



TO: City Zoning Officer

FROM: Bethesda Episcopal Church; The Very Reverend Marshall J. Vang, Interim Rector; Darren Miller, Senior Warden; and Gordon Boyd, Building Committee Chair

DATE: August 20, 2018

SUBJECT: Bethesda Parish House/Community Center Site Plan #15.020

Bethesda Episcopal Church (Bethesda), a parish since 1830 in the Episcopal Diocese of Albany with Internal Revenue Code section 501(c)(3) status, is developing a new Bethesda Parish House/Community Center next to the church building on Washington Street. Bethesda intends to use this new building in keeping with both God's will as revealed in scripture and Bethesda's tradition of service. Not only will members of Bethesda's congregation use it for worship, religious education, prayer meetings and the like, but Bethesda plans to assist individuals in need in our community in furtherance of Bethesda's religious mission. The people we will help require supportive housing and shelter, room for healing and recuperation, and/or recovery from alcohol or substance use disorders.

To this end, Bethesda has entered into Letters of Intent with the below-named five community-service organizations that serve people in Saratoga Springs and the surrounding area. We are collaborating with each of these organizations towards providing housing, meals, and counseling services in Bethesda Parish House/Community Center.

1. Backstretch Employee Service Team (BEST). BEST is devoted to meeting the health and social welfare needs of the backstretch workers at Saratoga Race Course by providing counseling and other assistance. BEST is licensed by New York State Office of Alcohol and Substance Abuse Services (OASAS) to provide such counseling, including sponsoring Alcoholics Anonymous Support Groups.
2. Transitional Services Association (TSA). TSA provides care coordination and housing support services to individuals struggling with mental health and substance use disorders, as well as chronic medical conditions.
3. Wellspring. Wellspring is the domestic violence and sexual assault services resource for Saratoga County residents, including identifying and securing supportive housing for victims.
4. Veterans & Community Housing Coalition (VCHC). VCHC provides housing and support services to all homeless military veterans and their families, and advocates on behalf of all military veterans and their families to provide housing opportunities for low income households.

5. In Our Name Initiative. In Our Name Initiative is a component of the Skidmore College Project on Restorative Justice and seeks to increase awareness of public policy and other issues. An on-site voluntary café/refreshment operation will be conducted by In Our Name Initiative, called "Food for Thought," where patrons may pay according to their ability, or not at all. This feature will bring together both housing guests, volunteers from the parish, Skidmore College and participation from the community, adding to the diverse, holistic and supportive atmosphere.

Bethesda was granted site-plan approval by the City of Saratoga Springs Planning Board on September 9, 2015, for a four-story addition to the church, planned, at the time, to consist of office, retail, group entertainment, educational facilities and day care center. Based on the plans and the Board's review and evaluation, a SEQRA Negative Declaration of environmental significance was issued.

Since Bethesda's original application for site-plan approval, continued consideration has been given by Bethesda to the program of the addition, in furtherance of Bethesda's religious mission. While uses such as offices, retail, entertainment and day care are desirable functions, and if undertaken by certain non-profit, charitable organizations would not be incompatible with Bethesda's mission, the parish leadership has given deeper consideration to our mission to fulfill Biblical directives to help house, feed and support the poor and needy. This consideration also continues a tradition of more than a century, during which Bethesda has continually aided those in need in Saratoga Springs.

This memorandum is respectfully submitted to describe Bethesda's program plans for its new facility, to show how these plans fulfill our mission to live the Gospels and carry out God's will, and to summarize the legal and constitutional protections Bethesda enjoys as a religious institution, located as we are in the T-6 zone of Saratoga Springs.

Overall Use Plan

Without changing any environmental impact or exterior feature approved under Site Plan review, Bethesda intends to build interior space where guests needing supportive shelter or housing can be accommodated, while participating, if they choose, in alcoholism and substance use disorder recovery activities and other healing programs conducted on the premises. This approach may be considered a "housing first" model, whereby individuals in need can be safely sheltered without having to make a commitment to other programs as a prerequisite for housing.

