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VIA EMAIL & HAND DELIVERY

Supervisor Brandon Holdridge and
Members of the Town Board
Town of Chester
1786 Kings Highway
Chester, NY 10918

***RE: Public Comments – Comprehensive Plan and Zoning Amendments
Property: 162 Trout Brook Road (SBL 15-1-27.42)***

Dear Supervisor Holdridge and Members of the Town Board:

Our office has been retained by the Congregation Heichal Torah (“Heichal Torah”), a religious group that operates the Cheder School in Brooklyn, New York, a religious school providing Torah education to its several members of the orthodox Jewish community. In addition to the Cheder School, Heichal Torah owns and operates a summer orthodox Jewish religious camp on property located at 162 Trout Brook Road, in the Town of Chester known as “Camp Monroe” (also referred to herein as the “Property”). Heichal Torah purchased Camp Monroe in 2018 and has since been operating an orthodox Jewish summer camp on said property. On October 25, 2025, Heichal Torah submitted comments on proposed zoning amendments and the Town’s amended comprehensive plan for review by the Town Board. We thank the Town Board for reviewing and considering our comments as it continues its review process related to religious uses within the Town.

We submit this letter seeking additional clarification on the proposed zoning amendments and to further comment on the zoning amendments prior to adoption. First, we commend the Town Board for allowing “religious institutions” within the AR-3 zoning district in accordance with federal and New York law, which laws seek to protect freedom of religion. That said, we submit the below additional comments on the proposed zoning amendments and seek clarification.

As you know, on March 25, 2025, Heichal Torah received a “Notice of Apparent Violation” from the Town of Chester Code Enforcement Officer, alleging that Heichal Torah has been utilizing Camp Monroe for purposes of short-term rentals, which constitutes an unlawful change of use without obtaining approvals (the “NOV”).

Heichal Torah has appealed the NOV to the Town’s Zoning Board of Appeals (“ZBA”) under the provisions of the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”), which appeal is pending before the ZBA while the Town contemplates its current zoning amendments. Once zoning amendments are approved, Heichal Torah will seek special use permit approval for its religious use of Camp Monroe pursuant to Town of Chester Zoning Code (“Zoning Code”) § 98-29 (F), as amended.

As discussed in the ZBA Appeal, the Property is located in the Town’s AR-.3 zoning district, which does not permit summer camps, like Camp Monroe, or any religious uses. As noted in the NOV, the Town of Chester has recognized Camp Monroe as a pre-existing legal non-conforming use that is permitted to continue pursuant to Town of Chester Zoning Code (“Zoning Code”) § 98-8. Camp Monroe allows orthodox Jewish children to continue their religious education during the summer months. Heichal Torah fully intends to continue this orthodox Jewish religious summer camp, which is vital to its religious mission.

In addition, and also discussed in the ZBA Appeal, the Camp Monroe dormitory/synagogue building is not simply a residential space, but includes a synagogue within the basement that is regularly used by the orthodox Jewish occupants as a place of worship by members of Heichal Torah. As you may be aware, members of the orthodox Jewish faith strictly adhere to Shabbot and the day of the Sabbath. Shabbot and the Sabbath start at sunset on every Friday of the week and includes a day of rest that is observed through sunset on Saturday of any weekend. During Shabbot and the Sabbath, orthodox Jewish congregants are required to abstain from certain activities deemed “work” and must only engage in prayer, study, and family time. As such, members are prohibited from working, turning on lights, preparing food, transacting business, driving, etc. Members must only participate in lengthy prayers at the synagogue, study the Torah, spend time with family and enjoy communal meals.

Given these restrictions, it is vital that congregants of the orthodox Jewish faith reside in close proximity to places of worship, family, and other services as to not violate the above-mentioned religious principles. It is for this reason that the dormitory/synagogue building on the Property is vital to the religious practices because it allows families to gather in one place with needed services to properly observe Shabbot and the Sabbath requirements. Because of the strict requirements of Shabbot and the Sabbath, Heichal Torah utilizes the dormitory/synagogue building for members of the congregation during weekends throughout the year when Camp Monroe is not in session. This allows large families, which are typical within the orthodox Jewish religion, to be together during times of Shabbot and the Sabbath to pray, study and be together within the dormitory/synagogue building. The use of the dormitory/synagogue building for the observance of Shabbot and the Sabbath is separate from the Camp Monroe operations, and the two religious uses are not conducted at the same time.

