

## Full EAF Part 1 Section F – Additional Information

### **Amend Zoning Code to create new definitions and conditional use standards for Places of Worship: Residential, Neighborhood and Community.**

Under existing zoning all places of worship are permitted by special permit approval of the Village Board and Site Plan approval of the Planning Board on five acre lots in all residential zoning districts - RR-50, R-40, R-35, R-25, and R -15. Although it is a special use permit by the Village Board, there are no specific criteria required.

The general framework of the proposed changes to the Zoning Local Law is to regulate places of residential gatherings and places of worship on three tiers. Residential Gathering Places are proposed to allow smaller or modest-sized assemblies within an existing home by Conditional Use Permit of the Planning Board. A smaller-scale Neighborhood Place of Worship would be allowed by Conditional Use Permit of the Planning Board and would allow for mid-sized congregations with more significant screening and other protections on lots that generally conform with the standards for a single-family residence within the zoning district they are located within. Lastly, a Community Place of Worship is proposed to be allowed by Special Use Permit of the Village Board and would largely constitute what types of worship uses are currently permitted on five acre lots, with specific criteria for the special permit added.

These proposed zoning code amendments are expected to result in the following changes to the regulatory environment in Chestnut Ridge:

1. Residential Gathering Places currently are not expressly permitted in the Village, and are therefore deemed prohibited under the current zoning code. With these amendments, such gatherings are proposed to be defined and regulated by a conditional use permit and only within a one-family, detached residence. While these types of uses are prohibited under the code, it is believed that several may exist throughout the Village. These suspected regular gatherings are believed to operate under residential certificates of occupancy, and it is difficult for the Village to draw the line between customary use of a home for occasional gatherings and regular use for assemblies. This legislation is intended in part to define when activity within the home rises to the level so as to be considered a residential gathering place. Criteria regulating Residential Gathering Places include:
  - a. No more than 50% of the gross floor area of the structure may be used for religious assembly.
  - b. The maximum number of non-resident persons using the residential place of worship shall be determined by dividing the net lot area by 500 square per person, with up to 49 persons maximum.
  - c. Accessory uses are limited.
  - d. Maximum development coverage is set slightly higher for Residential Places of Worship than for one-family detached residences in the same district. This is intended to accommodate off-street parking and small additions to the homes to better accommodate the gathering.
  - e. Nonconforming lots of record that are at least 80% of the minimum lot area required in the District may be employed for this use. This provision is intended to allow the residential gatherings within homes on lots that may have been created via average density. There are several average density neighborhoods throughout the Village.
  - f. Parking is required to be located on-site or on neighboring lots within 1500 feet.

- g. The proposed zoning amendments for Residential Places of Worship will also include requirements for hours of operation and other standards, including lighting and screening that are designed to limit potential impacts to surrounding properties and neighborhood character.
- 2. Places of Worship are largely excluded from the fabric of existing residential neighborhoods by the existing zoning requirement for a 5-acre lot. Allowing a large place of worship within existing neighborhoods could be disruptive to the residential character of the neighborhood. Neighborhood Places of Worship are intended to provide a reduced-scale place of worship that is less disruptive to residential neighborhoods. These Neighborhood Places of Worship are proposed to be permitted by a conditional use permit in any residential district. Criteria proposed to regulate Neighborhood Places of Worship include:
  - a. Floor area ratio standards are established regulating the size of the structures to the size of a single-family detached dwelling for each district, with a maximum floor area for all structures of 10,000 square feet.
  - b. Minimum lot area would be the same as would be required for a single-family home in the zoning district.
  - c. Accessory uses to places of worship are proposed to be permitted so long as they don't exceed a percentage of the floor area of the principal use.
  - d. Maximum development coverage may be allowed to be exceeded by ten percent.
  - e. A minimum of 75% of required parking must be provided on-site with some additional parking allowed to be accommodated on nearby lots subject to conditions.
  - f. No catering facilities would be permitted. Only a warming kitchen would be allowed.
  - g. The proposed zoning code for Neighborhood Places of Worship will also include requirements for hours of operation and other standards, including lighting and screening that are designed to limit potential impacts to surrounding properties and neighborhood character.
- 3. The category of Community Places of Worship is proposed to be permitted by special use permit of the Village Board, and is proposed to require a minimum lot area of five acres to accommodate larger congregations, consistent with the minimum lot sizes for "Churches" under the current zoning code. A full set of accessory uses are permitted including commercial kitchen with catering and hosting of large events. A parking management plan is proposed to be required to address events with a high parking demand. The proposed zoning code for Community Places of Worship will also include requirements for hours of operation and other standards, including lighting and screening that are designed to limit potential impacts to surrounding properties and neighborhood character.

The proposed amendments acknowledge that places of worship are presumptively beneficial to the public and appropriate to residential neighborhoods, as has been held in New York State court rulings. The proposed amendments allow the Village to be proactive by adopting special criteria designed to permit such uses while providing minimum standards to insure that they are in harmony with the surrounding neighborhoods and residents. The proposed amendments facilitate development in a predictable manner consistent with a well-considered plan.

As stated previously, it is suspected that several places of worship already exist within existing homes throughout the Village without land use authorization. It is likely that this is due to the restrictions of the current zoning (most notably the five-acre minimum lot size) and the transitioning demographics of the

Village which has experienced an influx of strictly-observant Jewish families, many of which are required by their faith to walk to worship on a regular basis, or to meet frequently in groups to pray.

Gatherings of prayer groups and other assemblies are customary accessory uses within a home within reasonable limits of size and frequency. Beyond these limits, these homes cease to be single-family homes, and become de facto places of worship or assembly halls with accessory residential facilities. When this happens, several externalities may occur that disrupt the quality of the residential neighborhood including frequent and excessive on-street parking, assembly at hours disruptive to restful sleep, noise or lighting impacts to neighboring properties, and changes to the visual appearance of homes that may degrade the quality of the neighborhood. Additionally, residents and congregants may engage in more intensive religious-related practices (such as but not limited to post-weddings celebrations) that are not suited to small lots in residential neighborhoods. Facilities that are more intensively used, may also require different construction or limitations on occupancy to insure the public health, safety and welfare.

The proposed zoning amendments are intended to allow a legal avenue that reasonably accommodates the needs of the observant Jewish population, while maintaining the quality and character of the community. In the absence of the proposed regulations, legal protections of free religious practice would in some respect allow avenues for places of worship to be located within residential neighborhoods. These legal protections would be both time consuming and costly for both the Village and prospective applicants and the results would not be consistent with a well-considered plan, but would rather be unpredictable and uncoordinated and subject to the judgment of the courts based on more limited considerations.

The changes to the proposed regulation of gathering places and places of worship is not believed to impact the free exercise of any religion.

All future proposals for the aforementioned public assembly uses will be subject to site-specific SEQRA analysis. Since the regulations do not commit the Village to any specific course of action with respect to specific projects, the proposed amendments would themselves not pose any potential for significant adverse environmental impacts.