



MEMORANDUM

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

FROM: MAXIMILIAN STACH, AICP
JONATHAN LOCKMAN, AICP

SUBJECT: AMENDMENTS TO ZONING LAW: PUBLIC ASSEMBLY USES

DATE: AUGUST 29, 2018

CC: WALTER SEVASTIAN, ESQ., VILLAGE ATTORNEY

Background

As you know, a set of proposed amendments to the Village Code regarding Public Assembly Uses was delivered to the Village Board of Trustees on February 9, 2018. On June 28 and July 24, 2018, the Village Board held a two-part public hearing on this February 9, 2018 draft of proposed amendments. Dozens of speakers gave testimony, and hundreds of pages of letters and documents were submitted.

Proposed Revisions

At its workshop held on August 8, 2018 at 8 pm, the Village Board of Trustees discussed the input received from outside agencies and the public during the hearing process. The Board requested that we revise the February 9 draft, based upon review and analysis of all comments. The draft has been revised as requested. The following changes have been made:

1. Reclassify residential places of worship to “residential gathering places.”

Religious gatherings in homes should not be more stringently regulated than other assemblies in homes. All regular large gatherings in private homes will require a conditional use permit – not just religious assemblies. A new definition of “residential gathering places” is included in this draft.

2. Address concerns about on-street parking and residential and neighborhood places of worship.

The February 9th proposal did not have adequate safeguards and controls where off-street parking accessory to residential gathering places (RGPs) or neighborhood places of worship is proposed to be provided off-site, or on nearby driveways. We added these new limitations:

- For RGPs, require a minimum of 50% of required parking spaces on site, and allow a maximum of up to 50% of required parking to be provided offsite (including on private driveways), up to 1500 feet away. For neighborhood places of worship, require a minimum of 75% of required parking spaces on site, and allow a maximum of up to 25% of required parking to be provided offsite (including on private driveways), up to 1500 feet away.

- Only allow offsite parking for RGPs or neighborhood places of worship, if the frontage street has a minimum pavement/travelled way width of 30 feet, which is the local road requirement in the Village Subdivision standards for the R-15 through R-40 zoning districts.
- Require that offsite parking only be permitted where the Village Board of Trustees restricts on-street parking to one side of the street within 750 feet of the site by local law. The applicant would be required to petition the Village Board of Trustees and signage would be installed at the expense of the applicant. If for any reason, the Village Board decides to not restrict parking in this manner, then off-site parking would not be permitted. This practice would provide sufficient room for safe traffic passage and pedestrian movement, if any parking does overflow to “on street.” Typically, a parked car would take up about 7-8 feet of street width from the curb, leaving 23-22 feet of travelled way width on a 30-foot paved street.

These proposed changes are in response to concerns that RGPs and neighborhood places of worship could cause traffic safety issues and congestion on residential streets. Additionally, the re-examination of the current zoning in response to these concerns required us to revisit Article VII which allows for parking in a driveway behind the required front yard of a residence but in front of the front façade of the building. Concerns arose, that with this new provision, area residences would request expansion of driveways behind the required front yards to act as parking lots in support of area RGPs. This could undermine the residential neighborhood character, and so amendments are now proposed to allow only two outdoor parking spaces to be located between building and street line at a one-family detached residence (still behind the required front yard).

3. Clarify that places of worship can be established on non-conforming lots.

The February 9th proposal would allow a Residential Place of Worship on a lot with 80% of the minimum lot size. The text has been amended to require that any new RGP be located in a house on a conforming lot at the time of its construction, for the district in which it is located. Further, the subject lot would need to be a minimum of 80% of the current minimum lot area requirement. This change is in response to concerns that the provision as written could be utilized to build a new house on a substandard lot.

