

Exhibit J

Planit Main Street, Inc.

Planning & Community Development Consultants



MEMORANDUM

To: Steven N. Mogel, Attorney at Law
From: Alan J. Sorensen, AICP, Planning Consultant
Date: January 15, 2019
Re: Chestnut Ridge Proposed Zoning Text Amendments for Public Assembly Uses – Environmental Review

I have reviewed the Full Environmental Assessment Forms (FEAF) Parts 1 & 2 for the Proposed Local Law for Public Assembly Uses for the Village of Chestnut Ridge. These documents were prepared by the planning firm of Nelson, Pope, Voorhis, LLC., with a transmittal date to the Village Board of October 26, 2018. I have reviewed each for completeness and my comments on each are provided below.

FEAF Part 1:

Part A. Brief Description of Proposed Action [Page 1 of 13] – Local Law objectives

- To comply with Federal and State statutory and case law, and to reconcile the Zoning Code with Religious Land Use and Institutionalized Persons Act.” Planit Comment: The CUPON Statement on Religious Land Use and Institutionalized Persons Act (RLUIPA) to be submitted into the record at the January 15, 2019 continuation of the public hearing makes clear that the proposed local law is clearly not required by Federal and State law (including RLUIPA) and likely violates both the Establishment Clause of the U.S. Constitution, as well as New York State statutory and case law which requires land use regulations in a Village to comply with the Village’s comprehensive plan. .
- To protect the residential character and quality of existing neighborhoods which currently house a diverse population of many faiths, but which all chose Chestnut Ridge in order to live in largely high-quality, low-density, single-family detached neighborhoods of a quiet, wooded and suburban character. Planit Comment: The proposed Local Law would not protect the residential character and quality of existing neighborhoods and, in fact, would have the complete opposite effect by introducing intensive non-residential public gathering places through Chestnut Ridge’s single-family neighborhoods in sharp contrast to the established land use pattern.
- To remove impediments to the free practice of religion, such as allowing for smaller-scale places of worship customary to Orthodox congregations, which are precluded from driving on holy days. Planit Comment: There is no evidence that the current Village Code improperly impedes the free practice of religion in any way, nor would the drastic legislation currently proposed be the best resolution if such impediments do, in fact, exist, given the significant adverse environmental impacts it will likely have upon well-established single-family neighborhoods throughout the Village.
- To ensure that the regulations of places of worship foresee the needs of other religions, which may choose Chestnut Ridge as their home. Planit Comment: This goal is noble and worthwhile but, again, the proposed legislation is a fatally flawed attempt to reach that goal, given the significant adverse environmental impact which will undoubtedly result therefrom.

Legal
opinion
Planner

Part C. Planning and Zoning.

C.2. Adopted land use plans. C.2.a. This question should be answered “yes,” since Rockland County has an adopted Comprehensive Plan. *Rockland Tomorrow - Rockland County Comprehensive Plan* was adopted by the Rockland County Legislature on March 1, 2011. The Comprehensive Plan was prepared in accordance with the New York State GML §239-d. The Village also falls within the boundary of the Hudson Valley River Greenway.

C.3. Zoning. C.3.b. This question should be answered “no”, since the Local Law would broadly expand the definitions of Residential Gathering Places to allow them where they are not presently permitted.

FEAF Part 2:

Part 1. Impact on Land: Proposed Action may involve construction on, or physical alteration of the land surface of the proposed site.

- **Planit Comment:** The response to this question should be “yes” based upon the following:

Section 1.e. “The Proposed Action may involve construction that continues for more than one year or in multiple phases.” The response to this question should be “yes.” The Proposed Local Law is likely to trigger new construction throughout the community for years to come. The cumulative impacts of such development would likely have significant adverse environmental impacts – especially with respect to construction noise, lighting, stormwater runoff and community character.

