

A dream law for some comes under fire

In Chestnut Ridge, residential houses of worship face pushback

Steve Lieberman Rockland/Westchester Journal News
USA TODAY NETWORK

Elissa Berkowitz walked to synagogue with her parents while growing up on Staten Island.

Her dream has been to do the same with her children, raising them in the same Orthodox Jewish lifestyle.

“Growing up, it was beautiful to have a safe walk to synagogue with my mother and father to pray and be part of youth groups and a community,” the 33-year-

See WORSHIP, Page 8A



Elissa Berkowitz, and her children Zevi, 7, Tova, 5, and Kovi, 2, play in their yard in Chestnut Ridge. The Berkowitz family synagogue is in walking distance of their home. TANIA SAVAYAN/THE JOURNAL NEWS



On Feb. 21, 2019, Chestnut Ridge Mayor Rosario Sam Presti listens to opponents protest a zoning law allowing residential houses of worship. The law was approved that month. CARUCHA L. MEUSE/THE JOURNAL NEWS

Worship

Continued from Page 1A

old married mother of three said. "I want that for my children," she said. "I was in shock how this will become a reality for us."

Berkowitz and her family live in Chestnut Ridge, a Ramapo village in which Orthodox Jewish families are buying older houses from empty nesters.

The Berkowitz family synagogue — Congregation Torah Utfillah — bought adjoining properties at 6 Weiss Terrace and 8 Roxbury Court. It's one of three synagogues that have sought land-use approvals since the village Board of Trustees adopted a zoning law in February 2019 allowing residential houses of worship.

The other two are Congregation Dexter Park at 5 Samuel Road and Congregation Ohr Mordechai at 2 Madeline Terrace. In addition, two private schools have applications before the village Planning Board — Wellington Educational Campus on Red Schoolhouse Road and Yeshiva Ohr Josef at 246-256 Ackertown Road.

The house of worship law has allowed people like Berkowitz to satisfy a dream that at one time seemed unattainable.

The law also has raised tensions with some neighbors, in a county that has often seen conflicts stemming from municipalities' responses to growing Orthodox and Hasidic Jewish populations, which have sometimes required federal and legal intervention. Opponents say increasing the number of houses of worship will add to congestion, and the law is facing challenges in state and federal courts.

Jerry Liebelson, a Chestnut Ridge activist, said the house of worship "law, in the way it was written and with the future disruption it will bring to neighborhoods, has worsened the animosity and division between the ultra-Orthodox/Hasidic community and other residents."

"Moreover," he added, "the village is doing nothing to enforce compliance but is otherwise allowing many informal and illegal places of worship to operate without meeting any building or zoning requirements at all."

Berkowitz, her husband, Matthew, and their children — ages 7, 5, and 2 — and other Torah Utfillah families now rent space at 750 Chestnut Ridge Road.

"I can't wait and will be very grateful when we have the ribbon-cutting," Berkowitz said of the shul being approved and built. "I have anxiety walking down Chestnut Ridge Road with a stroller."

Changing population spurs conflicts

Chestnut Ridge Mayor Rosario "Sam" Presti Jr. estimated the village is home to more than 700 families, up from 300 to 400 when he took office in 2013.

"More young families — newly married couples or couples with infants and young children — are moving into the village and renovating older homes," Presti said, adding "a majority of the families are Orthodox.

Orthodox and Hasidic Jews populations have grown during the past two decades across Ramapo. The migration has come from New York City, New Jersey, and overcrowded Monsey to Chestnut Ridge, Airmont, Spring Valley, Pomona and other towns in Rockland.



Elissa Berkowitz and her family live in Chestnut Ridge, a Ramapo village in which Orthodox Jewish families are buying older houses from empty nesters. TANIA SAVAYAN/THE JOURNAL NEWS

But with their need for housing, private schools and synagogues has come frustration from non-Jewish and non-religious residents. Many feel the religious community gets special considerations and with their rising numbers, and their bloc votes decide who runs the town and village governments.