4. Lower maximum occupancy and prevent crowding at RGPs.

The February 9th proposal allows occupancy at a rate of 1 person per every 400 square feet of net lot area, up to a maximum of 60 persons. The maximum occupancy was amended by requiring one person per 500 square feet of net lot area, or 49 persons, whichever is less. Forty-nine persons is a threshold number from the New York State Uniform Fire Prevention and Building Code. Above 49 persons would require higher levels of construction to lessen fire risk, beyond those typically required for single-family residences. Under this recommended revised standard, a lot with a net area of 25,000 sf or 0.57 acres would allow up to 49 persons to gather. With a net lot area of 15,000 sf or 0.34 acres, maximum occupancy would be 30 persons. This recommendation is in response to concerns that RGPs would be dangerously overcrowded in a fire emergency. Annual fire safety inspections would be required.

5. Eliminate provision for higher maximum floor area ratio (FAR) and relaxation of other bulk standards for all places of worship.

The ability for the Planning Board to allow minimal adjustment of maximum FAR or other bulk standards has been eliminated. This recommendation is in response to concerns that the Planning Board was given automatic authority to vary bulk standards in the current proposal, and that undue favoritism was being shown to religious uses. However, a provision remains increasing development coverage requirements for RGPs and neighborhood places of worship by 10% over residential single-family homes in the district

to facilitate the provision of on-site parking. The ability to exceed all other bulk standards has been eliminated.

6. Allow parking between front of building and street for community places of worship, but only behind the required front yard.

For community places of worship, the text was amended to allow parking to be provided in front of the building, but only behind the required front yard. This would be consistent with the design of existing community places of worship, and is reasonable, given the larger lot sizes of these uses. The prohibition of parking lots in front of buildings for RGPs and neighborhood places of worship would be retained. This was in response to a specific request from the legal representative of a local church.

7. Requiring renewal of conditional use permit and special permit in residential districts and providing for notice in advance of permit expiration.

It is recommended that all residential conditional use and special permits be subject to renewal, to avoid unfairly requiring renewal procedures only for religious uses. The previously proposed permit renewal procedures have been enhanced and applied to all conditional and special permit uses in residential zoning districts. The Village should notify permittees of upcoming renewals for their conditional use or special permits.

8. Limit accessory uses at neighborhood places of worship.

Percentage limitations have been added to uses accessory to neighborhood places of worship. This change is in response to input received that neighborhood places of worship should be integrated into residential districts with minimal impacts, and if religious schools and social halls are too large at the neighborhood level, they could become incompatible land uses. A standard was added that individual accessory uses be limited to 20% of the floor area each (and limited to 50% in aggregate) for neighborhood places of worship.

9. Restrict signage for neighborhood places of worship.

A free-standing monument sign for neighborhood places of worship is no longer permitted. This recommendation is in response to concerns that such signage would not be compatible with the character of a residential district. Instead, a building-mounted sign of up to six square feet (for example 2' by 3') is now permitted.

11. Allow accessory sales of religious items at community places of worship.

The sales of religious items (jewelry, books, liturgical objects) has been added to the list of permitted accessory uses at Community Places of Worship. This is in response to a specific request received by legal representation of a local church.

12. Amend parking requirement and accessory use columns in tables.

The parking requirements and accessory use columns in the Use Tables have been amended to be consistent with the new Place of Worship designations.

13. Add places of worship to non-residential districts when other assembly uses are allowed.

Community Places of Worship are now allowed in all non-residential zoning districts, except for PI and LO. The PI and LO districts are not appropriate for places of worship, as they currently don't permit any types of public assembly uses, and we understand through discussions on the ongoing Red Schoolhouse Road Corridor Study that the Village wishes to reserve these districts for economic development opportunities.

If you have any questions on the amendments, please do not hesitate to contact us at your earliest convenience.

State Environmental Quality Review (SEQR)

We are currently considering the best course to undertake the environmental review of this local law and anticipate providing a further memorandum regarding our recommendations on satisfying SEQR.

Proposed Changes

The following constitute changes and additions to the previously proposed February 9, 2018 draft Local Law.