Bethesda's parish leadership has become increasingly focused on the need in Saratoga Springs and Saratoga County for supportive shelter and accommodations for individuals engaged in alcohol and substance use disorder recovery programs, including workers from the backstretch at Saratoga Race Course, military veterans, victims of domestic violence, and people with disabilities. In furtherance of this mission, and following detailed discussions, examination and adjustment of interior floor plans, Bethesda has entered into Letters of Intent with the five partners listed herein for supportive shelter and housing needs for the individuals and families whom they serve. The meeting rooms and dining hall on the first floor would be made available on a scheduled basis for any of the partner organizations, when not required for parish purposes.

The plan now coming into focus would also allow for use of a substantial part of the building during cold-weather emergency conditions when shelter is required for everyone by Executive Order of the Governor.

Guest-Room Configurations

Accommodations in the facility will be designed for both individuals and families referred by our partners.

- For individuals referred by BEST, there will be shared bedroom suites, shared bathrooms and an eat-in kitchen on the fourth floor. In addition, a multi--bed suite will be included for recuperation of individuals who may have been injured in their work (such as on the Saratoga Race Course) but are not ready to return to work. These suites will be devoted, in season, to men and women served by BEST.
- Two three-bedroom apartments will be included, devoted to families who have suffered domestic violence and been referred by Wellspring.
- One-bedroom and studio units will be available to individuals referred by TSA and by Veterans & Community Housing Coalition, including female military veterans with children who are unable to access Saratoga County's female veterans' housing.
- On the first floor, common rooms and other spaces will be available for scheduled group meetings, such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and others, and for individual or family counseling, as referenced above. Otherwise, offices, music training and the meeting rooms will be devoted to Bethesda parish use, as originally envisioned.
- Security of access to the upper floors will be assured by a digital security system already designed into Bethesda's plans. The safety and security of all who reside in and enter this building are paramount to Bethesda. Therefore, security measures and appropriate oversight will be tailored to address this important objective.
- A full-time resident manager will have a two-bedroom apartment on site.

Guest Access

Arrangements for guests will be made in partnership with the above-mentioned partner organizations. For example, Bethesda would welcome homeless military veterans and race track backstretch workers requiring supportive shelter, as well as provide safe housing for domestic violence victims and people with disabilities including alcohol or substance recovery and mental illness. Bethesda's mission is to serve as many of our partners' clients as possible in space that is flexibly designed to accommodate a variety of needs in a holistic and safe manner. All the organizations have voiced support for the different backgrounds of those we envision serving, feeling that the diversity itself is an enhancement of the likely effectiveness of programs conducted on the premises.

Parish Operations

The new Parish House/Community Center will, of course, serve as Bethesda's Parish House, too. For more than 100 years, Bethesda's parish house was at 41 Washington Street. It was sold in 2014 because it no longer suited the needs of the parish, and renovation costs to reconfigure the space to allow for the type of mission-oriented uses the parish envisioned were prohibitive. The new building will accommodate these needs. Critical to the parish operations, the New Parish House/Community Center will house Bethesda's offices, church school, music training, library, worship and meeting space, dining hall and kitchen on the first floor. Guests of the upper floors will be able to schedule use of the dining hall and kitchen and other spaces when needed and appropriate.

Ownership and Operation--Mercy House of Saratoga, Inc.

Bethesda's property, like all property of the Episcopal Church, is controlled by diocesan authority, in this case the Episcopal Diocese of Albany. Purchases, sales, and long-term leases are approved by the Diocesan Standing Committee pursuant to Canon Law and the New York State Religious Corporations Law.

Operation of the guest accommodations will be managed by Mercy House of Saratoga, Inc. (Mercy House), a separate, non-denominational 501(c)(3) not-for-profit corporation presently under formation. Mercy House will have an operating agreement with Bethesda and long-term agreements with our designated housing partners listed above.