The tension and government responses led to federal intervention three times in Airmont on the grounds of discrimination. Other communities fear Religious Land Use And Institutionalized Persons Act, or RLUIPA, lawsuits, which have been used as a hammer against municipal zoning laws and decisions.

Jerry Liebelson, a Chestnut Ridge activist who puts out a newsletter, said, the house of worship "law, in the way it was written and with the future disruption it will bring to neighborhoods, has worsened the animosity and division between the ultra-Orthodox/Hasidic community and other residents."

"Moreover, the village is doing nothing to enforce compliance but is otherwise allowing many informal and illegal places of worship to operate without meeting any building or zoning requirements at all," he said. Several controversial zoning issues have involved the village, including a structure pitched as a multiple-story garage on Spring Hill Terrace that houses a synagogue. And schools were opened in the former Edwin Gould property.

He said the village has allowed construction at 1 Karow Court, even though the site cannot meet the guidelines for a neighborhood place of worship because of the limited space for on-site parking.

Liebelson said the concerns are about the quality of life of residents, not religion. He said two of the proposed synagogues would be located in the middle of residential neighborhoods with 10,000-square-foot buildings and large parking lots.

"There will be daily/nightly activity and traffic seven days a week in addition to social hall events throughout the year with many more people attending," he said. "The quality of life for non-Orthodox residents in these neighborhoods

will be negatively and severely impacted. It is a violation of the establishment clause of the First Amendment of the U.S. Constitution."

Zoning law challenged

The zoning law is being challenged in state and federal courts by a grassroots group, Citizens United to Protect Our Neighborhoods, known as CUPON. The Chestnut Ridge branch's legal actions claim the law violated the federal rights of residents and didn't meet state environmental laws.

The village also faces a separate federal religious discrimination lawsuit filed by the Orthodox Jewish Coalition, which suggested the house of worship zone.

CUPON, in a memo filed with the village, claimed the approval applications for village conditional use permits filed by Congregation Dexter Park and Congregation Torah Utfillah violated various aspects of the house of worship zoning law.

Both congregations are seeking multiple variances from the zoning law — requests CUPON's planner argued that amounts to legislation by variance and counter to the purpose of the new zone.

Presti has defended the house of worship law, noting the village zoning criteria of a minimum of five acres for a house of worship would likely not meet constitutional muster and RLUIPA. The 2000 land use act protects houses of worship and other religious institutions from discrimination in zoning.

Presti, an attorney and former planning board member, opined that those residents who opposed the law prior to 2019 still do.

He said residents who need neighborhood shuls are supportive at those land-use meetings he's attended. He said the land-use boards are attempting to deal with concerns like traffic, lighting, and environmental issues.

Presti said if the inspectors determine houses of worship require permits and land use board approvals, the congregations are given an opportunity to comply.

Quality of life debated

Presti succeeded the village's first mayor, Jerry Kobre, after residents carved out the village from Ramapo in 1986. Presti said 10 to 20 years ago there were three or four houses of worship. He estimated twice as many today, with others seeking approvals. Critics contend at least a half-dozen synagogues operate in residential areas without village approvals.

Opponents of the law have voiced concerns about congestion and a rise in their taxes, claiming their quality of life has been damaged. They have argued the village lacks enforcement and allowed a synagogue to masquerade as a garage on Spring Hill Terrace.

CUPON issued an analysis about RLUIPA and of the proposed law.

The house of worship law became an issue in the 2019 election following the zoning's passage. Two board trustees who supported the law comfortably won.

Berkowitz said the talk of the community changing and decreasing property values is false. She said they paid \$445,000 for their house in January 2016 and now it's been re-appraised at close to \$600,000.

Berkowitz said she and her husband came to Chestnut Ridge for the single-family lifestyle with tree-lined streets and backyards with room for a swing set and a temporary pool.

She said she doesn't favor houses of worship too close together in a neighborhood, though she notes many people need to walk on the Friday-Saturday night Sabbath. She said she and her husband drive during the week and Sundays.

"I know some people have their concerns and have some animosity," Berkowitz said. "We're going through some passive-aggressive anti-Semitism through this process. Unfortunately, it's also coming from some non-religious Jews."

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