



MEMORANDUM

TO: HON. ROSARIO PRESTI, MAYOR
HON. MEMBERS, VILLAGE OF CHESTNUT RIDGE PLANNING BOARD

FROM: MAXIMILIAN STACH, AICP

SUBJECT: PROPOSED ZONING TEXT AMENDMENTS FOR PLACES OF WORSHIP

DATE: FEBRUARY 9, 2017

CC: WALTER SEVASTIAN, ESQ. – VILLAGE ATTORNEY

As directed by the Board of Trustees we have been working to attempt to revise the Village’s code with the purpose of reconciling it with Federal and State law regarding the zoning of religious uses. The Religious Land Use and Institutionalized Persons Act in particular requires that a community impose only the least restrictive means of furthering the compelling public interests when regulating religious uses including through zoning. It also requires that religious uses be treated no less favorably than other nonreligious public assembly uses such as libraries, catering facilities and membership clubs.

In drafting the following proposed regulations, we have considered the input of Brooker Engineering who has been retained by the Orthodox Jewish Coalition (OJC) to represent their interests. We have met with Liz Mello, P.E. and Stuart Strow, P.E. of Brooker Engineering to discuss their concerns, and balance them with the following objectives:

1. To comply with Federal and State statutory and case law as previously stated;
2. 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;
3. 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;
4. To ensure that the regulations of places of worship foresee the needs of other religions, which may choose Chestnut Ridge as their home;

In order to allow for an appropriate range of religious uses as is required by law, without resulting in impacts to existing neighborhood character, several controls and safeguards are necessary. These are primarily designed to limit use of the facilities to truly religious purposes, and to ensure that adequate

parking is provided in a manner that does not change the established residential character of established neighborhoods.

The general framework of the proposed changes is to regulate three types of place of worship. Small Residential Places of Worship would allow religious use of a portion of an existing home by Conditional Use Permit of the Planning Board. A Neighborhood Place of Worship would be allowed by Conditional Use Permit of the Planning Board and would allow for larger congregations of up to 300 persons with more significant screening and other protections. Lastly, the Community Place of Worship would be allowed by Special Use Permit of the Village Board and would largely constitute what is currently permitted on five acre lots with added protections, although a reduction to 3 or 4 acres might be considered.

Article XVIII – Word Usage

Add new terms to Article XVIII:

RESIDENTIAL PLACE OF WORSHIP

The use of no more than 50% of the gross floor area of an existing one-family detached residence for regular organized religious assembly.

NEIGHBORHOOD PLACE OF WORSHIP

The use of a building or structure for regular organized religious assembly in a structure or structures with a total floor area up to 10,000 square feet and other than a residential place of worship. The use may take place in a structure with or without a residential component.

COMMUNITY PLACE OF WORSHIP

The use of a building or structure designed for regular organized religious assembly in structures with a floor area of more than 10,000 square feet.

Article – XII Conditional Use and Special Permit Standards

Add Conditional Use Permit conditions for the newly proposed Place of Worship categories to Article XII:

17. RESIDENTIAL PLACE OF WORSHIP

- A. The building containing the residential place of worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Village of Chestnut Ridge.
- B. The maximum number of non-resident persons using the residential place of worship at any time shall be determined by dividing the net lot area by 400 square feet per person up to 60 persons maximum.
- C. No more than 50% of the gross floor area of the structure may be used for the religious assembly.
- D. Accessory facilities and functions such as administrative offices, social halls, public baths, gymnasiums, indoor recreation facilities, schools, and classrooms shall not be permitted in Residential Places of Worship except for the exclusive use of residents and where such are proposed to be available to non-resident congregants, the use shall be considered a Neighborhood Place of Worship.

