

A Victory For Chabad

Wins conditional approval

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BY COLLEEN REYNOLDS

After years of wrangling with its neighbors, Chabad of Southampton Inc. was granted conditional site plan approval last week by the Southampton Village Planning Board, allowing for improvements to be made to the Jewish center's Hill Street property related to its use as a house of worship.

The application calls for: off-street parking for 16 vehicles, closure of an existing flagpole-lot driveway, shared access though a driveway on the eastern side of

the Chabad, a 20-foot-wide buffer along the eastern and western property lines, provision of an access aisle to serve a residence to the south and provide adequate area for emergency vehicle turnaround, as well as a plan for universal accessibility to the house of worship.

The Chabad's attorney, Jeffrey Bragman of East Hampton, said he was pleased that the review has finally been concluded.

"There's been a more thorough examination, I think, of

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Chabad than almost any other application I can think of," he said, adding that when the proposal first came up years ago—before the Village Zoning Board of Appeals—"there was a lot of anxiety and even a little anger in the air. I told the boards we would participate in the process with candor and cooperation and would answer all their questions, and I think we honored that commitment. It took a long time, and we're happy to have the process—at least on the village level—concluded."

The board imposed conditions

as part of its approval, including minor revisions and additions to allow for compliance with the Americans with Disabilities Act. Although no new lighting is proposed with this plan, if any lighting fixtures are requested in the future, the board wants them to be "dark skies" compliant. The board also required that the Chabad file a legal easement to allow permanent access to the flagpole lot with the village.

Several years ago, the ZBA granted a special exception to Chabad to allow the site to be used as a house of worship and a one-family dwelling, even though it is located in a resi-

dential zone of the village. The board also gave the green light for providing parking relief and several variances from dimensional requirements. That permission was upheld by the New York State Supreme Court after neighbors filed suit against the decision, based on traffic and parking problems and other environmental concerns.

The project also received an environmental go-ahead and a waiver from the Suffolk County Department of Health Services Board of Review.

Rabbi Rafe Konikov started offering religious services at the house when he moved there in

the 1990s, well before the ZBA granted it the right to operate as a house of worship—a point of contention for some neighbors.

But religious institutions enjoy constitutional protections that grant them broad leeway with zoning and planning boards.

"Based on the First Amendment, religious institutions are privileged, and what it means is that historically and legally the government has less and less power the closer it comes to regulating religious worship," Mr. Bragman said. "... The separation of church and state really protects churches and empowers them."