Note: This draft shows all changes proposed in comparison to the February 9, 2018 draft set of amendments. Language proposed to be inserted is underlined. Language proposed to be deleted is shown with a ~~strikeout~~-symbol. All other language is existing and proposed to be unchanged. The symbol “ * * *” indicates skipped sections of the Code which are proposed to be unchanged, and that are not shown here for brevity.*

Article XVIII – Word Usage

Add new terms to Article XVIII:

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 ~~then~~ than 10,000 square feet.

GATHERING PLACE, RESIDENTIAL

See “RESIDENTIAL GATHERING PLACE”

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~~ Residential Gathering p ~~Place of worship~~. The use may take place in a structure with or without a residential component.

PLACE OF WORSHIP, COMMUNITY

See “COMMUNITY PLACE OF WORSHIP”

PLACE OF WORSHIP, NEIGHBORHOOD

See “NEIGHBORHOOD PLACE OF WORSHIP”

RESIDENTIAL PLACE OF WORSHIP

RESIDENTIAL GATHERING PLACE

The use of a dedicated portion of a one-family detached residence for large gatherings, meeting all of the following criteria:

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

1. Gatherings occur more than 12 times per year; and
2. Gatherings are comprised of 15 or more persons; and
3. Gatherings shall not exceed 49 persons, or the maximum allowable according to section 17.B of Article XII, or the maximum allowable number under the New York State Uniform Fire Prevention and Building Code, whichever is less.

Any use that exceeds any of the above criteria at any time shall not be considered a Residential Gathering Place. The Building Inspector shall determine the appropriate use category, based upon the requirements of this Chapter.

* * * * *

Article – XII Conditional Use and Special Permit Standards

Add Conditional Use Permit conditions for the newly proposed Residential Gathering Place, and Neighborhood and Community Places of Worship categories to Article XII:

17. RESIDENTIAL GATHERING PLACE ~~OF WORSHIP~~

- A. The building containing the ~~residential-Residential Gathering place-Place of worship~~ shall comply with all requirements of all applicable building and fire prevention codes of New York State and the zoning code of the Village of Chestnut Ridge. Residential Gathering Places that meet the standards for an area of public assembly under the New York State Uniform Fire Prevention and Building Code shall be required to undergo fire safety and property maintenance inspections, pursuant to 19 NYCRR Part 1203 regulations.
- B. The maximum number of non-resident persons using the ~~residential-Residential Gathering place-Place of worship~~ at any time shall be determined by dividing the net lot area by 400-500 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~~ residential gathering.
- D. Notwithstanding any other provisions of this Chapter, only those accessory uses permitted as-of right to a one-family, detached residence shall be allowed at a residence with a Residential Gathering Place. All other ~~A~~ accessory facilities and functions uses shall be prohibited, including but not limited to such as administrative offices, social halls, ~~public baths and shower facilities,~~ 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~~ Where such accessory uses are proposed to be available to non-resident congregants, the use shall no longer be considered for issuance of Special Permit for a Neighborhood Place of Worship Residential Gathering Place under this Chapter.
- E. The ~~residential-Residential Gathering place-Place of worship~~ shall be located in a one-family, detached residence on a conforming lot or on an existing, legally nonconforming lot of record 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 the maximum development coverage shall be ten (10) percent more than is permitted for one-family detached residences in the same zoning district. The additional development

coverage permitted shall only be utilized for the provision of on-site parking. (For example, a one family detached residence in the RR-50 District is subject to a 20% development coverage limit. If a conditional use permit for a Residential Gathering Place is approved, the maximum development coverage would be increased to 30%).

F. The required number of parking spaces for a Residential Gathering Place shall be determined by Column F of the Table of General Use Requirements. ~~F. All~~ Up to 50% of required parking spaces ~~should~~ may be provided ~~on the lot on which the neighborhood place of worship is located, or on off-site~~ parking facilities including residential driveways in the same or different ownership, within 1500 feet walking distance of the periphery of the lot on which the ~~residential place of worship~~ Residential Gathering Place is located. Off-site parking for a Residential Gathering Place shall only be authorized where all of the following conditions are met:

1. Where parking is proposed to be located off-site, a letter from the record owner of the off-site ~~facilities~~ facility shall be provided indicating consent to use the parking facilities and the number of vehicles authorized.

