

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

April 25, 2022

7:00 p.m. - 7:35 p.m.

April 25, 2022

MEMBERS PRESENT:

David Douglas, Chairman

Wai Man Chin, Vice Chairman

Adrian C. Hunte, Member

Benito Martinez, Member

1 April 25, 2022

2 (The board meeting commenced at 7:00 p.m.)

3 MR. DAVID DOUGLAS: Okay, welcome to the
4 April Zoning Board of Appeals meeting. We begin
5 with the Pledge of Allegiance.

6 MULTIPLE: I pledge allegiance to the
7 flag of the United States of America and to the
8 Republic for which it stands, one nation under
9 God, indivisible, with liberty and justice for
10 all.

11 MR. DOUGLAS: Normally, we'd have Mr.
12 Kehoe call the roll, but Mr. Cunningham, can you
13 do that instead?

14 MR. JAY CUNNINGHAM: I can do it, of
15 course. Mr. Martinez?

16 MR. BENITO MARTINEZ: Here.

17 MR. CUNNINGHAM: Mr. Wai Man Chin?

18 MR. WAI MAN CHIN: Here.

19 MR. CUNNINGHAM: Mr. Douglas?

20 MR. DOUGLAS: Here.

21 MR. CUNNINGHAM: Ms. Hunte?

22 MS. ADRIAN C. HUNTE: Here.

23 MR. CUNNINGHAM: We note four members
24 present for our quorum.

1 April 25, 2022

2 MR. DOUGLAS: Right. And we'll note the
3 other members have -- that we've got three
4 members who have recused themselves from the only
5 matter that's on for today, which is why they're
6 not here. Okay. Next item on the agenda is the
7 adoption of the minutes for March. Do I have a
8 motion?

9 MS. HUNTE: So moved.

10 MR. DOUGLAS: Does someone want to
11 second that?

12 MR. CHIN: Second.

13 MR. DOUGLAS: All in favor?

14 MULTIPLE: Aye.

15 MR. DOUGLAS: Any opposed? Okay. The
16 March minutes are adopted. We only have one item
17 on the agenda for today, it's under old business.
18 It's case number 2016-14, application of Hudson
19 Ridge Wellness Center for an area variance for
20 the requirement that a hospital in a resident
21 district must have frontage on a state road for
22 property located at 2016 Quaker Ridge Road. Let
23 me note that today is not a public hearing, so we
24 will not be hearing from any members of the

1 April 25, 2022

2 public today, but the applicant wants to address
3 us, so we're going to hear what the applicant may
4 want to tell us. We will have a public hearing,
5 if all goes as anticipated, at our next meeting.
6 And because of scheduling difficulties, the next
7 meeting is going to be on June 27th.

8 MR. CHIN: 25th, right? 27th?

9 MR. DOUGLAS: What's that?

10 MR. CHIN: 27th.

11 MR. DOUGLAS: June 27th. Okay. Alright.

12 Mr. Davis?

13 MR. BOB DAVIS: Good evening, I'm Bob
14 Davis, the attorney for the applicant. As you
15 know, we are seeking to use the existing
16 buildings on the property for the purposes of a
17 hospital, a specialty hospital to serve people
18 suffering from alcohol and other substance use
19 disorders. We need an area variance from the
20 state road frontage requirement for hospitals,
21 which was first imposed on those special permits
22 in 2004.

23 As you also know, we've been back and
24 forth between the planning board and this board

1 April 25, 2022

2 since 2015, some seven years ago. We were last
3 before your board, believe it or not, in January
4 of 2020, and we've been before the planning board
5 as lead agency, most recently from January 2021
6 until just this month, April of this year, for
7 its SEQR review, as, as lead agency.

8 Significantly, on April 5th, the
9 planning board rendered its negative declaration
10 under SEQR that there will be no significant
11 adverse impacts of this proposal in any, in any
12 way or form. That determination, as you know, is
13 binding on this board and enables this board
14 finally to get to the substance of the area
15 variance application in connection with the
16 special permit and site plan application before
17 the planning board, which will continue its
18 review in the event your board renders the
19 variance.

20 Since our initial appearance before your
21 board to seek the variance, the board has
22 previously rendered interim determinations onto
23 purported threshold issue which involved lengthy
24 proceedings before your board in 2016-2017 and

1 April 25, 2022

2 then 2019-2020.