Section 1.f. “The Proposed Action may result in increased erosion, whether from physical disturbance or vegetation removal.” The response to this question should be “yes.” Again, the Proposed Local Law is likely to trigger new construction throughout the community for years to come. The cumulative impacts of constructing new on-site parking areas and expanding or constructing new buildings throughout the Village’s residential neighborhoods will increase the potential for erosion. The real danger is the individual impacts of such developments will likely fall under the 1-acre threshold for triggering a Stormwater Pollution Prevention Plan (SWPPP) – while the cumulative impacts over time would affect tens, if not hundreds, of acres of new land disturbance with no post development stormwater management.

Part 3. Impacts on Surface Water: The Proposed Action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

- **Planit Comment:** The response to this question should be “yes” based upon the following:

Section 3.h. “The Proposed Action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.” The response to this question should be “yes.” The proposed Local Law is likely to trigger new construction throughout the community. The cumulative impacts of constructing new on-site parking areas and expanding or constructing new buildings throughout the Village’s residential neighborhoods will increase the potential for erosion and result in greater impervious surface, thereby creating a new source of stormwater discharge. The real danger is the individual impacts of such developments will likely fall under the 1-acre threshold for triggering a Stormwater Pollution Prevention Plan (SWPPP) – while the cumulative impacts over time would affect tens, if not hundreds, of acres of new land disturbance with no post development stormwater management. The significant adverse environmental impacts related to surface water needs to be assessed.

Part 13 Impacts on Transportation: The Proposed Action may result in a change to existing transportation systems.

- Planit Comment: The response to this question was “yes” based upon the following: “Increase in pedestrian movements and on-street parking at gathering places and places of worship may create hazards for pedestrians and motorist.” [Source Full EAF Part 2 – prepared by Nelson, Pope, Voorhis, LLC].
 - Residential Gathering Places and Houses of Worship by their very nature result in regular assemblages of people that result in traffic (vehicular and pedestrian) related impacts, needs for off-street and on-street parking, impacts related to noise and an increase in the demand for community services. This is why such uses are often regulated as Special Permit uses and careful consideration is given to ensure that such uses do not adversely affect adjacent land uses. As written, the Proposed Action is indifferent to the potential impacts of allowing such uses in established single-family neighborhoods throughout the entire Village.
 - The Proposed Action would allow accessory buildings including religious schools, social halls, administrative offices, baths and shower facilities, gymnasiums and indoor recreation facilities. Wedding receptions and other social functions would be allowed. Each and every one of these facilities has the potential to generate significant increases in traffic, the demand for off-street and on-street parking, and the need to expand the existing sidewalk system.
 - A single Community Place of Worship has the potential to exhaust the transportation and on-street parking system during a wedding or reception. If the Community Place of Worship also includes a school such impacts will occur more frequently and the adverse impacts on the neighborhoods will be more pronounced. Social halls, wedding receptions and social events carried out as accessory uses to Houses of Worship will also place an increased demand on transportation, water, sewer, police, ambulance and fire protection services as the result in the mass gathering of people for such purposes. This is an area where the Proposed Action must be studied in great detail in a DEIS, which would include an analysis of potentially significant cumulative impacts and the required mitigation measures.
 - The new Local Law would only allow offsite (or on street) parking where parking is restricted to one side of the street. Even with this provision, narrow street width and lack of sidewalks along many residential streets will result in congested and unsafe streets during residential gatherings or religious services.
 - The Proposed Action may result in the construction of paved parking area for 500 or more vehicles. *The cumulative impacts of the Local law could easily exceed this number.*
 - The Proposed Action may alter the present pattern of movement of people or goods.
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Part 15. Impacts on Noise, Odor and Light: The Proposed Action may result in an increase in noise, odors, or outdoor lighting.

- Planit Comment: The response to this question should be “yes” based upon the following: “The Proposed Action may produce sound above noise levels established by local regulation (i.e., construction-related noise and long-term noise associated with large gatherings). The Proposed Action may also result in lighting creating sky-glow brighter than existing area conditions since public assembly and paved parking areas associated therewith for guest would require more site lighting than single-family homes. The cumulative impacts related to noise and light are potentially significant adverse environmental impacts that need to be assessed and mitigated.