- E. The residential place of worship shall be located on a lot which conforms with at least 80% of the minimum lot area requirement for one-family detached dwellings in the district in which it is located. The residential place or worship will conform with all other bulk standards for a one-family detached dwelling in the district in which it is located except as follows:
 - (1) For lots of up to one acre in net lot area, the maximum floor area ratio shall be 0.05 greater than is permitted for one-family detached residence in the same zoning district;
 - (2) The maximum development coverage shall be 10 percent more than is permitted for one-family detached residences in the same zoning district.
- F. All required parking spaces should be provided on the lot on which the neighborhood place of worship is located, or on parking facilities including residential driveways within 1500 feet walking distance of the periphery of the lot on which the residential place of worship is located. Where parking is proposed to be located off-site, a letter from the record owner of the off-site facilities shall be provided indicating consent to use the parking facilities and the number of vehicles authorized. Under no circumstances shall parking be located off-site in a manner that would result in unsafe conditions, practical difficulties or nonconformance with the parking requirements for any uses located on the lot providing the off-site facilities. If permission to use the off-site facility is withdrawn, the permittee shall notify the Building Inspector within 72 hours or be in violation of this conditional use. New letters of permission shall be submitted at the time of each permit renewal.
- G. No parking or loading shall be permitted between the structure and any street line on which the property fronts.
- H. All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street. Exterior lighting shall be limited to the minimum requirements by code for safety.
- I. Architectural Review Board approval shall be required to ensure that all structures shall be in character with the surrounding neighborhood, and be of similar design aesthetic to a one-family detached residence.
- J. The Planning Board shall require adequate screening in the required rear and side yards, to protect the character and compatibility of adjacent uses. Screening can consist of a wall, fence and/or plantings as approved by the Planning Board.
- K. No regularly scheduled religious assembly may be held between the hours of 12:00 AM and 6:00 AM. For the purpose of this provision, regularly scheduled shall mean occurring in greater frequency than three times per calendar year.
- L. No space within the Residential Place of Worship may be rented out to or utilized by non-congregants or used for meetings or functions not directly associated with the Place of Worship.
- M. One building mounted or mailbox hang sign is permitted with no greater than 1.5 square feet on each facing. Any non-English text shall be repeated in English and the appearance and lighting of the sign if necessary, shall be approved by the Planning Board.
- N. Use of any outdoor areas of the property shall be limited to parking and passive recreational use only, which may include a small jungle gym for children, benches and picnic tables.
- O. The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the residential place of worship from adjacent residential properties, outdoor lighting, and other conditions of use of the residential place of worship as, in the judgment of the Board, are necessary for the residential place of worship to be able to operate in a manner that is consistent with public safety and neighborhood character.

- P. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon a finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision of the zoning chapter, except for the floor area and coverage requirements already relieved herein, by up to 3% by supermajority.
- Q. No cooking facilities will be permitted, other than residential cooking facilities and a warming kitchen equipment for use by the congregants of the residential place of worship. No catering facilities are permitted and no non-religious assembly shall be permitted.
- R. A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the residential and worship spaces, days and hours of services, and number of parking spaces provided.
- S. Compliance. Failure to comply with any provision of this Section shall be deemed a violation of this Chapter, and may result in revocation of the Conditional Use Permit upon hearing of the Planning Board, and/or any appropriate enforcement proceeding available under any local or State law, ordinance or regulation.
- T. Grandfathering. The provisions of this Section shall not apply to any application for a Residential Place of Worship, which is, as of the effective date hereof, the subject of a Stipulation of Settlement or Order of a court of competent jurisdiction.
- U. Renewal. After the initial issuance of a Conditional Use Permit under this section, the permit shall remain in effect for two years and must be renewed upon expiration or it shall be deemed expired. Where the Place of Worship has not been the subject of a Building Department violation in the preceding two years, an affidavit of no change may be presented to the Building Inspector to allow for renewals without the requirement of a further public hearing upon the requested renewal. An Affidavit of No Change shall include a statement granting permission for the inspection by the Building Inspector to ensure compliance with the occupancy and safety requirements prior to renewal of the Conditional Use permit as well as any necessary letters of permission for off-site parking. After the first renewal, subsequent renewals shall be required every five years. Affidavits of no change may also be presented to the Building Inspector for subsequent renewals.

18. NEIGHBORHOOD PLACE OF WORSHIP

- A. The building containing the neighborhood place of worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Village of Chestnut Ridge.
- B. The maximum number of persons using the neighborhood place of worship shall be the maximum number that can comply with the building and fire codes of New York State, as applied to the portion of the structure containing the religious use component.
- C. The maximum square footage of all structures on a lot comprising a neighborhood place of worship shall be 10,000 square feet.
- D. A Neighborhood Place of Worship may or may not include a single residential dwelling unit, but occupancy of the unit shall be limited to congregants and/or clergy and/or their families.
- E. For Neighborhood Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices, public baths, gymnasiums and indoor recreation facilities may be provided, provided such facilities and functions in their aggregate shall be subordinate to the size and function of the Place of Worship. No building permit or certificate of occupancy shall be granted to such

accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted.