3 Just briefly, by way of background,
4 first in its decision and order of March 2017,
5 this board determined that the application is in
6 fact an area variance application, not a use
7 variance application and the Supreme Court
8 Westchester County dismissed it as premature. The
9 Article 78 brought to challenge that
10 determination, however, since then, there's
11 actually been two decisions within our Second
12 Department that have found that similar state
13 road frontage variances are in fact area
14 variances, including in the Sunshine Home case,
15 so the courts have disposed of that particular
16 issue.

17 Second, in its decision of January of
18 2020, this board determined in favor of the
19 applicant by a three-to-one vote that the
20 hospital does fall within the hospital permitted
21 under the zoning code. However, as four
22 affirmative votes were required under the state
23 town law, the three-to-one vote instead
24 constituted a statutory default denial.

1 April 25, 2022

2 So thus a second Article 78 was brought
3 before, also before Judge Cacace in Supreme Court
4 Westchester, this one which the applicant was
5 compelled to bring to set aside the default
6 denial and the court again ruled in favor of the
7 applicant and set that aside. This board did not
8 appeal from that, but instead in December 2020,
9 in compliance with the court's order, rendered
10 its resolution that the use is a permitted
11 hospital.

12 Subsequent to this board's December 2020
13 resolution, the applicant has continued its
14 proceedings before the planning board by that
15 last interim zoning board proceeding on the
16 hospital issue. In that context, interestingly
17 from September 2021 through this month, the
18 applicant has worked diligently with neighborhood
19 representatives to ensure the elimination of any
20 potential significant adverse impacts of the
21 hospital upon the neighborhood. And those mutual
22 efforts culminated in the applicant's agreement
23 to 34 negotiated mitigative conditions
24 incorporated in the planning board's April 5 neg

1 April 25, 2022

2 dec, which substantially reduce the scope of the
3 applicant's use and limit it going forward. And
4 some bullet points I'd like to share with you
5 highlighting the significant reduction in scope
6 and the elimination of any such impacts, which
7 came out of our discussions with the neighbors
8 and their counsel and which strongly warrant this
9 board's granting of the area variance are as
10 follows.

11 First as from the outset, only the long
12 existing buildings on the property will be used,
13 however now the applicant has agreed that there
14 will be no expansion of the use whatsoever of the
15 use going forward, of the buildings or the use.
16 Accordingly, there will be no adverse change in
17 the appearance of historic Quaker Ridge Road or
18 the site itself and no sensitive environmental
19 areas at all will be affected.

20 The application before this board has to
21 this point been based on a maximum of 92 patient
22 beds and a staff of 86 full-time equivalents,
23 FTEs, as they're called. However, the scope of
24 the application has now been reduced

1 April 25, 2022

2 substantially by 43 percent to a maximum of only
3 52 patients or such other maximum less than that
4 as may be required by OASAS, the state regulatory
5 authority, with a corresponding decrease to about
6 50 FTEs, which equates to about 65 full-time and
7 part-time staff.

8 There will now be a maximum of only 23
9 staff on site at any one time, and that's just
10 for a few hours per weekday, which along with the
11 reduced number of patients, amounts to a maximum
12 of 75 people on site at one time, which is only
13 one-third of the 225 permitted previously by
14 special permit of this board for IBM and the
15 Hudson Institute, when they occupied the site and
16 also for the brain trauma hospital permitted by
17 court order in 1989, which never, never took off
18 to operate.

19 The maximum weekday parking utilization
20 is now only ten, which increases to only 19
21 during visitation hours on Saturday. Parking
22 spaces proposed have been reduced from 65 to 40,
23 which is a net increase of only seven new parking
24 spaces. Given the applicant's use of two shuttle

1 April 25, 2022

2 vans for employees and the large decrease I've
3 mentioned in patients and staff, the number of
4 vehicle trips to and from the site during any
5 shift is now most minimal.

6 On March 24, we provided to the planning
7 board a chart showing the vehicle trips, all
8 vehicle trips, all employees on site and all
9 parking utilization during every single hour for
10 weekdays and weekends, and during any shift as
11 those charts showed, there will only be five to
12 12 vehicles entering or exiting the site
13 combined. The town's independent traffic
14 consultant had already signed off on the
15 applicant's traffic analysis long before the
16 reduction that I'm mentioning in staff and
17 patients even took place.