2. Under no circumstances shall parking be located off-site when the proposed Residential Gathering Place is located on a frontage street with a travelled way width of less than thirty (30) feet, or where the Planning Board finds that such parking in a manner that would result in unsafe conditions.

3. Off-site parking on residential lots shall, ~~practical difficulties or nonconformance with the parking requirements for any uses located on the lot providing the off-site facilities conform to the requirements of Article VII, and shall not reduce the parking provided for the principal residence below the minimum requirements in column F of the Table of General Uses.~~

4. 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.

5. Off-site parking shall only be permitted where the Village Board of Trustees adopts a local law to restrict on-street parking to only one side of the frontage street within 750 feet of the entrance of the Residential Gathering Place, to ensure adequate passage of traffic and emergency vehicles. Signage indicating "No Parking on This Side of Street" shall be installed at the expense of the applicant, and with the approval of the Village Board and the Town of Ramapo Police Department

~~F.G.~~ No parking lot spaces or loading areas accessory to the Residential Gathering Place shall be permitted between the structure and any street line on which the property fronts, although a driveway shall be permitted.

~~G.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.

~~H.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.

~~I.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.

~~J.K.~~ No social functions, meetings, or assemblies 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.

~~K.L.~~ No space within the ~~Residential Place of Worship~~Residential Gathering Place may be rented ~~out~~ to or utilized ~~by non-congregants or used~~ for meetings or functions not directly ~~associated with the Place of Worship~~convened or hosted by the residents of the principal one-family, detached residence.

~~L.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~~The sign shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services. ~~and the~~The appearance and lighting of the sign if necessary, shall be approved by the Planning Board.

~~M.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.

~~N.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~~Residential Gathering Place from adjacent residential properties, outdoor lighting, and other conditions of use of the ~~residential place of worship~~Residential Gathering Place as, in the judgment of the Board, are necessary for the ~~residential place of worship~~Residential Gathering Place to be able to operate in a manner that is consistent with public safety and neighborhood character.

~~O.~~ ~~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.~~

P. No cooking facilities will be permitted, other than residential cooking facilities accessory to the principal one-family detached residence~~and a warming kitchen equipment for use by the congregants of the residential place of worship.~~ No catering facilities are permitted within the building, nor in mobile and/or temporary equipment or vehicles erected or parked outside of the building or premises.~~and no non-religious assembly shall be permitted.~~

Q. A narrative summary shall be submitted, providing the anticipated number of ~~congregants~~attendees, square footage of the residential and ~~worship-gathering~~ spaces, days and hours of ~~services~~gatherings, and number of parking spaces provided.

R. 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.

~~S.~~ ~~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.~~

~~T.~~ ~~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~~Neighborhood Place of Worship shall comply with all requirements of all applicable building and fire prevention 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~~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~~assembly area.
- C. The maximum square footage of all structures on a lot comprising a ~~neighborhood place of worship~~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 bath and shower facilities~~, gymnasiums and indoor recreation facilities may be provided, provided such facilities and functions and individually shall not exceed 20% of the building's gross floor area, and in aggregate shall not exceed 50% of the building's gross floor area ~~in their aggregate shall be subordinate to the size and function of the Place of Worship. A school of general instruction shall not be considered as an accessory use to a Neighborhood Place of Worship, and will be required to meet the standards for an additional principal use.~~ 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. The required number of parking spaces for a Neighborhood Place of Worship shall be determined by Column F of the Table of General Use Requirements. Up to 25% of parking spaces may ~~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 in the same or different ownership, within 1500 feet walking distance of the periphery of the lot on which the ~~residential place of worship~~Neighborhood Place of Worship is located. The provision of off-site parking for a Neighborhood Place of Worship shall be subject to the following conditions:
1. 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.
 2. Under no circumstances shall parking be located off-site when the proposed Neighborhood Place of Worship is located on a frontage street with a travelled way width of less than thirty (30) feet, or where the Planning Board finds that such parking in a manner that would result in unsafe conditions.
 3. ~~Off-site parking on residential lots shall, practical difficulties or nonconformance with the parking requirements for any uses located on the lot providing the off-site facilities conform to the requirements of Article VII.~~
 - 1.4. 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.

