, the school gym, and the convent was indeed renovated for a parish center. While this may not be as convenient as a space attached to the church itself, they are a little more than a few steps away.

I do not believe that we as a parish family choose not to gather because of inappropriate space, I believe that in part there is a larger feeling of division and disrespect and intolerance. We come together to worship than leave with hurt feelings, and resentment on both sides. This is an internal problem one that I think should have been resolved long before we got to this point. One, that is inappropriate to be arguing in this civic public center. St. Johns does not need a gathering space, St. Johns needs healing.

Kathy Elliott: I live at 46 Martha Street and own 50 Martha Street, I am representing the neighbors that live at our end of Martha Street. I am appalled, the plans they have submitted are no different than the original. All of our concerns are still there we are still looking at a brick wall, you're changing our neighborhood which we are not in favor of. My understanding is that the variance will stay for the life of the property. By your own admission this church could be sold in five to ten years, whomever buys this property could do whatever they want to with this property. Is this correct?

Chairman Powell Keery: A change in use would have to come back in front of this board.

Kathy Elliott: St. Johns has not shown a need, you have eliminated most of the gathering space, so you have shown that you don't really need this.

Martin Cunningham: I have not heard a word about hardship, and am in favor of denying this variance.

Joe Ryan: I am in favor of leaving the church the way it is.

Bill Heffron: Why the enlargement and taking away the seats?

Ray Morgan: I would like to see the church remain the same.

Dawn Bruton: Everything that we have said in the past still holds true for this addition. During the last meeting I was not assured that the storm water would not cause a problem, it was admitted that there was a problem that was being looked into. As far as I know it still exists. If the parish owns the church than don't we all own the church? I do have questions about that. I am in total disagreement with this plan.

Mary Lou Clifford: I would like to reiterate one thing; in your consideration, of #4, I do believe that the addition will have an adverse effect on the neighborhood. It could be considerably worse, if that church is closed in another 5 - 10 years. This is definitely a self -created hardship, the diocese is self imposing these requirements.

Chairman Powell Kerry stated that to be on the record, all speakers need to come up front and use the microphone. The tape recorder can not pick up speakers from the back of the room.

Mary Rupp: I just would like to remind the board of my comments in September when I spoke to you of the history and the early beginning of St. Johns. This new plan does not change my feelings. I again respectfully ask that you deny the proposed variances. Any change to the architecture would definitely destroy the original beauty of St. Johns.

Hedy McGarry: If the board follows their own rules, you can't do anything but deny this variance.

Cheryl Freeman: Unable to hear on tape recorder.

Dennis Freeman: Having a building 8 inches from the sidewalk definitely changes the character of the neighborhood. Live village owned trees would have to be taken down. It is architecturally possible to put a handicap accessible bathroom in the front of the church. Existing traffic patterns would change. Handicapped accessibility could be improved in the front of the church with a new ramp structure.

Heidi Reinschmidt: I don't think that this plan shows any substantial changes from the original plans. There are other ways of adding handicapped accessibility without such a substantial variance.

Ann Fien: I really don't think there is a big traffic jam from 4:30-5:30 on Saturday evenings, and from 7:30-11:30 on Sunday mornings. If you want to talk about obstructing views the post office is a real problem.

Ed Myers: Mr. and Mrs. Clifford both stated that you can not have a self-created problem and try and solve it with a variance. This is not self-created because St. Johns is owned by St. Johns and the guidelines are coming from the diocese we haven't created a problem but we have to deal with it. Addressing the character of the church, the character of the church would be preserved more having this addition, which would match the character of the church, and keep the architecture the same. By putting a zig zag ramp or a covered lift on the front of the church, you are destroying the whole character of the front of the church.

Mary Carroll: First of all I would like to mention that before the last meeting I asked if I could sign up for speaking and was told that that didn't happen, and I wondered why the rules changed. I read the minutes from the last meeting and I made a statement, which was not in the minutes and also Peg Myers presented you a letter from a handicapped parishioner, which was not in the minutes.

Donna Stassen: The letter is filed in the official record.

Mary Carroll: I am a village resident and have been a parishioner of St. Johns for 25 years, I am on the renovation design committee. I also serve on the ministry for the homebound.

We do feel that St. Johns adds to the character of a small village, that is why we hired an architectural firm which has experience renovating other churches in the diocese. The design does mimic the front of the church. The design preserves the stain glass windows, and preserves the visibility for road traffic on Amity and Martha Street. The structure does not interfere with visibility at the Martha and Amity Street intersection. When you come off the Martha Street Bridge, you can not see beyond that corner until you are parallel to the parking lot, where you should already be slowing down for the stop sign, I don't see where this addition will change that. Coming down Amity Street you can see the church from half a block away and you can see when people are exiting so presumably you would slow and this would not be a problem.