Mercy House would be affiliated with, but separate from, Bethesda. Mercy House's board of directors would be nominated by Bethesda's Vestry, and most likely would include members of the community and/or housing partner organizations. Bethesda's Vestry is the church's board of directors and already has a full panoply of responsibilities. Mercy House's separate board would be dedicated to the operations of the residential areas of the building. This arrangement would allow for management accountability and fiscal control of the operation separately from the main parish, so that funds attendant to the management of this mission are dedicated to that purpose. Significantly, the mission of Mercy House of Saratoga, Inc. would be to support and help implement Bethesda's religious mission to care for the poor, homeless, and needy in our community, and to do so in a non-denominational and non-discriminatory manner.

A full-time on-site manager will be employed by Mercy House, have an apartment in the facility, and will see that all guests are properly located and served. Outside groups, as well as peer-support groups (e.g., AA/NA), will be able to use appropriate rooms for programs and meetings.

In Furtherance of Religious Faith and Tradition

Bethesda Episcopal Church's commitment to this mission as outlined above is in keeping with the traditional Judeo-Christian faith, and with many decades of Bethesda living its faith actively in Saratoga Springs.

For example, Bethesda's continuous commitment to meeting human needs in Saratoga Springs is marked by the founding in 1870 of the Home of the Good Shepherd, a mission

analogous to our present establishment of Mercy House in 2018. Committing to a mission to provide shelter and housing to elderly women, Bethesda faithfully sustained the Home through decades on Greenfield Avenue before it began its successful expansion program in the last two decades. Today, the Home(s) of the Good Shepherd, whose Board is appointed by Bethesda's Vestry, manages housing for more than 300 elderly men and women throughout Saratoga County in its four adult homes and one memory care facility.

Nearly a century ago during the influenza epidemic of 1918, Bethesda's Rector at the time, Rev. Irving Granville Rouillard, wrote a letter to the Editor of *The Saratogian*: "I am intensely interested in the suggestion made through the column of *The Saratogian*, that Bethesda parish house be used as a sick relief station and the kitchen for making soups, broths and delicacies for the acutely ill. A committee stands ready to initiate it, if doctors of the city recommend that it be done and urge its necessity." Saratoga Chapter of the American Red Cross, Red Cross members and volunteers, were given access to a large Sunday School room two afternoons a week where garments for women and children were made.

During the economic hard times of the late 1920s and early 1930s, Bethesda played a leadership role in bring comfort and aid to individuals and families in desperate need. Additionally, three rooms in Bethesda parish house were furnished with beds to accommodate transients, and Bethesda's kitchen facilities were used to prepare and serve a hot lunch to needy children.

In more recent times Bethesda has hosted a one evening city wide forum on the prevalence and problems related to Drugs and Drug Addiction in our community. Bethesda's focus on the needs of those in recovery programs continues and extends more than 75 years of providing support to Alcoholics Anonymous (AA) at our former Parish House at 41 Washington Street. Each week over those decades, dozens of meetings were held where peer support provided people with a supportive pathway to recovery. Since Bethesda sold that building, participants in AA have had to find meetings in different locations and have expressed the strong desire to return to Bethesda, a desire shared by Bethesda's congregation, clergy and leadership. Other cohorts, including backstretch workers, TSA, domestic violence victims, and military veterans needing housing include individuals in recovery, so Bethesda's ability and experience hosting these programs is seen as a welcome resource.

Since formally initiating the plan for a new Parish House/Community Center in 2015, Bethesda's congregation has prayed every week for an increased opportunity to serve the community. We pray that God's "presence and power will make this parish church a home of spiritual refreshment and healing," such as is now proposed to help and house the poor and those suffering from addiction. This prayer has unified our congregation. It has been printed in every weekly program for more than three years and prayed aloud by the entire congregation at both the 8 a.m. and 10 a.m. Sunday services.

