

## EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: December 14, 2010  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman	Jan Hendrik van Edig, Member
Matthew Hogan, Member	Barb Marr, Member
Brandi Marino, Member	Herman Parson, Member
David Schultz, Member	

Rob Leni, Town Attorney  
Gary Smith, Parrone Engineering  
Larry Pierce, Building Inspector  
Tracie Miller, Recording Secretary

Mr. Allen called the meeting to order at 7:00pm.

**NOTE:** Items were reversed from original Agenda order

**1<sup>st</sup> Item on Agenda:** Brian DiNardo from Perlo's Restaurant was present seeking Final Architectural Review and Site Plan Approval for a building addition. Mr. DiNardo passed out an updated rendering of the addition plans. He explained that everything was the same as presented at last months' Planning Board Meeting. There were no questions for Mr. DiNardo from the Board.

Herman Parson made a motion to grant final approval as requested. Matt Hogan seconded the motion. Voting was 7-0, all in favor.

**2<sup>nd</sup> Item on the Agenda:** Corey Mammen of The Potter's House was present seeking a Change in Use and a Special Use Permit for 321 East Linden Avenue, parcel # 139.54-2-2 to change from a restaurant to an assembly (place of worship). Mr. Mammen stated that The Potter's House is currently located at 1225 Atlantic Avenue and has been in existence for 27 years in various locations. The Potter's House is a non-denominational congregation that reaches out and gives hope to people in need.

Mr. Leni disclosed that his law firm is also the attorney for the Country Party House. As attorney for the Village, Mr. Leni said the requested use is permitted with a Special Use Permit. Herman Parson asked Mr. Mammen why the church was moving. Mr. Mammen said they had outgrown their current location and need more space. Mr. Parson asked how many people attend the church. Mr.

Mammen said 80–90 attend and about 30–40 cars are there during services, which are held Wednesday evenings and weekends. Hendrik van Edig asked where most of the parishioners come from. Mr. Mammen said they come from Chili, Gates, Greece and Pittsford. Mr. van Edig asked why the church was attracted to this location in East Rochester. Mr. Mammen replied the location has high visibility, is easy on and off the highway and needs no major renovations. Mr. van Edig asked if anyone would be living there. Mr. Mammen said there is a bedroom for administration, but no one will be living there. Barb Marr asked what type of program they were running. Mr. Mammen said they ran youth groups for kids from all backgrounds to keep them off the street. Mr. Mammen said the church is interested in helping people change the way they live and their situation. Ms. Marr restated that The Potter's house was a place of worship and not a 'program', to which Mr. Mammen replied "yes." Barb Marr asked if meals would be served and Mr. Mammen said pot luck meals would be served on Sundays only. Dave Schultz asked if the second floor would be occupied. Mr. Mammen said it would be occupied by offices. Mr. Schultz asked how the bar would be operated. Mr. Mammen said the bar would operate as a 'coffee bar' before and after services and any alcohol connotations would be removed. Matt Hogan asked when the 'programs' would be running. Mr. Mammen said they have outreach programs such as plays and music on Friday and Saturday evenings to attract new patrons. Mr. Hogan asked if they had a teen alcohol and drug program. Mr. Mammen said they have a youth group, which is held on weekends, for kids who attend the church, but not specifically a drug and alcohol program. Mr. Hogan asked if they offered any other types of programs to help find housing in the community or jobs for church members. Mr. Mammen said the church has not historically or officially done that. Mr. Hogan asked if the church is applying for tax-exempt status. Mr. Mammen replied that the church is currently tax-exempt and will remain that way. Mr. van Edig asked what "The Potter's House" was. Mr. Mammen said it's the name of their church. Mr. van Edig asked if the church had the financial means to maintain the property. Mr. Mammen said the property owner is holding the mortgage and that is another reason the church chose this property. Mr. Mammen also stated that the mortgage cost is 1/4 to 1/5 of their monthly income which leaves enough for the upkeep. Mr. van Edig asked if the church investigated public transportation. Mr. Mammen said that almost all members have transportation except a few and those members are picked up by the church van. Dave Schultz asked if the agreement with the owner of 321 East Linden Avenue was a 'land contract'; that is if payments are not made does property ownership revert back to the owner? Mr. Mammen replied, yes that was the case. Mr. Schultz asked Mr. Leni if the church defaulted on their payments and ownership went back to the Country Party House, would the taxable status change? Mr. Leni said the taxable status is based on use of the property. Mr. Mammen said the church would obtain the Abstract of Title upon final mortgage payment. Mr. van Edig asked if the Special Use Permit stayed

with the property. Mr. Leni said the Special Use Permit would remain as long as the 'use' remains. Mr. Allen clarified, that if a new applicant comes in they need to apply for a new Special Use Permit.

