

CHESTNUT RIDGE RESIDENTS

Second Open Letter on Proposed Zoning Law Changes

On April 24, 2018, CUPON (Citizens United to Protect Our Neighborhood) published an Open Letter in the Rockland Journal News alerting Chestnut Ridge residents of proposed zoning law changes that would significantly affect the Village. The Open Letter urged residents to attend the April 26, 2018 Village Board of Trustees Meeting. CUPON thanks the many residents who attended the meeting. The Mayor made several remarks at the meeting that require a response:

1. The Mayor referred to the CUPON Open Letter as an advertisement.

The Open Letter was an exercise of our right to free speech as an informed and engaged citizens' group which required the purchase of space in the Rockland Journal News. It was not an advertisement and should not be characterized as such.

2. The Mayor stated that the purpose of the Open Letter was to manufacture hysteria.

We remind the Mayor that the proposed changes would significantly alter the Village; affecting all residents and nearly 90% of the Village's geographic area by creating a blanket variance for religious uses available to all single-family residences, granting 20% relief from lot conformance requirements, and allowing extra square footage allowances for religious purposes. This is not a small change for the Village, it is a sea change.

3. The Mayor said the Open Letter was inaccurate because it led the public to believe that no notices had been referred to required municipalities and agencies for their comments regarding the potential changes.

The CUPON letter said nothing of the kind.

4. The Mayor said the Open Letter incorrectly argued that the Zoning Board of Appeals (ZBA) should participate and review the proposed changes.

The Open Letter did not argue that the ZBA should review the proposed law before its passage, it only pointed out that the proposed law would grant a blanket variance for religious land. In the likely event there are future disputes on the meaning of the proposed amendment which require variance decisions, the ZBA would have great difficulty making a decision on the blanket variance already granted. The proposed blanket variance effectively usurps the role of the ZBA.

5. The Mayor said the Open Letter ignored the fact that religious uses are already permitted in neighborhoods and that federal law says people can worship in residential neighborhoods.

The Open Letter did not dispute that people have the right to worship in residential neighborhoods. Residents of the Village do practice religious worship in their homes and even have small gatherings in their homes, as they are already entitled to do so. Given that the Mayor clearly understands this existing right, the proposed zoning law changes are unnecessary.

6. The Mayor said that the zoning changes were being considered to make the process more “user friendly” for future applications.

CUPON disputes that this is a valid reason for such fundamental changes to the current zoning laws, particularly when the proposed amendments grant relief from current zoning laws and grant additional building rights only for religious purposes. The proposed changes would likely create adverse environmental impacts affecting all residents of the Village as reported by CUPON’s professional land planner in his submission to the Village Board. While making the law “user friendly” may be a worthy goal, CUPON believes that all local laws should “friendly and fair to all residents of the Village”.

7. The Mayor further claimed that he was trying to keep the Village from being exposed to fines based on a federal law, the Religious Land Use and Imprisoned Persons Act (“**RLUIPA**”).

***RLUIPA** bars restrictions that completely exclude religious assemblies, discriminate against a religious assembly or institution on the basis of religion or religious denomination, impose “substantial burdens” on the exercise of religion and provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.*

The current Chestnut Ridge Zoning Law does not run afoul of any of these provisions. Chestnut Ridge has welcomed—and continues to welcome individuals and religious groups of every faith and denomination and does not impose any substantial burdens on the exercise of religion. Indeed, there have been no claims or lawsuits brought by anyone arguing that the zoning law acts as a “substantial burden” to any person or religious group.

There will be an important meeting of the Village Board of Trustees on June 28, 2018, at the Chestnut Ridge Middle School at 7:30 p.m. on the proposed amendments to the zoning law. CUPON requests that any zoning law amendments should not be rushed, should follow professional land use and environmental analysis, and should be balanced and fair to all residents of the Village.

CUPON urges all Village residents to get involved in the process of reviewing the proposed zoning amendments. Contact your elected officials and let them know you expect to be properly informed about the proposed zoning law changes and the reasons therefore. We strongly urge you to attend the **June 28, 2018**, special meeting. Thank you.