18 The town's hydrogeological consultant
19 has also approved and agreed with the applicant's
20 unprecedented expansive off-site well testing
21 that was done in 2018, when we pumped water at
22 twice the average daily rate expected and
23 approved for the original 92 patients and we did
24 that for a continuous 72 hours without even

1 April 25, 2022

2 considering the applicant's proposed water
3 storage tank, and even then, only two wells, out
4 of 16 that were tested, were relatively minimally
5 affected to an extent that would not reduce their
6 function. And moreover, the town's consultants
7 and the Westchester County Health Department and
8 the professional staff of the town have
9 essentially signed off on the applicant's post
10 approval well monitoring plan.

11 Further, in consultation with the
12 adjoining neighbors and its own landscape
13 architect, the applicant has now provided
14 extensive additional landscape screening along
15 the northerly boundary with the neighbors,
16 consisting of 140 eight- to 14-foot trees and
17 some utilization of berms while still adhering to
18 its initial representation that it will not have
19 an irrigation system on site in order to protect
20 nearby wells, but instead will temporarily
21 utilize a combination of a small water truck and
22 rainwater collection until the plantings are
23 fully established.

24 In further consultation with the

1 April 25, 2022

2 adjoining neighbors and their architectural
3 consultant, the applicant has revised its
4 lighting plan and provided that to the planning
5 board and your board with many mitigation
6 measures to eliminate any lighting impacts.

7 The applicant had already proposed a
8 state of the art septic system to replace the old
9 one, which had been approved by the county health
10 department to serve the original 92 patients.
11 It's now substantially going to be downsized. The
12 applicant's experts have pointed out, as agreed
13 by the town's consultant that there will be no
14 impact whatsoever on Indian Brook Watershed. Only
15 a portion of the active larger system would have
16 been located within the very far periphery of the
17 watershed, but now no part of the active system
18 will be located within the watershed.

19 Further, the applicant has stated from
20 the onset that it would place a restrictive
21 covenant on its adjoining 28-acre parcel to
22 prevent its development and keep it as open space
23 except for one small house on it, so long as the
24 applicant's property is used for non-residential

1 April 25, 2022

2 purposes. And of course, the applicant is going
3 to preserve the 75 percent of its property which
4 exists now as open space, so there will be a
5 total of over 40 acres of open space protected as
6 a result of this application.

7 And as I said, there will be no impact
8 at all on any sensitive environmental features,
9 including trees, steep slopes and wetlands.

10 The applicant has agreed to buttress its
11 application with many other, dozens of other
12 mitigative conditions and that eliminate any
13 potential significant impacts. And you can see
14 those, for example, in Appendices 55, 56 and 64
15 of our February 2022 submission to the planning
16 board, which you now have a copy of.

17 So, as a result, the applicant has
18 demonstrated that its specialty hospital will
19 have even less environmental impacts than other
20 permitted uses, which don't even require a state
21 road frontage requirement such as different types
22 of religious, educational uses and even a 20-lot
23 subdivision, or os, of its adjoining two
24 properties. And none of those are subject to a

1 April 25, 2022

2 state road frontage requirement.

3 And importantly, the planning board has
4 now expressly determined in its neg dec that
5 there will be no significant adverse impact from
6 this plan on traffic, surface water, ground
7 water, noise, odor or light, or at least
8 preliminarily on neighborhood characters, nearby
9 properties or the community. Or indeed in at
10 least three places in its resolution of neg dec
11 found that there will be no significant adverse
12 impacts at all.

13 So based on these and many more facts,
14 we've certainly demonstrated, I believe that the
15 hospital will have no significant impact on
16 neighborhood character, and we provided ample
17 detailed analysis on that particular issue. For
18 one of our lengthy discussions, for example, you
19 can see Appendix 66 to our February 2022 volume I
20 mentioned.

21 Another aspect of the variance and
22 supporting the granting in addition to the many
23 recent plan modifications and the neg dec is the
24 history of the property, which is relevant in

1 April 25, 2022

2 particular to neighborhood character. As you
3 know, and I'll just be brief. You've been through
4 this, but the proposed hospital is consistent
5 with the initial use of the site from the '20s
6 until 1950 for the same type of specialty
7 hospital run by the LAM Foundation. After that,
8 it was approved by this board, which was issuing
9 special permits at that time for IBM, the Hudson
10 Institute, which operated into the 1980s, and for
11 the brain trauma hospital that was approved in
12 '89 by court order, when the neighborhood was
13 actually fully developed for sure.