Since the seating capacity of the church has not increased there will be no change in the traffic volume. People, who are currently dropped off at the front of the church, can continue to be dropped off there. Almost a hundred percent of the people come around the corner and into the parking lot and cross Martha Street that will not change. Parishioners will once again have to cross Martha Street at the end of mass, that will not change. Right now they don't all go down to the corner of Amity and cross there, they cross at two or three different places. As a Roman Catholic community the proposed structure provides welcoming entrance to church for everyone regardless of their physical limitations. A lift and handrails will be provided and the church will need to be altered to do this. Yes, we are exempt from that but we choose not to be, because we care about people getting into the church.

We have parishioners who do not have the strength to walk around to the Amity Street entrance, and the ramp is not to code. We have tried to remove as many barriers as possible, so that those in fragile health can come and be nourished spiritually, come and

exercise their right to religion.

We have eliminated the gathering space, but we still believe that it is a very essential part. This is not a social gathering place, it is meant for the enhancement of the liturgy. Many of us in the congregation have supported this by their pledges of financial help, when I spoke last time we had 87% of our goal, we have now exceeded our goal for this project.

I would like to respond to some of the comments made here tonight.

People keep talking about the eight inches from the road and children running out, it is eight inches from the property line. Which is one foot in from the existing sidewalk, there is still considerable space between there and the road.

Mrs. Elliott says she is going to be looking at a brick wall, I walked down to her property and she can't see that space from her property now. The only way she can see it is to walk down the sidewalk.

We are trying to be responsible citizens by making our church accessible. We have examined many internal possibilities. I have been told many times that what happens inside the church is not what you are considering, yet repeatedly people keep bringing that up.

Safety concerns; a lot of speculation about children possibly running out we are talking about people that are currently really having difficulty getting into the church or having to go somewhere else because they can not get into the church to worship with their community. I don't think this whole business about the two thirds, one third exit is really pertinent. One hundred percent of the people still have to cross Martha Street.

I am very much for this project, and I really don't think that all the speculations and possibilities should be considered.

Dave McClain: Member of the parish for 28 years, I have attended almost all of these meetings and sat very quietly listening to the board and the members. I am really appalled at some of the things I am hearing. That because we are a church, we can accept sub standard handicap access, and Kmart and Wal-Mart would have better access for the handicap than the church would. If we are so concerned about the beauty of the parish that we would be more willing to stick a ramp with a cover over it on the front of the church rather than put it inside a beautifully planned addition. A comment was made that this is the parish, the building is not the parish, the three hundred people who donated they are part of the parish also, let's remember that.

Ray Morgan: My son has been in a wheelchair for eighteen years, and used it for eighteen years with no problems at all other than street snow where he couldn't park. If you take a wheelchair put wheels on your own seat and put a person behind it, how many inches are you going to use, you will be in the street entering and exiting, this should be considered.

Kim Harwood: I have been a parishioner of St. Johns for sixteen years and I also work in the religious education department. One thing I am hoping that the Board realizes, is that there are a vast majority of us that don't want any confrontation we were hoping that our money and pledges would voice our support for us on this project. As far as the entrance and the traffic pattern the entrance really won't change as far as a main entrance. You will still have to cross the parking lot and the street. I have watched many handicapped people struggle going up to the church. We don't want them to struggle with any stairways. I have had a parishioner revoke their registration to our parish because her husband could not enter our church, they are now going to St. Elizabeth Ann Seton Church. They are hoping to come back once the renovations are done.

Ellen Anderson: I have two concerns that I have thinking about in regards to traffic patterns and accessibility. What Mrs. Carroll brought up was the fact that the traffic pattern would not change. If you bring the lift to the side entrance than most of those

people will now be dropped off at the side entrance. This will also be the same traffic pattern that anyone coming into the parking lot will be using, this will cause a traffic jam back up in that area.

My other concern is there are two bridges in Spencerport. If the lift- bridge is up for some reason and there is an emergency situation and they have to come over the Martha Street Bridge during church time, if the traffic is tied up around the church the emergency vehicles are going to need to get where they are going.

Peg Myers: I am on the renovation committee, a major concern seems to be the preservation of the beauty of our building. If you go and stand on the corner of Amity and Martha Street and look at the current side entrance of our beautiful stone and brick building, you will see a white metal roof and a gold plexiglass side. I think that the addition will improve the beauty of the side of the church.

The gathering space taken out was not to stand around and have coffee, it was a gathering space to conduct liturgical rights of gathering, which we will have to give up. I think that is really sad. We will have to find another way to make that work.

I would also like to remind the board, that this is not a self imposed hardship this was a guideline that came from outside of our parish which we have been called to respond to because of our belief as a Catholic Church. We are just asking the board to allow us to exercise that.

Glenn Granger: The only thing I want to say is that 300 people is not the vast majority of the parishioners of St. Johns, my understanding is that there are fourteen hundred people in the parish. Just because they have not given money, does not mean they don't count.