The word "Bethesda" means "house of mercy." Bethesda was so-named by Rockwell Putnam (son of Gideon Putnam) and the founders, inspired by the presence of Saratoga's healing waters and a Gospel story, depicted in the principal stained-glass window above the altar at Bethesda. Both the window and the Gospel of *St. John, Chapter 5: 1-16*, tell the story that gave rise to Bethesda's name and mission. Installed in the 1890s, the window

depicts Jesus healing at the pool of Bethesda in Jerusalem. He is pictured along with images of a crippled man and a woman holding a young child (possibly a reference to Katrina Trask, whose children died tragically, and whose beneficence supported the window's design and installation). This window has inspired generations of Bethesda worshippers to the ministries of healing and service and does so today.

The Holy Bible is replete with passages directing us to serve the poor. Bethesda's commitment is a response to Biblical and theological directives and admonitions. Scripture tells us we are to help the poor, the homeless, and the needy to fulfill God's will. Here are but a few examples:

- “Suppose a brother or a sister is without clothes and daily food, and if one of you says to them, ‘Go in peace; keep warm and well fed,’ but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead.” (*James 2:15-17*).
- “Whoever is kind to the needy honors God” (*Proverbs 14:31*).
- “Then the king will say to those at his right hand, ‘Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me.’” (*Matthew 25:34-36*).
- “Behold, this is the guilt of your sister Sodom: she and her daughters had pride, surfeit of food and prosperous ease, but did not aid the poor and needy.” (*Ezekiel 16:49*).
- “If anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him?” (*1 John 3:17*).
- “Do not neglect to show hospitality to strangers, for by doing that some have entertained angels without knowing it.” (*Hebrews 13:2*).

Church leaders in the past have instructed Christians on their responsibility to care for the poor. For instance, Saint Thomas Aquinas (13th C.), quoting Saint Ambrose (4th C.) said: “It is the hungry man's bread that you detain; the naked man's cloak that you store away; the poor man's ransom and freedom that is in the money which you bury in the ground... It is no less a crime to refuse to help the needy when you are able and prosperous than it is to take away someone else's property”

Bethesda also draws inspiration from more recent church leaders. Bishop Michael Curry, Presiding Bishop of the Episcopal Church, quoting Jesus and commenting, said: “My house shall be called a house of prayer for all peoples.” (*Isaiah 56:7, Mark 11:17*). When Jesus spoke these words, he was quoting the prophet Isaiah and a portion of Scripture which dreams for the day when those who have long been excluded will be included and when those who have long been cast out will be brought in. When Jesus spoke those words, he

had just stunned everyone at the temple by overturning the tables of the money changers. Jesus didn't mince those words. He really meant them. He let them ring out."

Bishop Curry, again quoting Jesus, said: "Just as you did it to one of the least of these who are members of my family, you did it to me.' (*Matthew 25:40*). In the cry of human need, in the ache of the human heart, in the faces of those downcast, and in the lives of those outcast by any human decree or agency--there, in the brother, there in the sister, we behold the face and hear the voice of Jesus."

Bishop Curry, quoting German theologian Dietrich Bonhoeffer, executed by the Nazis for plotting against Hitler: "Bonhoeffer believed Jesus genuinely wants us to live the teachings of the Sermon on the Mount, to live the gospel. For his beliefs Bonhoeffer paid the ultimate price; he was executed by the Nazis. Not long before he died he wrote, "The Church is the Church only when it exists for others."

Bishop Curry, quoting Old Testament scholar Walter Brueggemann: "The central vision of world history in the Bible is that all of creation is one, every creature in community with every other, living in harmony and security toward the joy and well-being of every other creature."