Part 17. Consistency with Community Plans: The Proposed Action is not consistent with adopted land use plans.

- Planit Comment: NYS Village Law §7-722. In New York, the zoning enabling acts continue to require that zoning be undertaken “in accord with a well-considered plan” or “in accordance with a comprehensive plan.” The Village of Chestnut Ridge does not have an adopted Comprehensive Plan. However, the 2012 Land Use Map reflects the long-established land use policies of the community (see Land Use Map on Page 7 herein). This map shows a land use pattern consisting of predominantly single-family neighborhoods surrounding non-residential nodes within the Village. The Proposed Action is a *substantial departure* from Chestnut Ridge’s long-established land use policies in that it would allow Residential Gathering Places and Houses of Worship throughout its residential neighborhoods. Such a drastic change to long-established land use policy should only occur through a public participation process that provides an opportunity for residents to weigh in on and shape such policies so that they reflect the desire of the community at large. The Village should first take a step back and undertake the preparation of a Comprehensive Plan for the community so revisions to its land use laws are not developed in a vacuum.
- Planit Comment: The existing pattern of land use was shaped by the Chestnut Ridge’s long-established land use policies. The proposed Local law is a substantial departure from long-established land use policies in that it would allow Residential Gathering Places and Houses of Worship throughout its quiet residential neighborhoods in sharp contrast to current land use patterns.

Part 18. Consistency with Community Character: The proposed project is inconsistent with the existing community character. *The FEAF Part 2 Part 18 acknowledges that “nonresidential assembly and places of worship may be established with existing homogeneously developed residential neighborhoods.” These impacts are appropriately identified and having potential large adverse impacts to Community Character.*

- Today, Chestnut Ridge is a community with single-family neighborhoods, which are distinct and separate from its small neighborhood business districts. The Proposed Action allows the introduction of non-residential uses on every residential block, thereby destroying the character of these neighborhoods. The Proposed Action would fundamentally and forever change the character of Chestnut Ridge and the quality of life for its residents.

The Proposed Action would result in *potentially significant* adverse impacts to Land; Surface Water; Aesthetic Resources; Transportation; Noise, Odor, and Lights; the Community Plan and is inconsistent with Community Character. A Generic Environment Impact Statement (GEIS) must be prepared in accordance with 6NYCRR Part 617 State Environmental Quality Review §617.10 to further assess the impact(s) and possible mitigation measures and to explore alternatives to avoid or reduce those impacts.

Sincerely,



Alan J. Sorensen, AICP
Enclosure

Exhibit K

Jason Barragan

43 Summit Road, Chestnut Ridge

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Village of Chestnut Ridge

Mayor Presti:

As per what you said on January 15, 2018 at the public hearing in regards to getting feedback and comments about Chestnut Ridge from residents, I am writing this letter because I have a few things that I would like to say.

I am twenty three years old and for all of those twenty three years I have lived in Chestnut Ridge. So if anyone has the right to comment on the current issues Chestnut Ridge is facing, I think I am more than qualified. Chestnut Ridge is not only a town to me, it's my home. I am a product of Chestnut Ridge and I am proud of that, always have been, always will be. Chestnut Ridge is the only home I have ever known. Jogging through the memories of my childhood, I don't have any negative thoughts about Chestnut Ridge during my childhood. It was always a place where the neighbors were friendly and everyone got along. And in an ideal suburban town, that's how it should be.

Growing up in Chestnut Ridge I always liked how the town was multicultural. I have always felt lucky to grow up around different cultures and because of this I have no fear or apprehension when some new culture is introduced to me. From African Americans to Latinos to Europeans; you can find anyone from those backgrounds in Chestnut Ridge. Chestnut Ridge also contains many religious institutions from churches to synagogues to mosques. Diversity is a quality that I wish all towns in the United States experienced. Diversity teaches you to respect

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other people's ways of life and also encourages people to learn about other cultures. As someone who is interested in Anthropology, these qualities of diversity and inclusion are very essential and important to me. What also is very important about Chestnut Ridge was that it had character. Everyone that I knew growing up seemed content with Chestnut Ridge being a nice small suburban town with privacy and minimal noise. And to me, those qualities that create character are why people feel sentimental and emotional about their home town.