- F. At least 75% of required parking spaces should be provided on the lot on which the neighborhood place of worship is located. Additional off-site spaces may be provided within parking facilities including residential driveways within 1500 feet walking distance of the periphery of the lot on which the residential place of worship is located. Where parking is proposed to be located off-site, a letter from the record owner of the off-site facilities shall be provided indicating consent to use the parking facilities and the number of vehicles authorized. Under no circumstances shall parking be located off-site in a manner that would result in unsafe conditions, practical difficulties or nonconformance with the parking requirements for any uses located on the lot providing the off-site facilities. If permission to use the off-site facility is withdrawn, the permittee shall notify the Building Inspector within 72 hours or be in violation of this conditional use. New letters of permission shall be submitted at the time of each permit renewal.
- G. No parking or loading shall be permitted between the structure and any street line on which the property fronts, although a dropoff or porte cochere shall be permitted. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height to eight feet from all adjacent residential properties and the public street.
- H. All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
- I. Architectural Review Board approval shall be required to ensure that all structures shall be compatible with the character of the surrounding neighborhood.
- J. A minimum 10-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- K. Neighborhood Places of Worship may allow community groups, neighborhood groups, or non-profit groups to hold meetings no more than once per month, unless otherwise prior approval is obtained from the Village Building Department. No other use by non-congregants for public assembly or social gatherings will be permitted.
- L. No social function or regularly scheduled religious service may be held between the hours of 12:00 A.M. and 6:00 A.M. For the purpose of this provision, regularly scheduled shall mean occurring in greater frequency than three times per calendar year.
- M. No space within the Neighborhood Place of Worship shall be rented out to or utilized by congregants of the Place of Worship except for religious purposes.
- N. Where wedding receptions or other social functions for congregants are held at the Neighborhood Place of Worship, attendance shall be limited to the capacity of the Place of Worship, as well as the available on-site parking.
- O. One freestanding monument sign, no greater than 8 square feet in size and no higher than 3 feet, shall be permitted. Such sign shall be set back at least 10 feet from all property lines and drive aisles. Such sign shall match the architectural style of the principal building and shall not be internally lit. In addition, one facade or wall sign, no more than 8 square feet in size, shall be permitted on the front of the principal building. Signs shall contain English language translation of any text not in English.
- P. Use of any outdoor areas of the property shall be limited to parking and passive recreational use only, which may include a small jungle gym for children, benches, and picnic tables.
- Q. The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the neighborhood place of worship from adjacent residential properties, outdoor lighting, and other conditions of use of the neighborhood place of

worship as, in the judgment of the Board, are necessary for the neighborhood place of worship to be able to operate in a manner that is consistent with public safety and neighborhood character.

- R. No cooking facilities will be permitted, other than warming kitchen equipment for use by the congregants of the neighborhood place of worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No catering facilities are permitted.
- S. The Planning Board shall have the authority via supermajority vote, consistent with the purposes of this Chapter and upon a finding that the modification shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to modify bulk provisions as follows:
 - (1) Increase floor area ratio by up to 0.05;
 - (2) Increase development coverage by 10%;
 - (3) Modify any other bulk requirement of the zoning chapter, by up to 3%.
- T. A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- U. Compliance. Failure to comply with any provision of this Section shall be deemed a violation of this Chapter, and may result in revocation of the Conditional Use Permit upon hearing of the Planning Board, and/or any appropriate enforcement proceeding available under any local or State law, ordinance or regulation.
- V. Grandfathering. The provisions of this Section shall not apply to any application for a Neighborhood Place of Worship, which is, as of the effective date hereof, the subject of a Stipulation of Settlement or Order of a court of competent jurisdiction.
- W. Renewal. After the initial issuance of a Conditional Use Permit under this section, the permit shall remain in effect for two years and must be renewed upon expiration or it shall be deemed expired. Where the Place of Worship has not been the subject of a building department violation in the preceding two years, an affidavit of no change may be presented to the Building Inspector to allow for renewals without the requirement of a further public hearing upon the requested renewal. An Affidavit of no change shall include a statement granting permission for the inspection by the Building Inspector to ensure compliance with the occupancy and safety requirements prior to renewal of the Conditional Use Permit as well as any necessary letters of permission for off-site parking. After the first renewal, subsequent renewals shall be required every five years. Affidavits of no change may also be presented to the Building Inspector for subsequent renewals.

19. COMMUNITY PLACE OF WORSHIP

- A. The maximum number of persons using the community place of worship shall be the maximum number that can comply with the building and fire codes of New York State and the zoning code of the Village of Chestnut Ridge.
- B. No parking or loading shall be permitted between the structure and any street line on which the property fronts, although a dropoff or porte cochere shall be permitted. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height to eight feet from all adjacent residential properties and the public street.
- C. Landscape Buffer Area. A minimum 10-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- D. A Community Place of Worship may or may not include a single residential dwelling unit, but occupancy of the unit shall be limited to congregants and/or clergy and/or their families.

