

Attachment to 10/12/2021 Village Board Meeting Minutes
7:30PM – Continuation of 9/14/2021 Public Hearing – Introductory Local Law No. 5 of 2021 –
A local law amending Chapter 250 of the Code of the Village of Hillburn
(Adjourned on 9/14/2021 to allow time for receipt of GML Review from the RC Dept. of Planning)

Mayor Tursi read the Notice of Public Hearing.

-A Committee was convened by the previous Board to update the Master Plan and Zoning Local Law and same was adopted in January of 2020. Shortly after, it was determined that several items were omitted from the Zoning Law thereby requiring amendment.

Dwaine Perry (16 Boulder Avenue) questioned if there is an excerpt of the amendments.

Mayor Tursi advised that the Introductory Local Law has been on the Village's website and at the Village Office for review.

Alexandra Bowens (125 Sixth Street) stated that she saw the amendment and believes it talks about the use of schools within the Village which is something new to the Village, so it would be nice to speak about that amendment.

-Ms. Bowens also stated that her sister served on the Master Plan Committee and that schools were not part of it.

-Dwaine Perry stated he would like to know who amended the Zoning Local Law without a Public Hearing.

Mayor Tursi advised Mr. Perry that this is the Public Hearing.

-Attorney Rice stated that since the 1950's, NYS Case Law has been clear that both religious and educational uses by their nature are considered to be in the overall public welfare. As a result, the case law clearly says that schools cannot be excluded from a municipality and that a place has to be made for them at some location. Attorney Rice cited a Court of Appeals case that says you cannot have a blanket prohibition of schools in a municipality, but instead make schools a Special Permit use whereby any potential adverse impacts could be weighed against the presumptive beneficial effect on the community. By going through a Special Permit process, it can be determined if there are deleterious impacts that cannot be mitigated that warrant denial of the application, otherwise conditions could be imposed to accommodate a school and ensure that it does not disturb the neighborhood.

Mr. Perry questioned if that is a residential school (boarding school)?

Attorney Rice stated it is not necessarily a school with dorms, which is an open question.

Rogers Garey (17 Hickory Avenue) questioned if the amendment is open-ended regarding location and size of schools.

-Mayor Tursi stated that there is not a lot of property available in the Village; however, there are residential properties right now that could possibly comply with requirements such as parking, etc.

Alexandria Bowens stated there is an existing school already in the Village (275 Route 17).

It was clarified that the respective location is not approved as a school.

Mr. Perry stated there are sacred sites between 6th Street and the reservoir and behind. We would be offended spiritually if people were to move in and put swastikas up on telephone poles so I think it needs to be addressed with respect to the entire community.

-Mayor Tursi questioned what he meant by "swastikas".

-Mr. Perry stated that if you put those things on telephone poles, that is not a problem, but when people start looking at you like what are you doing on your own property.

-Mayor Tursi stated that that is not what we are talking about right now. This is a Public Hearing about the amendments to the Zoning Code. That matter can be discussed under Public Comments.

Patricia Osterhoudt (159 Sixth Street) confirmed that to be approved for a house of worship, 75% of the congregation must reside in the Village; and that the existing houses of worship, including Brook Church were considered "grandfathered" and exempt from this provision.

Attorney Rice stated the provision was to ensure that the house of worship would be in walking distance.

In regards to school, Attorney Rice stated that the law is restrictive in that schools are only permitted in the LS and GC zones.

-Alexandra Bowens stated that the language of the provision defines what type of schools would be allowed. Many students travel 10-15 miles to attend private/religious schools. It seems that this provision favors the Jewish community.

-Patricia Osterhoudt stated that the provision is for houses of worship, not schools.

-Alexandra Bowens stated that many people travel a distance to attend a church also.

Mayor Tursi stated that the Jewish community does not drive on Saturdays and must walk to their houses of worship. That is how they practice their religion.

-Ms. Bowens questioned why the Village is putting in provisions specifically for the Jewish community? Other religions travel to church. 75% of the Brook Presbyterian Church congregants do not live within the Village.

-Patricia Osterhoudt stated that Brook Presbyterian Church is grandfathered.

-Alexandra Bowens stated that if a new Presbyterian Church were to be built, it would not be able to comply. The provision is saying that only new Jewish houses of worship would be allowed.

-Patricia Osterhoudt stated she did not read it that way.

Mayor Tursi read aloud the portion of Introductory Local Law No. 5 that defines Place of Worship/Neighborhood:

PLACE OF WORSHIP, NEIGHBORHOOD - A portion of a one-family detached residence used exclusively for the conduct of organized religious services. No school or outside catering is permitted. At least 75% of the membership must live within a three-quarter (3/4) mile radius of the neighborhood place of worship. The bulk requirements shall be the use group for the one-family detached residence in which the neighborhood place of worship is located. No more than one neighborhood place of worship per parcel shall be permitted.

Delores Hunter (16 Fox Hollow Road) questioned this particular provision, as it sounds very accommodating to the Jewish community.

