

## Exhibit D



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## MEMORANDUM

TO: Mayor Presti  
Village of Chestnut Ridge Board of Trustees

FROM: Allan Rubin, Chairman  
Village of Chestnut Ridge Planning Board

SUBJECT: Proposed Local Law to amend Zoning Code  
Houses of Worship

DATE: May 29, 2018

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The Planning Board reviewed the proposed Local Law. While the Planning Board recognizes that the Village Board feels the Zoning Code has to be amended to provide reasonable accommodation for the needs of religious uses, we feel the provisions of this Local Law have the potential to significantly disrupt the peaceful and quiet harmony associated with single family zoning districts and alter single family neighborhoods and impact the quality of life of the residents of the Village. A proliferation of houses of worship at the scale permitted by the Local Law will negatively impact homeowners by allowing for large structures to be built in single family zones. The associated parking issues, noise, and traffic can severely impact the neighboring single family dwellings, especially if more than one place of worship is sited on a single block.

The Planning Board's comments and concerns are as follows:

### **General Comments**

1. The Planning Board recommends that the Village adopt a comprehensive master plan before entertaining the proposed local law and that the impacts of the proposed local law be considered as part of the master plan review.

2. The Village Board should look at the environmental impacts on individual neighborhoods as opposed to the Village as a whole as part of the SEQRA review. There may be some neighborhoods within the Village that may be impacted more significantly than others by the adoption of the proposed local law.

3. We question why only the input of one religious organization (the Orthodox Jewish Coalition) was considered in connection with the drafting of the proposed local law. The proposed law is designed to favor one religious institution over another. We are concerned that it may be unconstitutional and prohibited pursuant to the Establishment Clause of the First Amendment.

### **Comments Regarding Residential Place of Worship (RPW)**

1. The Planning Board is concerned that a proliferation of these uses on a single street will severely negatively impact the residents of the block. The Board suggests that consideration be given to placing a limitation on the number of RPW on a street or that a minimum distance between uses be established.
2. 17.B- Why is the net lot area being used to determine the number of non-resident persons using the RPW instead of the gross floor area? The 60 person limit is too large for a single family zone. That many people coming and going on a regular basis will alter the character of the neighborhood in a negative manner. The Village Board should be aware that once the occupancy load of a structure reaches 50 people, the structure is considered a place of public assembly and different building code standards will apply. How is this going to be enforced to ensure that the RPW does not exceed its maximum occupancy and become a public health and safety hazard?
3. 17.D- How will the issue of accessory facilities be policed to insure compliance with the law? How will the Village know if such accessory facilities are being used by non-resident congregants? The term "residents" should clearly specify that it applies to residents of the home.
4. 17.E- The 80% minimum lot size requirement, together with the FAR and development coverage bonuses will allow substantially larger houses on smaller lots. It is possible that the proposed local law will be relied upon for a resident to build a larger house than he would otherwise be allowed to build by calling it an RPW. Has an analysis been done of the number of single family residences in each residential zoning district and the size of those lots to determine how many are noncompliant with the requirement? How does the recently enacted local law that eliminates the calculation of cellars in the FAR of a single family dwelling impact this provision? Will a proposed RPW be able to take advantage of the exclusion of cellars to be able to build yet a larger structure that may be out of character with the neighborhood?
5. 17.F- The word "neighborhood" in the first sentence is to be changed to "residential." There was total consensus that parking should be required on site. The parking issue has the potential to significantly disrupt a neighborhood, especially if cars are parked in the street and on both sides of the road. The parking could impede traffic flow and

prevent emergency service providers from getting to the RPW. With regard to offsite parking, what is going to be considered legal offsite parking? Will it be cars in a driveway in the front yard where it is not currently permitted? Will the offsite houses have to come in and also be approved for parking of vehicles on their lots? What if cars park on the front lawn? If a neighbor withdraws consent to allow parking, how will the Village know? What will happen once consent is withdrawn and the RPW cannot get further consent of offsite parking? All required parking should be provided onsite. The Planning Board has the discretion to waive up to 25% of the required parking spaces and to land bank spaces where appropriate pursuant to Article VII.1.A and B of the Zoning Code. If the Village Board does allow offsite parking, the proposed distance of 1500 feet (over a quarter of a mile) seems too far and should be limited to 500 feet walking distance.