14 And all of those permits permitted 225
15 people on site at one time, which is far more
16 than the part time maximum of the 75 we now
17 propose. And as you do know, until 2010, when our
18 client purchased the property, it had been
19 previously subject to a lot of vandalization who
20 did substantial damage to the buildings which I
21 had a chance to see. It was a haven for illegal
22 parties and hunting.

23 And since our client took over, not only
24 have they secured the property against those

1 April 25, 2022

2 problems, but they've spent millions on improving
3 it and repairing the buildings and bringing them
4 up to code. They've already installed some
5 perimeter fencing and extensive landscaping and
6 there will be a lot more.

7 The board is well familiar from our last
8 proceedings with you as to what the proposal is
9 for the future of the property, so I won't go
10 into that. I've summarized it in my outline here.
11 So we can go in directly to the area variance
12 criteria.

13 As the board knows, it must evaluate the
14 variance in accordance with the stator balancing
15 test, which weighs the benefit of the variance to
16 the applicant against the detriment to the
17 health, safety and welfare of the neighborhood
18 and community. And there are five specific
19 criteria which the board must also consider in
20 applying the balancing test. And we discussed
21 those at some length in our 2016 memo of law.
22 We've resubmitted that, pages 39 to 49 in
23 particular, which demonstrate our client's
24 entitlement to the variance. It's premised in

1 April 25, 2022

2 large part on the various voluminous
3 environmental assessment reports that's submitted
4 through the years, as well as now the town
5 consultant's favorable reports and of course the
6 planning board's neg dec. So let's just take a
7 look at the various criteria for variances.

8 As for the balancing test, the benefit
9 to the applicant of the variance is clear,
10 because he can't operate the hospital without a
11 variance, which not only has great economic
12 value, but enables our client to fulfill a very
13 strong commitment to helping those afflicted by
14 addiction and to assisting those in need in the
15 greater Cortlandt communities.

16 On the other hand, the record
17 demonstrates clearly that there will be no
18 significant adverse impacts on the neighborhood
19 community, but indeed, there will be substantial
20 benefits. Among the benefits of the variance,
21 which will offset any minimal impacts are the
22 continuing refurbishing of the property and the
23 securing against it of further impacts of
24 trespassing, 75 percent of the property will

1 April 25, 2022

2 remain undeveloped open space, as well as the
3 entire 27.8 acres adjoining it. Given the absence
4 of construction which would occur with other
5 uses, there will be no disturbance by what would
6 be substantial demolition activities and
7 construction activities, nothing to environmental
8 features. And all of the impacts of the likely
9 more, far more intense other permitted uses will
10 be avoided by this. There will be no additional
11 school children and only minimal use of town
12 resources, yet the applicant has projected more
13 than half a million dollars annually in new
14 property taxes.

15 In addition to that influx of tax
16 revenues, the applicant will provide significant
17 care and accommodations to Cortlandt residents
18 and those of nearby communities, giving them
19 preference, reserving beds, affording
20 scholarships and providing a favorable fee
21 structure augmented by their private insurance.
22 And of course, our client will work closely with
23 the town and schools and area programs to address
24 the substance abuse epidemic, providing speakers

1 April 25, 2022

2 and programs and the like.

3 Now with respect to the first variance
4 criteria, whether there will be an undesirable
5 change to be produced in the character of the
6 neighborhood, quite simply, especially given the
7 substantial reduction in scope, the answer to
8 that is there will be no such undesirable change
9 or detriment. Importantly, every single component
10 of the substantial environmental review to date
11 and the voluminous environmental submissions,
12 including the planning board's neg dec and it's
13 34 negotiated conditions, all of the other
14 mitigative conditions proposed by the applicant,
15 the positive reports of the town's consultants on
16 the traffic and well matters, the historical use
17 of the property and the lesser impacts as
18 compared to other uses, I mentioned not requiring
19 the state road frontage variance. All of that is
20 directly relevant to the lack of any undesirable
21 change in the neighborhood or detriment to nearby
22 communities. The neg dec and all of the evidence
23 in the record weigh favorably in the board
24 finding that there's no such impact on

1 April 25, 2022

2 neighborhood character.