I must admit that the Chestnut Ridge of today doesn't seem like it's the same Chestnut Ridge of my childhood. It seems the Chestnut Ridge of today is divided and hostile. That's not how I remember Chestnut Ridge, and that's not the character that I wish for Chestnut Ridge to have. I'm assuming no one could have predicted that Chestnut Ridge would be going through these issues today but it's here and the issues need to be dealt with in a transparent and fair manner. I think the public hearings (which I attended two of them) were excellent ways of creating a dialogue with people and to hear different points of view. Dialogue is what is needed in order to solve problems and the freedom of speech that we have to tell governments about issues and concerns of the community, no matter what level of government, is something to be cherished and practiced by the people. So I praise you and your counsel for giving the residents of Chestnut Ridge that opportunity to speak up and be heard.

Now let me get to the main point in reference to the sudden influx of the Orthodox Jewish community and the legislation that you and your counsel are planning on verifying and passing into law. In no way, shape, or form am I anti-Semitic and like I said before, I am accepting of anyone no matter where they come from or what culture they are a part of that move into Chestnut Ridge. Chestnut Ridge, just like the United States, is a home for everyone. But in regards to this house of worship controversy, I think it's totally asinine and it makes no sense to

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me. Certain things don't make sense to me in regards to these proposed zoning laws. If there are no restrictions or limits on how many houses of worship there can be in Chestnut Ridge, then can every house in the community be declared a house of worship? Can I declare my house a house of worship? How many houses of worship can and should one town have? Chestnut Ridge is a small town, is it really a necessity to have all these houses of worship in such a small town? I am okay with a certain amount of houses to be a house of worship, the town needs to accommodate to the needs of the new residents, but I don't think any random house should be declared a house of worship, ESPECIALLY on residential streets. The very existence of that one residence (if you want to even call it a "residence") on Spring Hill Terrace, to me, is absolutely crazy to have on a residential street. The amount of cars and people that I have seen around that residence and go into that residence is alarming to have on a residential street. To me, to have various examples of "houses" throughout Chestnut Ridge that resembles Spring Hill Terrace is absolutely ludicrous and expresses lack of leadership from you and your counsel to control what residents can do to their houses. I don't see how allowing limitless houses of worship helps the town in anyway. It's not like after their services they'll go to any of the restaurants in town for an after service meal. I don't know how many of the restaurants in Chestnut Ridge are kosher but I don't think a lot of them are. So if all of these houses of worship are permitted, I don't see how it's going to help create revenue for the town or local restaurants in the town. Also, houses of worship are tax exempt, which in turn means the town won't be generating the property tax money from the "houses". So how does either of those things help Chestnut Ridge as a WHOLE? Also to add in another point, there is only one mosque and there isn't even ONE Catholic Church in Chestnut Ridge, and you don't hear their congregants complaining. I think the issues that I have raised

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should be thought about and analyzed. And don't even get me started on the environmental impacts it'll have.

I urge you can your counsel to really sit down and think about this. Think about the community as a whole, not one segment of the community. Think about the early American settlers. They left Europe because of religious dominance. Which is what a lot of people are doing in Chestnut Ridge, they are moving. I can't tell you how many childhood friends moved away and how many houses for sale I see while walking my dog. People don't want to live in Chestnut Ridge anymore; doesn't that bother you as the leaders of the town? I like to think of things in this way: "How does what I am doing benefit my community as a whole". Clearly this community is upset and emotional. To be honest, so am I. To see the town that has raised me to be in such disarray, confusion, and hostility makes me upset. I feel the character of this community is being compromised and changing. I feel if there aren't restrictions on this house of worship issue along with other issues, the town is not going to be a residential suburbia anymore. I already feel that this isn't the same town as I have always known, and with these laws that you and your counsel propose, it'll further transform Chestnut Ridge into an unknown place to me.