5. Off-site parking shall only be permitted where the Village Board of Trustees adopts a local law to restrict on-street parking to only one side of the frontage street within 750 feet of the entrance of the Neighborhood Place of Worship, to ensure adequate passage of traffic and emergency vehicles. Signage indicating “No Parking on This Side of Street” shall be installed at the expense of the applicant, and with the approval of the Village Board and the Town of Ramapo Police Department.
- ~~F.G.~~ No parking lot spaces or loading areas accessory to the Neighborhood Place of Worship shall be permitted between the structure and any street line on which the property fronts, although a driveway, 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.
- ~~G.H.~~ All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
- ~~H.I.~~ Architectural Review Board approval shall be required to ensure that all structures shall be compatible with the character of the surrounding neighborhood.
- ~~I.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.
- ~~J.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 others shall not allow~~ use of the facility by non-congregants or outside groups for public assembly or social gatherings ~~will be permitted~~.
- ~~K.L.~~ No regularly scheduled social function, meetings, assemblies 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.
- ~~L.~~ ~~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.~~
- M. 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.
- ~~N.~~ ~~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. Notwithstanding the standards of Article VIII, only one building mounted sign is permitted with no greater than 6 square feet in area. The sign shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.~~
- O. 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.
- P. 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~~ Neighborhood Place of Worship from adjacent residential properties, outdoor lighting, and other conditions of use of the ~~neighborhood place of worship~~ Neighborhood Place of Worship as, in the judgment of the Board, are necessary for the ~~neighborhood place of~~

~~worship~~Neighborhood Place of Worship to be able to operate in a manner that is consistent with public safety and neighborhood character.

Q. No cooking facilities will be permitted, other than warming kitchen equipment for use by the congregants of the ~~neighborhood place of worship~~Neighborhood Place of Worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No catering facilities, either located within the building or in mobile and/or temporary equipment erected or parked outside of the premises, are permitted.

R. The Neighborhood Place of Worship shall conform with all bulk standards as indicated in the use group in the Table of General Use Requirements, except the maximum development coverage may be exceeded by an additional ten (10) percent above the amount indicated for that use group. The additional development coverage permitted shall only be utilized for the provision of on-site parking. (For example, a Neighborhood Place of Worship in the RR-50 District is subject to use group "h," which lists a maximum 20% development coverage limit. If a conditional use permit for a Neighborhood Place of Worship is approved, the maximum development coverage would be increased to 30%).

~~Q.~~ ~~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:~~

~~R.~~ ~~Increase floor area ratio by up to 0.05;~~

~~(1) Increase development coverage by 10%;~~

~~(2) Modify any other bulk requirement of the zoning chapter, by up to 3%.~~

S. 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.

T. 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.

~~U.~~ ~~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.~~

~~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~~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 at the rear of the building, and may be located in the required 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-Screening Area. A minimum 10-foot-wide landscaped screening 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. A school of general instruction shall not be considered as an accessory use to a Community Place of Worship, and will be required to meet the standards for an additional principal use. 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.
- G-H. Accessory sales of religious items may be permitted entirely within the building containing the Community Place of Worship.
- H-I. 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, unless temporary off-site parking is provided according to subsection L below.
- I-J. 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 characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.~~
- J-K. 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; 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;~~
- ~~c. Notification processes to notify patrons of the Place of Worship and others regarding the locations of off-site parking areas to be used;~~
- ~~d. Pre-event registration to obtain a ticket before the holiday to use the on or off-site parking facilities; and~~
- ~~e. 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. Attendance at any services, wedding receptions or other social or religious functions held at the Community Place of Worship shall be limited to the capacity of the Community Place of Worship as determined by the applicable building and fire prevention codes of New York State, as well as the available on-site parking, unless a Parking Management Plan (PMP) is provided. Such events demanding parking in excess of the on-site parking provided shall require a PMP to be submitted for approval by the Planning Board as part of the Special Permit application establishing a Community Place of Worship, pursuant to the requirements set forth below. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for Holy Days or other large planned events for the particular place of worship making the application. Such PMP shall be provided to the Ramapo Police Department, the applicable Fire Department and the office of the Chestnut Ridge Village Clerk. If a PMP is required, as part of the special permit process the applicant shall address the following:

1. Designated off-site parking areas. The Applicant shall submit a fully executed written agreement between the Applicant and one or more providers of a location for off-site parking;
2. The applicant shall indicate implementation of group travel to and from the off-site parking locations by the use of shuttle vehicles;
3. The applicant shall 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;
4. The applicant shall provide a notification processes to notify patrons of the Community Place of Worship and others regarding the locations of off-site parking areas to be used;
5. The applicant shall indicate a method of pre-event registration to obtain a ticket before the holiday or event to use the on or off-site parking facilities; and
6. In the event that off-site parking areas are not available to accommodate the full capacity of the Community 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.
7. Existing Community Places of Worship in existence prior to the adoption of this local law shall submit a PMP for large events to the Planning Board within one year of adoption.

L.M. 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~~ Community Place of Worship from adjacent residential properties, outdoor lighting, and other conditions of

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

~~M.N.~~ Commercial kitchen and catering facilities are permitted.

~~N.O.~~ 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 General Use Requirements

Amend the Tables of General Use Requirements, as follows:

RR-50

~~Add “Residential Place of Worship~~ Residential Gathering Place” 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.

~~Add to Column F, Minimum Off-Street Parking Spaces, for Use #3, Places of Worship, to read “200 square feet of floor area or per 5 worshippers at maximum seating capacity, whichever is greater.” Delete existing requirement for “Churches and similar places of worship.”~~

~~Add to Column F, Minimum Off-Street Parking Spaces, for Use #17, Residential Gathering Places, to read “per 5 occupants at maximum occupancy as determined by Article XII standards.”~~

~~Delete from Column D, Uses by Special Permit of the Village Board, Use #8, “Churches and similar places of worship including parish houses and rectories but not including schools of general or religious instruction. (Local Law 6 of 2001).”~~

R-40

~~Add “Residential Place of Worship~~ Residential Gathering Place” 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 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.

Amend Column F, Minimum Off-Street Parking Spaces to read: "At Least 1 Parking Space for Each Unit of Measurement Listed or as Otherwise Noted Below Nos. 1 through ~~16~~17."

R-35

Add "~~Residential Place of Worship~~Residential Gathering Place" 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.

Amend Column F, Minimum Off-Street Parking Spaces to read: "At Least 1 Parking Space for Each Unit of Measurement Listed or as Otherwise Noted Below Nos. 1 through ~~16~~17."

R-25

Add "~~Residential Place of Worship~~Residential Gathering Place" 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

Amend Column F, Minimum Off-Street Parking Spaces to read: "At Least 1 Parking Space for Each Unit of Measurement Listed or as Otherwise Noted Below Nos. 1 through ~~16~~17."

R-15

Add "~~Residential Place of Worship~~Residential Gathering Place" 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

Amend Column F, Minimum Off-Street Parking Spaces to read " Same as RR-50, Nos. 1 through ~~16~~ 17"

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

Add to Column F, Minimum Off-Street Parking Spaces for Use #3, Places of Worship, to read "200 square feet of floor area or per 5 worshippers at maximum seating capacity, whichever is greater."

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

Add to Column F, Minimum Off-Street Parking Spaces for Use #9, Places of Worship, to read "200 square feet of floor area or per 5 worshippers at maximum seating capacity, whichever is greater."