Attorney Rice stated that it is restrictive. There is case law in other jurisdictions that says that people can meet in private homes for various reasons; for example, Sunday evening for bible readings, or Friday night services. The provision to require participants to live in walking distance would limit the impacts created by larger houses of worship.

Mayor Tursi stated that his provision does not pertain to building a new house of worship, it pertains to utilizing a portion of a residential home as a place of worship.

Dwaine Perry (13 Boulder Ave) questioned if a tax exemption would apply if a single family dwelling is use for religious purposes.

-Attorney Rice stated that tax exemption is not relevant with respect to the zoning issue; however, there would most likely be a partial tax exemption.

Mr. Perry questioned if all residents would be entitled. Mayor Tursi replied yes.

Dolores Hunter (16 Fox Hollow Road) asked if a homeowner changed their house to a house of worship, would it be tax-exempt. Terry Rice responded yes, a partial exemption.

Romney Van Dunk (26 Boulder Avenue) questioned who introduced these revisions to the Zoning. Mayor Tursi stated that it was input from the Village Board, Village Attorney, Bonnie Franson, Planner from Nelson, Pope & Voorhis, and the Fire/Building Inspector. Mayor Tursi added this is not the only provision, there are more. The Comprehensive Plan committee submitted a draft plan that was adopted in January 2020, and now amendments are being proposed. The Comprehensive Plan Committee is not signing the amendments, the Village Board would be, but before the decision is made, the Village of Hillburn is having this public hearing. This is the third continuation of the Public Hearing. No one has been here until tonight.

Patricia Osterhoudt (159 Sixth Street) said that this is a good thing- referring to the numerous people present. Patricia Osterhoudt said that the Mayor's face was of every other Mayor who had come into this room, not expecting the people here. His reaction may be why people are being rubbed the wrong way. Because when the meeting is being stopped to address that, many people are in the room, that gives people a bad feeling. Please understand that when anything changes within the village expect a room full of people and be happy on those days when there are not.

Trustee Tarantino, said people have to come to more Board meetings, to be better informed.

Rodney Van Dunk (26 Boulder Avenue) stated, I've noticed this for years, the residents don't come out to show appreciation, nor do they come to represent themselves in any way. Many houses could become tax-exempt and that is why it is important that people stand up now. Mayor Tursi stated if the neighbor sells their house. I cannot stop them from selling it to whomever they want. Mr. Van Dunk said that people need to stand up; because this is Hillburn, best kept secret.

Question: Does Terry Rice have any prior relationships with the Jewish community? Mayor Tursi, I don't understand the relevance to this public hearing. I am sure that he has since he is a Rockland County attorney. He currently represents the Village of Hillburn.

Chevy Torres (54 Fifth Street) questioned if there were any limits on how many houses of worship the village could have, could the village possibly result in having about ten. Terry replied that the law would not allow it to be limited, but each application filed would be reviewed, to prevent deleterious impact, such as traffic, etc.

Dwaine Perry (13 Boulder Avenue) questioned if Terry approved the new amendments. Mayor Tursi responded that Terry Rice does not have any voting power within the village.

Patricia Osterhoudt (159 Sixth Street) questioned if it was a full board approval to revise the amendments. Mayor Tursi said that the amendments have not been voted on. The Village Board approved the Comprehensive Plan that was submitted on January 2020.

Patricia Osterhoudt (159 Sixth Street), asked if there was any other stipulation, aside from 75% of the membership that must live within the village, to turn a residential house into a house to worship. Terry Rice replied, yes, the normal Bulk Requirements, such as parking. Mayor Tursi added going through the Planning Board, proper egress, and for emergencies, water sprinkler. Terry Rice agreed that Under the NYS code; it would also require water sprinklers, site approval, and a special permit from the Planning Board. Patricia Osterhoudt questioned if the requirements are different for a partial exemption. Mayor Tursi clarified that a part of a residential home such as a basement or living room would be a partial exemption, which is different from a wholly exempt church.

Susan Murphy (45 Sixth Street) stated that with such a small village where people have lived for hundreds of years and people have equality and respect for their properties, is this being added to the plans.

Mayor Tursi asked how many people attend Brook Church and if anyone here is being stopped from practicing their faith.

Patricia Osterhoudt stated that the Eruv is not religious. It was a concept they developed over time that is not religious but cultural. Society has not kept up with what they want to do so they change society and that makes them normal. This is not religious but cultural. If a religious law states that I am not supposed to work on Sunday, but if I have to feed my family, I will work on Sunday because God allows that. Therefore, if they want to walk while pushing a stroller then do it on Friday and Saturday nights. I do not need anyone telling me where I can walk.

Mayor Tursi asked Terry Rice if he knew anything else regarding the eruv. Terry Rice responded that federal law cases were lost against the installation of the eruv. The eruv were considered a minor accommodation to stay constitutional.