Legal Protection

Bethesda Episcopal Church is in the heart of downtown Saratoga Springs, in the city's T-6 urban zone. This zone allows for several types of businesses and organizations to be permitted with Site Plan Approval, including "Religious Institutions." As a religious institution whose presence on Washington Street predates the chartering of the city of Saratoga Springs, let alone of the Zoning Ordinance, Bethesda respectfully asserts its right to engage in its religious practices, including providing shelter to those in need, without undue interference or constraint from municipal authority.

The right to practice one's religious faith is protected by the United States Constitution, First Amendment, and the New York State Constitution, Article I, Section 3. Furthermore, the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*, protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws.

Since its enactment, the majority of courts have been sympathetic toward the RLUIPA in cases involving temporary shelter and other forms of housing for the homeless afforded by religious institutions. In these courts' opinions, RLUIPA has emerged as a powerful tool for establishing religious use to create such housing in property that could otherwise not be used for such purposes. For instance, in 2002, the U.S. Court of Appeals for the Second Circuit, whose jurisdiction encompasses New York State, upheld an injunction prohibiting the City of New York from dispersing homeless persons that a church had allowed to sleep on the church's outdoor property, in part based on RLUIPA. *Fifth Ave. Presbyterian Church v. City of New York*, 293 F.3d 570 (2d Cir. 2002). The Second Circuit accepted the church's position that this assistance for the homeless was "an integral part of its religious mission" and that the church was "commanded by scripture to care for the least, the lost, and the lonely of this world, and, in ministering to the homeless." *Id.* at 574-575.

In a more recent decision by the Appellate Division of the Supreme Court for the Third Department of New York, the Court reiterated the longstanding rule in New York that religious institutions are afforded special treatment and enjoy constitutionally protected status with respect to residential zoning ordinances. *Sullivan v. Board of Zoning Appeals of City of Albany*, 144 A.D.3d 1480 (3d Dep't 2016), *leave to appeal denied*, 29 N.Y.3d 901 (2017). In this case, the Appellate Division reversed the denial of the proposed use of parsonage on church property, which was located in a single-family residential district, by non-profit corporation to house 14 homeless individuals, finding that the church met the definition of "house of worship," as a use permitted in city's zoning code, and thus no additional zoning exemptions or permissions were necessary for church and non-profit corporation to begin using parsonage for proposed use. The proposed use was consistent with mission and actions of a house of worship or religious ceremonies, since religious uses and activities included not only prayer and sacrifice, but also services to the homeless and concepts of charity. *Id.*

The Federal and State Constitutions and RLUIPA protect the rights of religious institutions like Bethesda to supply housing for the homeless as a part of the exercise of our religious beliefs. These laws benefit both churches, which can freely exercise their ministry of care, as well as the poor, needy, and the homeless who receive lodging and other essential services at locations that are convenient. Bethesda, as a religious not-for-profit organization, has the desire and commitment to provide shelter and supportive housing to those in need in Saratoga Springs and surrounding areas at a time when governments and other agencies are challenged to find the resources to do so. Consequently, the community as well benefits from such charitable housing activities.

Conclusion

Bethesda is eager to offer this integrated, innovative and needed plan to our community. By providing supportive shelter and supportive housing for a diverse cohort of individuals in need, Bethesda is living the priorities and directives of our faith that have been revealed in scripture and handed down to us over millennia. We are sharing our wealth with those in need, such as Race Course backstretch workers, military veterans who have sacrificed to protect our country, victims of domestic violence, and individuals with disabilities. We are including them in our lives. We are looking into the faces of others, especially those "outcast by any human decree or agency," such as our community's homeless and addicted, and finding Jesus. We are the Church "existing for others" and trying to make all of creation one by healing the divisions in our society and helping those in need. We undertake this effort to help meet the unmet needs of the community that chronically exist, despite the best efforts of voluntary non-profit agencies and society.

Therefore, we respectfully present our plan as a rightful mission for a religious institution under the City of Saratoga Springs Zoning Ordinance, the federal Religious Land Use and Institutionalized Persons Act, and the Constitutions of New York State and the United States.

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