3 Significantly, given the board's, the
4 planning board's environmental determinations on
5 all of the relevant environmental issues and
6 indeed finding that there's no significant
7 environmental impact at all, it's quite clear
8 that the applicant has satisfied the first
9 variance criteria. In fact, the planning board's
10 omnibus determination in its neg dec of no
11 environmental impacts necessarily encompassed the
12 issue of quote, impairment of the character or
13 quality of the existing community or neighborhood
14 character, end quote, which is one of the
15 specifically enumerated SEQOR criteria for
16 determining significance or non-significance, as
17 the planning board did.

18 In addition to the neg dec that there's
19 no such impacts affecting neighborhood character
20 or nearby properties, the issue of neighborhood
21 character has been addressed repeatedly and in
22 great depth by us throughout. You can take a
23 look, for example, at Appendix 66 to our February
24 2022 submission.

1 April 25, 2022

2 Some additional points in that regard
3 are that the use is consistent with the
4 historical and institutional uses, hospital and
5 institutional uses of the site. Only the existing
6 buildings and existing access will be used. There
7 will be no additional buildings or any future
8 expansion. Substantial landscape screening and
9 fencing has been installed and there's a lot more
10 of that to come.

11 With 75 percent of the property being
12 protected as open space, there's only two percent
13 of building coverage, not even including the
14 adjoining property, which will remain as
15 undeveloped to buffer. There will be no
16 disturbance at all to any environmental features
17 or to the watershed. The property is secured
18 against prior, prior trespassing and nuisances.
19 Our client will continue its mammoth investment
20 in the property in refurbishing it and renovating
21 existing buildings. There will be a neighborhood
22 liaison and outreach program. There are other
23 institutional and commercial uses in the area,
24 which we pointed out. And albeit not one of the

1 April 25, 2022
2 specific variance criteria under the statute,
3 we've also demonstrated at great length that the
4 use is consistent with the 2004 Comprehensive and
5 Open Space Plan and the 2016 Comprehensive Plan
6 and you can read about that again in Appendix 66
7 to the February 2022.

8 So moving on to the second variance
9 criteria, whether the benefit sought can be
10 achieved by the applicant in some feasible
11 manner, other than a variance, the simple answer
12 to that is no. A variance from the state road
13 frontage requirement is necessary for hospital
14 use.

15 The third variance criteria, whether the
16 requested variance is substantial. As the board
17 knows, the law requires that this is not merely a
18 mathematical computation, which wouldn't really
19 lend itself to a state road frontage requirement
20 anyway, because either you have state road
21 frontage or you don't. So substantiality must
22 always be reviewed in context. And for all of the
23 reasons I've just stated, the variance cannot
24 reasonably be regarded as substantial and

1 April 25, 2022

2 moreover, while the town's legislative history
3 doesn't indicate, presumably the state road
4 frontage requirement was intended to prevent the
5 impacts of a very high traffic use, such as
6 general hospital, on local residential roads and
7 to reflect that the existing hospital in town,
8 the existing general hospital is on a state road.

9 In this case, as the expert analysis and
10 the planning board neg dec demonstrate, there
11 will be no significant traffic adverse impacts.
12 It's clear to me that the state road frontage
13 requirement wasn't aimed at this type of limited
14 use with far fewer patients and staff, employee
15 shuttle vans, no emergency rooms, or outpatients,
16 longer patient stays, no patient cars and with
17 very limited visitation, among other mitigative
18 factors.

19 Further, the experts demonstrate that
20 there are various other permitted uses, as I've
21 mentioned, for which a state road frontage
22 variance is not required, which would likely have
23 far more intensive impacts.

24 And finally, the substantiality of the

1 April 25, 2022

2 variance is further mitigated by the fact that
3 the property far exceeds all other bulk
4 requirements in the zoning ordinance for a
5 hospital special permit, which are discussed at
6 pages 45 and 46 of our 2016 memo, such as lot
7 size, lot area for bed, per bed and the length,
8 the length of the frontage. We have six times the
9 frontage of 100 feet required under the code, for
10 example.