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

Add to Column F, Minimum Off-Street Parking Spaces for Use #7, Places of Worship, to read "200 square feet of floor area or per 5 worshippers at maximum seating capacity, whichever is greater."

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

Add to Column F, Minimum Off-Street Parking Spaces for Use #6, Places of Worship, to read "200 square feet of floor area or per 5 worshippers at maximum seating capacity, whichever is greater."

~~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

Add to Column F, Minimum Off-Street Parking Spaces, Use #3, Places of Worship, to read "1 space per 200 square feet of floor area or 1 space per 5 worshippers at maximum seating capacity, whichever is greater."

* * * * *

Note: The proposed changes to Article VII and Article XII shown below are entirely new, as no changes to these two articles were proposed in the February 9, 2018 draft. The sections below show all changes proposed for Articles VII and XII in comparison to the existing Village Code Zoning Chapter. Language proposed to be inserted is underlined. Language proposed to be deleted is shown with a ~~strikeout~~ symbol. All other language is existing and proposed to be unchanged. The symbol “* * *” indicates skipped sections of the Code which are proposed to be unchanged, and that are not shown here for brevity.

Article VII – Parking and Loading

Amend Article VII as follows:

2. Location and size of parking spaces.

A. Location. Areas which are considered to be indoor or enclosed parking spaces are fully enclosed private garages only. Areas which are considered to be open or outdoor parking spaces are off-street carports or other areas available for parking other than a street, entrance and exit lanes or driveways, except that no vehicle shall be parked or stored in any required yard or fire lane. A driveway behind a required front yard for a one-family or two-family residence may count as an open or outdoor parking space for up to two vehicles. No more than two vehicles may be parked between the required front yard and a one-family or two-family residence. All driveways shall include an adequate turnaround area to preclude the need for backing onto a public road.

* * * * *

Article XII - Conditional Use and Special Permit Standards

Amend Article XII as follows:

F. As a condition of all special permits and conditional use permits for projects located in the NS, PO, PO-R, LO, PI and RS Districts, a limitation may be imposed upon the time period for which the permit is valid, or upon the transfer of the permit from one owner or user to another.

G. As a condition of all special permits and conditional use permits for projects located in the RR-50, R-40, R-35, R-25, R-15, and RSH Districts, the special or conditional use permit shall remain in effect for two years from the date of issuance of the building permit to commence construction, and shall thereafter expire unless the following renewal procedure is followed:

(1) The Village shall notify the permit holder of the impending expiration, 90 days prior to any expiration date. No more than 30 days prior to the expiration of the Special Permit, the permittee shall submit an application for a certificate of compliance from the Building Inspector, who shall inspect the special permit use within 14 days to ensure compliance with the conditions of the Special Permit. If all of the conditions of the special permit have been met, the certificate of compliance shall be issued by the Building Inspector and the Building Inspector shall then extend the term of the special permit for five years. After the first renewal, subsequent renewals shall be required every five years under the same procedure as the initial renewal. Applications for renewal shall be made prior to expiration and no renewal shall be made nunc pro tunc.

(2) In the event the Building Inspector denies the certificate of compliance, the applicant may submit an application for renewal of the Special Permit to the Planning Board pursuant to the procedures and standards of this Article governing a new special permit within 60 days of the notice of denial. The original special permit shall expire at the time that the Planning Board renders its decision on the application for special permit renewal. In the event the Planning Board approves the application for special permit renewal, the renewed special permit will be considered as a new special permit and will be subject to an initial two-year term as required by subsection G above. In the event the application for special permit renewal is denied, the original Special Permit shall expire.

(3) Special permits and conditional use permits shall expire after the time periods indicated, regardless of whether expiration notices have been sent by the Village or received by the permit holder. If any Special Permit expires, the permittee may reapply for a new special permit to the Planning Board, pursuant to the procedures and standards of this Article.

GH. In addition to the general standards for conditional_uses and special permits as set forth above, the approving board may, as a condition of approval of any such use, establish any other additional standards, conditions and requirements, including a limitation on hours or days of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this local law.