Conaway: Economical question: Does the new code requirements favor wealthy developers vs long-time residents that don't have the same resources to build their homes up to code to have it tax-exempt. Terry Rice stated that he was uncertain of the question but the amendments would allow anyone of any denomination to have a house of worship. Furthermore, these amendments are restrictive and needed to avoid that Hillburn does not result in the same situation as Airmont, which has had various litigations. These amendments in regards to the partial house of worship will help maintain the single character homes throughout the village and will not disturb the neighborhood.

Dwaine Perry (13 Boulder Avenue) said that the Native American community has suffered through genocide, but with the help of the Mayor and others trying to rebuild unity, save sacred slates and lands. Putting this in our faces is a racist approach, will anyone protect our spiritual paths from these fish lines.

Dolores Hunter (16 Fox Hollow Road) questioned if a partial house of worship is legal. Mayor Tursi explained that a partial house of worship could happen without the approval of the Village Board because it is a federal law. Patricia Osterhoudts said that sometimes at least ten people gathered at Carla's or her house for bible studies that should not result in getting a partial exemption.

Conaway questioned if many neighbors; houses got tax exempted but it could take someone else longer, how would the Village give the community an equal access to help make these changes. Terry Rice stated that he does not understand his question again, but by changing the codes, the community is not changing but instead, safeguarded. In the absence of a provision like this, the village is fair game for Federal action or Federal prosecution by a justice department that when it goes to the US Attorney's Office, will say do this or be sued. The code proposed is restrictive.

Patricia Osterhoudt stated that the Village of Hillburn accepts everyone and things are not changed for anyone else. Mayor Tursi stated that the Village of Hillburn is very inclusive but these comments don't sound inclusive. Patricia Osterhoudt added that it seems that people are always afraid of being sued and this is what causes all these changes. Terry Rice responded that the Village of Airmont had made changes to exclude different communities, added very restrictive religious uses, and aside from different applications they lost, there were a few laws that passed that were considered discriminatory, which is one of the laws that the village recently rescinded. The village cannot exclude schools, but instead have a special permit, to allow the applications to be evaluated and determined if there are any adverse impacts.

Cindy Fountain said that this community stood up for rights and justice and our people were not scared.

Rodney Van Dunk said that what used to be a motel (275 RT 17) has threatened us with lawsuits, in the past. Mayor Tursi remembered when they were brought up on building code violations. In the discussion, it was clarified, that it is a dormitory and not a school. Terry Rice added that amendments are to improve code enforcement.

Conaway asked the meaning of the E. Grandfathering of certain pre-existing and HC nonresidential uses within the LS Local Shopping zoning district. Mayor Tursi explained that the units were changed to Local Shopping; this amendment will allow the units to continue the same uses as pre-existing.

Susan Murphy stated I have been in the village a couple of years. She questioned how many homes can be bought to be tax exempted. How can a small village allow this? The quality of life will change. I previously lived in Chestnut Ridge and fear what happened in Chestnut Ridge could happen here. Terry Rice stated that schools are only allowed the LS, GC, and not on residential homes.

Rogers Garey, as a partial exemption, how much tax would be exempt? Terry Rice said that Scott Shedler will be asked. Mayor Tursi added that Scott Shedler is our Assessor, who works in the Town of Ramapo.

Susan Murphy the homes that are owned by the rabbi in this community, especially the property next to me, there have been three different families, none of them have taken pride in caring for the property. Are there any laws on the length of time the property owner can rent their property? So many different people are coming and going in the property, such as transients. Mayor Tursi said he would ask the Fire/Building Inspector to look into it.

Dwaine Perry asked what constitutes a house of worship. Terry Rice replied holding services.

Chris, 40 Atlantic Avenue, asked how small can the congregation be. Terry Rice stated that there is no limit. Chris-What criteria is needed to be recognized as a house a worship, would it require a clergy, such as minister, priest, reverend, pastor, rabbi? Terry Rice replied no, but proof that it is a house of worship.

Terry Rice stated that at this time, the Village has addressed what the zoning amendments are, Bonnie Franson is going to come up with additional language to address the Rockland County GML comments and once those are received then the village can proceed.

Chevy Torres asked if the houses of worship would be considered commercial. Mayor Tursi responded no. Ms. Torres asked if it would be subject to violation laws. Mayor Tursi replied yes.

Rodney Van Dunk thanked the Board for listening and he understands that there are laws that the Village must comply with.

Dwaine Perry asked if it would be possible to get legal advice from another attorney.

Mayor Tursi stated that the Comprehensive Plan had a public hearing and this is a public hearing, but not until now has anyone shown up. Dwaine Perry added that everyone has had a great amount of faith in the Village Board, and that is why people do not show up. They know you are taking care of things.

Mayor Tursi responded that the Comprehensive Plan and the revision amendments are available online. Mayor Tursi said to Dwaine, you stated that you didn't know about the Comprehensive Plan, but you brought David Johnson here for his ecologist review to preserve Split Rock and its environs.

Motioned to adjourn: to October 26, 7:30 By Trustees Bonnie O'Blenis and Bernadette Tarantino