11 With respect to the fourth variance
12 criteria, whether the proposed use will impact
13 the physical or environmental conditions in the
14 neighborhood, of course, as we pointed out, there
15 will be no significant adverse impacts. However,
16 as lead agency, the planning board's neg dec has
17 already made that determination and is binding on
18 this board. The planning board once again found
19 expressly that there will be no significant
20 environmental impacts in general and that
21 specifically, there will be none with respect to
22 traffic, surface water, groundwater, noise, odor
23 or light, or even on neighborhood character or
24 nearby properties.

1 April 25, 2022

2 As to the fifth variance criteria,
3 whether the alleged difficulty was self created,
4 as you know that's a relevant factor, but it's
5 not dispositive or does not preclude the granting
6 of an area variance. However, we would submit
7 respectfully that under the circumstances, there
8 is no self-created difficulty here, given the
9 following facts.

10 The long historical use of the property
11 for the same type of specialty hospital, and the
12 construction of the buildings for that use, the
13 issuance of a special permit by this board in
14 1989 for the brain trauma hospital which allowed
15 three times the combined number of staff and
16 patients, the special permit issued by this board
17 for other institutional uses before the 2004
18 amendment which likewise allowed 225 people, the
19 access remaining in the very same location as
20 used for other institutional uses, the 2010
21 Yeshiva precedent for the issuance of a similar
22 state road frontage variance, which occurred
23 prior to our client's purchase, and the status of
24 our client as federally protected class,

1 April 25, 2022

2 protected by the Americans with Disabilities Act,
3 and therefore, their legal entitlement to
4 reasonable accommodations in the application of
5 the town's zoning law, including by the issuance
6 of this variance.

7 So finally, to conclude our discussion,
8 another important factor warranting the granting
9 of the variance, as the board knows, is that its
10 determination is subject to its own past
11 precedent. While our application certainly stands
12 on its own in meeting the area variance
13 requirement, the 2010 Yeshiva road frontage
14 variance from the applicable seminary special
15 permit requirement certainly provides strong
16 support as well.

17 There are some differences with Yeshiva
18 but they certainly don't negate the precedent.
19 Their use was in operation prior to the 1994
20 frontage requirement for them. But on the other
21 hand, our proposed use is for existing buildings
22 that were built and used over 60 years prior to
23 the frontage requirement for us, including the
24 same hospital use for which special permits were

1 April 25, 2022

2 issued, including one for hospital use in 1989,
3 all prior to the 2004 state road frontage
4 requirement.

5 The fact that the Yeshiva use preceded
6 its application was in fact a bit of a negative
7 for them because there were substantial
8 complaints from the community about how that use
9 had operated.

10 Moreover, as outlined in our 2016 memo
11 of law and our initial expanded environmental
12 assessment, most of the differences, along with
13 the similarities, actually support the precedent
14 and the granting of our variance. Furnace Woods
15 Road, has a couple of other schools on it, but
16 Quaker Ridge Road also has a number of non-
17 residential uses in the area as well, which we
18 pointed out in our submissions. Most importantly,
19 our traffic analysis demonstrates that from a
20 traffic perspective, there's little difference
21 between the two roads. Our traffic engineer did
22 perform studies at Furnace Woods Road in 2016,
23 conducted traffic counts which have been
24 submitted at the Yeshiva driveway in September,

1 April 25, 2022

2 after the schools were opened, and found that
3 it's not a heavily trafficked road either, as a
4 state road typically would be. It generally
5 traverses a single family neighborhood and like
6 our case, has a 30 mile an hour speed limit.

7 Like the Yeshiva students, the hospital
8 patients will not have their vehicles on site,
9 but in addition, they'll only have visitors one
10 day a month and many staff will travel by van.
11 The Yeshiva neighbors complained of a safety
12 program with pedestrian use on Furnace Woods
13 Road, but there will be no such pedestrian use at
14 the hospital. Presumably the Yeshiva demonstrated
15 by its traffic analysis that it would not have
16 significant traffic impacts, just as we
17 demonstrated and as was determined by the
18 planning board.

19 Well, the Yeshiva likewise is located in
20 a residential zone. Theirs is R-40 with a special
21 permit conditioned on the state road frontage
22 requirement. The Yeshiva use is far more intense
23 and its application had far more environmental
24 implications than ours. The Yeshiva permit allows

1 April 25, 2022
2 a maximum of staff and students on site of 300
3 people at one time. They have 37 acres. Our
4 property, along with the adjoining buffer
5 property is 48.6 acres, we'll have a maximum of
6 only 52 patients and 23 staff for a few hours a
7 week, each weekday I should say, for a total of
8 only 75 projected at any time and only after we
9 reach full capacity.