6. 17.K- The hours of operation have the potential to impact the neighbors. The Planning Board felt that allowing functions to continue until 12:00 AM or to start at 6:00 AM will disturb the immediate neighbors. The uses should end earlier in the evening and not start until later in the morning. Further, the term "regularly scheduled religious assembly" should be omitted and replaced with "religious assembly." Weddings, b'nai mitzvahs, bris' and other religious assembly of these types occurring in a residential neighborhood will disrupt the peace and enjoyment of the neighbors.
7. 17.M- No additional lighting should be allowed beyond what exists for a single family dwelling. No building signs should be permitted. These uses are designed to serve the immediate neighborhood and congregants will know where the RPW is located without resort to building and mailbox signage.
8. 17.N- The term "passive recreational use" should be defined. The Village Board should consider limiting the size of the playground and outdoor spaces.
9. 17.P- The Planning Board should not be in a position of having to grant any variances from the zoning code in connection with its review of a site plan and conditional use. Any deviations from the requirements should be a matter for the Zoning Board of Appeals to determine. A zoning board is required to follow statutory and case law criteria in considering applications for variances. The local law does not provide any such criteria for the Planning Board to follow in determining when to grant a waiver. This discretion should not be left to the Planning Board and may lead to claims that the Planning Board is acting in an arbitrary manner when they grant or refuse to grant a waiver.
10. 17.S- If this provision is to be implemented, procedures for the conduct of such hearings should be included.
11. A provision should be added to prevent the cessation of the use of the single family component of the RPW. It should be clear that the discontinuance of the use of the single family component terminates the conditional use of the house for organized religious assembly.

12. Occupancy of the RPW should be limited to the clergy and their family members.
13. Instead of allowing the RPW to encompass 50% of the gross floor area of a single family dwelling, the size of the premises used for organized religious assembly should be limited by a maximum square footage as well (e.g. 50% or no greater than 800 square feet).

**Comments Regarding Neighborhood Place of Worship (NPW)**

1. 18.D- Occupancy of a residential component of the NPW should be limited to the clergy and their family members.
2. 18.E- Schools and social halls will disrupt the single family nature and character of a residential neighborhood on such small lots. The minimum lot size should be increased if an NPW will be using the premises for the stated accessory functions. Schools should not be permitted in an NPW due to the potential negative impacts it can create for the neighbors. We suggest that the NPW be required to have a minimum acreage of 2 acres. If the NPW seeks permission for the stated accessory uses, the minimum lot size should be increased to 3 acres.
3. 18.F- As with 17.F, the parking issue has the potential to significantly disrupt a neighborhood. All required parking should be provided onsite.
4. 18.K- This section appears to be in conflict with 18.M. This section permits use of the NPW by community groups while 18.M prohibits the use of the NPW for rental or congregants except for religious functions.
5. 18.L- As with 17.K, the hours of social functions should be limited.
6. 18.P- The term "passive recreational use" should be defined. The Village Board should consider limiting the size of the playground and outdoor spaces.
7. 18.S- As with 17.P, the Planning Board should not be in a position of having to grant any variances from the zoning code in connection with its review of a site plan and conditional use. The bonus provisions should be eliminated.
8. Generally, the Planning Board did not like the fact that NPW had no standardized minimum lot size, but rather was keyed to the minimum lot size for a home in that district. Especially if functions are going to be permitted within a NPW, the minimum lot size should be greater than the district lot sizes, but something less than 5 acres.
9. The Planning Board feels that the local law should be limited to RPW and Community Places of Worship and that NPW should be removed from the proposed law. The NPW is too intense of a use to be permitted on standard size residential lots.

### **Comments Regarding Community Place of Worship (CPW)**

1. 19.D- Occupancy of a residential component of the CPW should be limited to the clergy and their family members.
2. 19.E- All lighting should be restricted so that it does not leave the subject property.
3. 19.G- Change the term "religious schools" to "religious study" in the second sentence.
4. 19.J- The term "passive recreational use" should be defined. The Village Board should consider limiting the size of the playground and outdoor spaces.
5. 19.K- Requiring a Parking Management Plan (PMP) is a good idea but the terms of this provision should to be revisited. It does not seem feasible to wait to develop a PMP when functions and/or services demanding parking in excess of onsite parking requirements are planned. The PMP should be developed at the time of special permit approval and the input of the Town of Ramapo Police Department should be sought at that time.
6. 19.O- As with 17.P and 18.S, the Planning Board should not be in a position of having to grant any variances from the zoning code in connection with its review of a site plan.
7. The Village Board should consider limits on the hours of operation for any uses, catered events and/or functions that are not in the nature of religious worship.