Therefore, Heichal Torah utilizes the Property for purposes of a religious camp as well as a religious retreat facility in the camp's off-season. Shockingly, and until the proposed zoning amendments are adopted, the Town does not permit religious institutions or places of worship within the AR-.3 zoning district, in violation of the U.S. Constitution and RLUIPA.

We submit the below comments on the proposed zoning amendments and the comprehensive plan to ensure that such amendments are compliant with the U.S. Constitution and RLUIPA and allow for Heichal Torah's religious uses to continue.

Proposed Zoning Amendments – Comments

Definition of Religious Institution

In our October 2025 submission, our office recommended that the definition of "religious institution" also include "religious camp" and "religious retreat facility" to accommodate the vast religious principle and accessory uses that are permitted under New York law, the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), and the U.S. Constitution. *See Young Men's Christian Assn. of Greater Rochester v Town of Milo*, 563 F Supp 3d 71 (WDNY 2021) (holding that the YMCA had adequately alleged a RLUIPA claim against ZBA where ZBA's resolution and decision imposed a substantial burden on the use of camp property for religious exercise by prohibiting accessory uses incidental to day, summer, and overnight camp operations).

As proposed, the definition of a religious institution includes:

RELIGIOUS INSTITUTION: A church, synagogue, temple, mosque, or other similar facilities that are used for worship by persons of similar beliefs and that is particularly adapted for the primary use of conducting formal, organized or regularly scheduled religious services or, secondarily for special religious occasions including, but not limited to, funerals, weddings or celebration of life events together with accessory uses customarily incidental thereto. Religious institutions shall be subject to a special use permit as set forth in § 98-29 (F) of the Town of Chester Code. Also known as "Place of Worship."

While this definition appears to allow for the required flexibility related to religious uses, it does not specifically mention "religious camps" or "retreat facilities". The vagueness of this definition, by leaving out religious camps and religious retreat facilities, would require a future zoning interpretation from the Town's Building Inspector, which interpretation would only lead to confusion and a potential for the Town to prohibit the free exercise of religion by a future action.

To this end, we respectfully remind the Town that if it outright prohibits religious camps or religious retreat facilities within the Town's AR-.3 zoning district, the Town of Chester has placed a substantial burden on religious institutions', including Heichal Torah's, ability to practice its religion by prohibiting the same from occurring. *See Diocese of Rochester v. Plan. Bd. of Town*

of Brighton, 1 N.Y.2d 508, 522 (1956) (holding that a zoning ordinance may not wholly exclude a church or synagogue via zoning because any such provision bears no substantial relation to the public health, safety, or general welfare of the community.”).

In accordance with the above, we respectfully request that such religious uses be added to the definition of “religious institutions”. This is especially vital considering such uses do not appear to be independently permitted in the AR-.3 district or specifically listed as accessory to a religious use. In the alternative, the Town Board should indicate its intent in adopting this definition that is would allow the religious camp and religious retreat uses noted above.

Special Use Permit Standards

Our office has also reviewed the amendments to the special use permit standards. Our comments related to the special use standards remain consistent with the Applicant’s October 2025 submission to the Town Board. However, we recommend specifically noting “religious camps” and “religious retreat facilities” as accessory uses within Zoning Code § 98-29 (F)(10).

Conclusion

We offer the above comments to ensure that the proposed zoning amendments comply with the requirements of the U.S. Constitution and RLUIPA. The Town must be cautious in adopting its local land use regulations, and how they are implemented to ensure that no substantial burdens are placed on the practice of religion.

To the extent that the Town has any questions, or questions related to the specific operations of Camp Monroe, please do not hesitate to contact my office. Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/ *Charles J. Gottlieb*

Charles J. Gottlieb

cc: Nosson Sheer, Congregation Heichal Torah (*via email*)
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