- E. All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
- F. Architectural Review Board approval is required, and all structures shall be in harmony with the character of the neighborhood and community.
- G. For Community Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, provided such facilities and functions shall be subordinate in aggregate to the size and function of the Place of Worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted.
- H. Where wedding receptions or other social functions are held at the Community Place of Worship, attendance shall be limited to the capacity of the Place of Worship, as well as the available on-site parking.
- I. One freestanding monument sign, no greater than 24 square feet in size and no higher than 6 feet, shall be permitted. Such sign shall be set back at least 10 feet from all property lines and drive aisles. Such sign shall match the architectural style of the principal building and shall not be internally lit. In addition, one facade or wall sign, no more than 21 square feet in size, shall be permitted on the front of the principal building. Signs shall contain English language translation of any text not in English.
- J. Use of any outdoor areas of the property shall be limited to parking and passive recreational use only, which may include a jungle gym for children, benches, and picnic tables.
- K. Functions or services demanding parking in excess of on-site parking shall require a Parking Management Plan (PMP) to be submitted for approval by the Village Board and Building Inspector as part of the Building Permit pursuant to the requirements set forth below. The PMP shall be used to address parking demand during Holy Days for the particular Religion making the application as well as any event of expected high parking demand. Such PMP shall be provided to the Ramapo Police Department and shall address, but not be limited to the following:
 - a. Designated off-site parking areas – At least 45 days prior to the holiday, the Applicant shall submit to the Building Department a fully executed written agreement between the Applicant and one or more providers of off-site parking;
 - b. Implementation of group travel to and from the off-site parking locations use of Shuttle Buses;
 - c. Use traffic control measures such as the hiring of an off-duty police officer and/or volunteers to facilitate pedestrian flow, as well as on-site and off-site traffic;
 - d. Notification processes to notify patrons of the Place of Worship and others regarding the locations of off-site parking areas to be used;
 - e. Pre-event registration to obtain a ticket before the holiday to use the on or off-site parking facilities; and
 - f. In the event that off-site parking areas are not available to accommodate the full capacity of the Place of Worship, methods to limit the number of event attendees to the number of attendees that can be accommodated in the on-site parking area or at any available off-site locations by utilization of a pre-event registration system and distribution of tickets to registered persons that will be submitted upon arrival at the site on the day of the event.
- L. The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the community place of worship from adjacent residential properties, outdoor lighting, and other conditions of use of the community place of worship as, in the judgment of the Board, are necessary for the community place of worship to be able to operate in a manner that is consistent with public safety and neighborhood character.

- M. Commercial kitchen and catering facilities are permitted.
- N. A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- O. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon a finding that the modification shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to modify any bulk provision herein up to 3% by simple majority.
- P. Compliance. Failure to comply with any provision of this Section shall be deemed a violation of this Chapter, and may result in revocation of the Special Permit, and/or any appropriate enforcement proceeding available under any local or State law, ordinance or regulation.
- Q. Grandfathering. The provisions of this Section shall not apply to any application for a Community Place of Worship, which is, as of the effective date hereof, the subject of a stipulation of settlement or order of a court of competent jurisdiction.

Table of Use Requirements

RR-50

Add "Residential Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #8. Under Column C.1, designate Use Group h

Add "Neighborhood Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #9. Under Column C.1, designate Use Group h

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #10. Under Column D.1, designate Use Group c.

R-40

Add "Residential Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #2. Under Column C.1, designate Use Group m.

Add "Neighborhood Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #3. Under Column C.1, designate Use Group m

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #4. Under Column D.1, designate Use Group c.

R-35

Add "Residential Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #2. Under Column C.1, designate Use Group q.

Add "Neighborhood Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #3, Under Column C.1, designate Use Group q

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #5, Under Column D.1, designate Use Group c.

R-25

Add "Residential Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #3 Under Column C.1, designate Use Group t.

Add "Neighborhood Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #4 Under Column C.1, designate Use Group t

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #5, Under Column D.1, designate Use Group c

R-15

Add "Residential Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #4,. Under Column C.1, designate Use Group x.1.

Add "Neighborhood Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column C, as Use #5. Under Column C.1, designate Use Group x.1

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #4 Under Column D.1, designate Use Group c

RSH

Add "Community Place of Worship" use to Table of General Use Requirements – Part I: Residential Districts, Column D, as Use #3. Under Column D.1, designate Use Group c

NS

Add "Community Place of Worship" use to Table of General Use Requirements – Part II: Residential Districts, Column D, as Use #5. Under Column D.1, designate Use Group c

PO

Add "Community Place of Worship" use to Table of General Use Requirements – Part II: Residential Districts, Column D, as Use #4. Under Column D.1, designate Use Group c

PO-R

Add "Community Place of Worship" use to Table of General Use Requirements – Part II: Residential Districts, Column D, as Use #3. Under Column D.1, designate Use Group c

LO

Add "Community Place of Worship" use to Table of General Use Requirements – Part II: Residential Districts, Column D, as Use #4. Under Column D.1, designate Use Group c

PI

Remove uses 2 (outdoor recreation) and 3 (commercial recreation) from Table of General Use Requirements – Part II: Residential Districts, Column C.

RS

Add “Community Place of Worship” use to Table of General Use Requirements – Part II: Residential Districts, Column D, as Use #2. Under Column D.1, designate Use Group c