



BUZZELL, BLANDA & VISCONTI, P.C.  
ATTORNEYS AT LAW

May 15, 2025

**VIA EMAIL**

Harlan Fischer, Chairman  
And Members of the Board  
Planning Board of the  
Village of Head of the Harbor  
500 North Country Rd.  
Saint James, N.Y. 11780

Re: Application of Monastery of the Glorious Ascension, Inc.  
481 North Country Rd.

Dear Chairman Fischer and Members of the Board:

We represent the Monastery of the Glorious Ascension, Inc. This letter is sent to address an issue raised at the Board's meeting of May 13, 2025. That issue concerned the height of the church.

**It has already been determined that the church complies with the Village Height requirement. The March 13, 2025 Resolution of the Board of Trustees which approved the Special Permit directly provides:**

*"The height of the proposed church complies with the maximum height restriction in the Residence 'A' District." (See, page 8, Section 12 (2)).*

**Accordingly, the issue has already been resolved; the height of the church complies with the Village Code.** (Copy of page 8 attached.)

I also draw the Board's attention to Village Code Section 165-30, which provides; *"The height limitations of this Part 1 shall not apply to steeples, cupolas, chimneys or similar features, nor shall they apply to necessary mechanical appurtenances usually carried above the roof level, provided that they shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve."* (As the Zoning portion of Chapter 165, Part 1 is, essentially, the Village Zoning Code.)

The aspect of the building the Board was referring to is the Cross; the very symbol of the Church and the Monastery's faith. It is beyond common for a church to have a cross on its roof, and such is true across the spectrum of Christian faiths, Catholic, Protestant, Baptist, Evangelical



to the various Eastern Orthodox faiths, such as the Russian Orthodox Monastery. The Cross is the very symbol of Christianity. The cross is a primary symbol representing Jesus' sacrifice and resurrection, ultimately signifying love, victory, and salvation. It symbolizes God's everlasting love for humanity and his plan for redemption. The cross also represents the Gospel. And, in this case, it is a monastic church. The monks draw inspiration from the cross on a daily basis.

The cross in the present case is not a tower or a billboard. Numerous churches have much larger and much taller crosses. The cross in the present case has an insignificant footprint, particularly when compared to the footprint of the building and is actually modest in height. There is no lighting on the cross. The cross is as high as necessary to accomplish its religious purposes, which include, but are not limited to, inspiring those who worship there, identifying the building as a church, indicating the relationship to the Russian Orthodox faith, indicating the relationship to the Monastery and complying with the guidelines of the Russian Orthodox church.

The Monastery itself has no Cross. This is very unusual for a monastery. But recognizes the historic nature of the Timothy Smith House.

Further, the form of the cross used in the Eastern Orthodox faith involves three crosspieces of different lengths in different positions. The Eastern Orthodox Cross is most readily distinguished by the slanted lower bar which represents the footrest that supported Jesus and the two thieves crucified alongside him. It is slanted toward heaven to symbolize the good thief who in his last moments repented. The necessity to add a lower bar in the position of a footrest extends the length of the vertical beam and in and of itself requires a certain height for the religious symbol to be visible and effective. There are also two other crossbeams. The top represents Pilate's inscription which in the older Greek tradition is "*The King of Glory*", based on John's Gospel. The middle crossbeam, which is the longest, represents the crossbeam to which Jesus hands were nailed. The form of the Cross has been the symbol of the Russian Orthodox Church since the 1500s.

All of the elements of the Eastern Orthodox Cross have complex, deep and longstanding religious significance. Each of such elements is well recognized by the monks as they proceed to the church. Absent extreme circumstances not involved in the present matter, it is **not** for any governmental agency to tell a Christian church how high a cross on a church should be. Such would constitute interference by the state in the practice of the faith and stands in contradiction to the law pertaining to land use decision making concerning religious uses.

Finally, I confirm the discussion had during the meeting, that the applicant's answer of "No" to question D.2(a) on the LEAF is accurate as the question itself states; "*(Not including general site preparation, grading or installation of utilities or foundations where all excavated*



*materials will remain onsite.)*” To reiterate, all materials removed to install the foundation and utilities will remain onsite.

Thank you for your time and consideration. If you have any questions, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Joseph F. Buzzell". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph F. Buzzell



## **12) Analysis of the Special Permit Criteria and Code Provisions.**

In accordance with Village Code § 165-36, the Board of Trustees finds:

- 1) **The location and size of the proposed Church, the nature and intensity of the operations involved in and conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that the project will be in harmony with the appropriate and orderly development of the Residence "A" District.** The proposed Church is a special permit use in the Residence "A" District. This means the proposed use is presumptively compatible with the district, provided certain enumerated criteria are met. The operations associated with the Church will include religious services and activities necessary for the Applicant's religious purpose. The commercial kitchen in the Church basement has been significantly reduced in size to alleviate concern that the Church could be used as a venue for wedding receptions and non-religious social functions. Additionally, the Trustees discussed with the Applicant the possibility of reducing the size of the Church to allow greater preservation of open space. The Applicant's representative explained that the spaces within the Church serve specific religious functions unique to the Applicant's needs. Consequently, the Church cannot be reduced in size without detracting from its functionality. Likewise, the wrap-around porch (which will be on three sides of the building) serves as part of religious processions in addition to serving as shelter from the elements. The Site Plan, last revised March 7, 2024, indicates that the total footprint of all existing and proposed structures on the Property is 8,217 square feet, or 4.06% of the Property's total area. Moreover, as explained above, the proposed site layout provides acceptable distancing between the proposed Church and Timothy House, North Country Road, and adjoining properties to maintain the open space character of the Property. Based on this information, the Board is satisfied that the scale of the proposed Church will not overwhelm the 4.605 acres on which it will be located. Nevertheless, the Board has developed the conditions of approval set forth herein, which the Board finds to be reasonable and adequate protections for the district and surrounding properties, and to which the Applicant has agreed. Therefore, the project will preserve both the open space character of the Property and the rural character of the Route NY-25A corridor.
- 2) **The location, nature and height of the proposed Church, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.** The Board finds that the nature and location of the proposed Church are acceptable for the reasons already articulated above. The height of the proposed Church complies with the maximum height restriction in the Residence "A" District. No new walls or fences are proposed. The landscaping on the site consists of the allée of Sugar Maples, wooded areas, and the lawn/meadow that runs from North Country Road to Timothy House. These features will all be preserved to the maximum extent possible, as set forth above and mandated in the conditions of approval. Landscaping around the proposed Church will provide additional screening to soften the Church's appearance from North Country Road.
- 3) **Operations in connection with the proposed Church will not be more objectionable to nearby properties than would be the operations of any permitted use not requiring a special permit.** As stated above, the proposed Church use is presumptively compatible with the surrounding Residence "A" District. There is no credible evidence before the Board to suggest that its operations will be more objectionable than the as of right uses in the district, which include government facilities and public parks. See Village Code § 165-23(A). Nevertheless, the Board has deemed it reasonable to impose the