Mr. Mammen said the property closing date is January 10, 2010. Mr. Allen asked if the City was providing his church with any services at his current location. Mr. Mammen said the church currently does not pay for garbage disposal and pays a minimal amount for plowing; however, the church pays water, electric and does pay taxes, but they are reduced. Herb Allen asked if other town churches have to pay for garbage. Mr. Pierce said he was not sure. Gary Smith said the tax-exempt status doesn't ensure free services.

Matt Hogan asked Mr. Mammen to list the benefits his church would bring to East Rochester. Mr. Mammen said he can't give an exact measure of how his church will help the community and obviously not paying taxes is a Village concern. He would like to help people get to a place where they can change and not commit social crimes. He would like to help people get off the streets and reduce police issues. Matt Hogan asked if The Potter's House planned on being a visible member of the community. Mr. Mammen said he hoped to be as public as possible and has movies and events planned for July 4<sup>th</sup>. Herman Parson asked Mr. Mammen if he considered locating to the City as he will be working with drug addicts and there is a higher need there. Mr. Mammen said his church belongs to a fellowship of churches and it is difficult to get suburbanites to come into the city for help. It is more beneficial for the church to move to the suburbs.

Mr. van Edig asked what Mr. Mammen would be doing about a sign for the church. Mr. Mammen said he will be putting in an application for a sign permit in late January and will also be doing a grand opening mailing. Mr. van Edig said he would like to see the church become integrated with the community.

Herb Allen asked if there was any further discussion, to which there was not. There was no one in the audience to speak. Herman Parson suggested issuing a Special Use Permit for six months. Herb Allen said that the Board has great concerns because the Village already has a church that takes up a large chunk of the Village and only has two members residing in the Village. Mr. Allen went on to say it's hard to ask a little town to take care of people from other towns and would like this new church to benefit the Village. Mr. Mammen replied that his intent is to affect the Village in a positive way but said he wasn't sure if six months was long enough to show impact on the community and that much of what is happening might be under the surface. Mr. Allen asked what Mr. Mammen thought a fair amount of time was. Mr. Mammen said he hadn't thought in those terms. Dave Schultz said this was a common East Rochester practice and that the Village was not picking on Mr. Mammen's church. Barb

Marr said the churches location is surrounded by residential properties and if there is a negative impact of the neighborhood they may have to discuss this with the church. Mr. Leni said all permits are subject to rescission if not operated under the Village Codes. Mr. Pierce suggested issuing the Special Use Permit for six months from the property closing date and to reassess the permit at the June Planning Board Meeting.

Herman Parson made a motion to approve the Special Use Permit with a review date in June 2011. Dave Schultz seconded the motion. Voting was 7-0, all in favor.

Mr. Mammen asked if there were any particular parts of East Rochester where the demographics have changed. Mr. Allen said the heavy rental areas are Maple, Chestnut, Pine, Linden Ave, and Garfield Ave to name a few. Ms. Marr said the Northside Park area has many children from broken homes living there that may need outreach. Mr. Allen asked Mr. Mammen to keep the Building Department informed of any changes in his plans.

**Old Business:** Mr. Allen told the Planning Board that he made a presentation to the Village Board about signage at the last Public Forum meeting. Mr. Allen said he recommended the development of a short-term volunteer committee of five to seven members to produce a guidance document to develop commercial and industrial areas for all Boards to follow. Mr. Allen feels this team should consist of one Planning Board Member, one Zoning Board Member, one Village Board Member, and two local business people. Matt Hogan agrees with Mr. Allen and feels this should be a collaborative effort between the Boards. Gary Smith asked Mr. Allen what he hoped the outcome would be. Mr. Allen said he would like goals to be set for the Village in five year increments. Mr. Smith suggested taking the current 15-year-plan and updating it. Mr. Parson said that plan was supposed to be updated three years ago. Barb Marr stated that the Village is at a standstill and one Board does not know what the other Board is doing.

Mr. Allen asked for approval of the November 9, 2010 Planning Board minutes. Barb Marr made a motion to approve the minutes and Herman Parson seconded the motion. Voting was 7-0, all in favor.

A motion to adjourn was made by Brandi Marino and seconded by Herman Parson. Voting was 7-0, all in favor.

The meeting adjourned at 7:55pm.

Respectfully submitted,

Tracie Miller

Recording Secretary