David Bourne: I live diagonally across from the church on Martha Street I have 32% lot coverage, and half of the people who have spoken, have complimented me on how nice our property looks. We see the traffic pattern every day, every Sunday and Saturday night. We know where the problems are Amity Street gets just as congested as Martha Street will. I am hoping that with the addition, more of the congestion will work its way out of Martha Street and on to Amity Street. We see a lot of problems not so much with church traffic, but with people who fail to stop at the stop sign, and our own parishioners who park too close to the stop sign.

How many people who have spoken tonight can see the proposed addition from at least half of the rooms in their house.

I can, not too many of these people who have spoken are actually village residents who are in sight of the church. That is all I have to say.

Mr. Ferris: Asked the Village Attorney to comment on case law regarding a steeple on a church, where a variance was granted.

Attorney Olson: There is a lot of decisional law in New York based on that religious institutions get a little more flexibility than residential, commercial and industrial do. There is Federal Law passed in 2000, called the Religious Land Use Act, but it may not be constitutional because of the church and state problem. I was able to get this information to the Zoning Board Chairperson, for her review prior to the meeting.

Shirley Curatola: Religious Education Coordinator, parishioner and member of the renovation design committee. I had no intention of speaking tonight but I feel that I have been placed in a certain way, that I am being told to speak from means that I will not get into because they are personal and spiritual to me. For the last three weekends in a row and this has never before happened to me in all of my life in this parish and I have been with the parish for 13-14 years. I need to stress that this has happened three weeks in a row, someone has come up to the side entrance tried to enter the entrance and just groaned and growled in pain. This past weekend my daughter and I were behind a person who we were

afraid was going to fall backwards and there was no way his frail wife would have been able to stop the fall. Three weekends in a row, this is why I feel I must stand up and speak.

The other issue about our church possibly being sold within the next 5-10 years is totally irrelevant, there has been absolutely no discussion about that possibility within the diocese.

The person sitting behind me has told me that his mother has missed the confirmations of both of his children because of her inability to access our church in a comfortable manner, That is pretty sad for a grandma to have to miss two very significant celebrations for her grandchildren.

Unidentified person: Isn't it true that the northwest quadrant has plans to build a new church?

Chairman Powell Keery: We do not need to address that issue.

Ernie Willet: Since the last meeting, Mr. Moran said that the new side entrance would be the new main entrance. Now, tonight, he is saying that the Amity Street entrance would be the main entrance. There is nothing on the new plans showing handicap accessibility, for the Amity Street entrance. That makes me believe that the side entrance will still be the main entrance.

Father Jerry Hafner: I am temporary administrator of St. Johns I know of no plans in the works, for a northwest quadrant church.

Mary Carroll: I would like to address the comment about this being an internal matter with the church. I would just like to mention that we had an open meeting with the parish, and most of the people who spoke here tonight were at that meeting, never once did the safety or traffic issues come up. What did come up was what they don't want to happen inside the church. I think this is just one more tactic to draw you into making a decision. I really think this is the case.

Mary Renee Smith: I am probably the oldest person in this room, I would like to refer to something that Dennis Freeman said, and that is that we could have a ramp in the front of the church. The reason that I am bringing that up is that, I have been a volunteer at two hospitals for 15 years at St. Mary's and 2 years at Parkridge Hospital. I have pushed people three times my weight in wheelchairs from the basement all the way up to the third floor. I think it is possible that a ramp could be made similar to the one in front of the parish center. There should be no reason, why someone in a wheelchair or a family member couldn't push them into the church. I see no reason why it has to be covered. Mary also mentioned that she has been a member of the parish for 77 years.

Dawn Bruton: I would like to thank the board for listening to all of us

Mr. Ferris: (Unable to hear from tape) notes state that he does care about handicapped accessibility. He stated that his belief is that handicapped people cherish their independence. Hopes that they can work together to put a handicapped accessible ramp on the church.

The public hearing was closed at 8:39 pm.

John Dole: I do not have an issue with lot coverage, but I do have concerns with setting a precedent for the granting of such a large variance.

Michael Flavin: I have an issue with the neighbors whom this would directly effect, they live there. They are not just there on Saturday and Sunday.

George Fellows: I would like to clarify that there are five considerations that we will be taking under advisement when we are making our decision.

Louis Grammatico:

The setback is substantial, there are other solutions.

Safety factor concerns.

The character of the neighborhood will change.

Believes this is a self- created hardship.

Believes this does expand the non -conforming pre-existing use of the property.

Attorney Richard Olson: Our code talks about non -conforming pre-existing use. It doesn't talk about structures. Religious churches are allowed in residential districts. To exceed the code, you must come before this board.

Chairman Powell Keery read aloud at this time the 5 factors the board must consider in their decision.

After Board Discussion the following resolution was offered:

Resolution No: 114 attachment #2

ADJOURNMENT:

Motion was made by George Fellows seconded by John Dole and carried unanimously that the meeting be adjourned at 9:15 pm.