10 While the Yeshiva was undertaking
11 substantial construction and making significant
12 physical changes to its site, the hospital
13 involves no building construction, and is making
14 little change to the exterior of the property
15 other than primarily adding extensive screening.

16 Unlike the Yeshiva project, which
17 involves significant environmental issues, such
18 as an inadequate septic system causing wetland
19 degradation and health concerns, thereby
20 requiring a new sewage treatment plant, which
21 also involved wetland intrusions, the hospital
22 application poses no such environmental impacts.

23 And finally, just as the Yeshiva, which
24 required to be given accommodations under local

1 April 25, 2022

2 zoning law by the Federal Religious Land Use and
3 Institutionalized Persons Act, known as RLUIPA,
4 so too are our clients protected by the ADA as a
5 protected class suffering from a substance use
6 disorder. And we covered that again in our 2016
7 memo at section four and a letter from our
8 federal counsel to you in March of 2017.

9 So in merciful conclusion, we
10 respectfully submit that the overwhelming in the
11 evidence in the record, including the town's own
12 consultants reports, along with the planning
13 board neg dec with its 34 negotiated conditions,
14 the prior precedent of this board and state and
15 federal law, all of those factors mandate we
16 would submit the issuance of the area variance.
17 So thank you for your attention tonight.

18 MS. HUNTE: Thank you.

19 MR. DOUGLAS: Thank you. Okay So at our
20 next meeting, on June 27th, as I said at the
21 outset, in case people on Zoom may not have heard
22 it, we will have a public hearing on that date,
23 in which members of the public have an
24 opportunity to be heard and the applicant can

1 April 25, 2022

2 also give us additional information at that time
3 if he wishes. I see Mr. Davis has something to
4 add as a coda.

5 MR. DAVIS: Well, I actually came for a
6 different reason, so I didn't need to interrupt.

7 MR. DOUGLAS: No, that's okay, I was
8 finished.

9 MR. DAVIS: I apologize. We know that
10 the board -- I'd just like to talk a little bit,
11 I know, Town Attorney Wood, I know the
12 difficulties in the scheduling now with the town,
13 and we understand your efforts and truly
14 appreciate them. But if there's any way that you
15 could hold a meeting for the public hearing,
16 between, for example, May 16th and 24th, or any
17 time from June 14th on, if you could check
18 especially the ones in June, I think you may have
19 looked at the ones in May, but if there's any
20 possibility of doing that and you have
21 flexibility, we, we'd greatly appreciate that.

22 MR. DOUGLAS: No, I understand that.
23 Unfortunately, for you and the applicant, we did,
24 one of the things we did look at with all the

1 April 25, 2022

2 dates, and it's just, the scheduling is just not
3 going to work before the 27th.

4 MR. DAVIS: Okay.

5 MR. DOUGLAS: So.

6 MR. DAVIS: We appreciate your
7 consideration.

8 MR. DOUGLAS: We tried, we tried.

9 MR. CHIN: June 27th is the next board
10 meeting.

11 MR. DOUGLAS: Yeah.

12 MR. CHIN: Open, open.

13 MR. DAVIS: Understood.

14 MR. CHIN: Thank you.

15 MR. DOUGLAS: Okay. Thank you. Okay, so
16 I guess we need a, officially, we need a motion
17 to adjourn this case to the June 27th meeting.

18 MS. HUNTE: I make a motion to adjourn
19 the meeting.

20 MR. MARTINEZ: Second.

21 MR. DOUGLAS: All in favor.

22 MULTIPLE: Aye.

23 MR. DOUGLAS: Any opposed? Okay. The
24 case is adjourned to the next meeting on June

1 April 25, 2022

2 27th. And that's the last item on the agenda, so
3 do we have a motion to adjourn?

4 MR. MARTINEZ: So moved.

5 MS. HUNTE: Second.

6 MR. DOUGLAS: All in favor?

7 MULTIPLE: Aye.

8 MR. DOUGLAS: Any opposed? Okay. Our
9 meeting is adjourned.

10 (The public board meeting concluded at
11 7:35 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on April 25, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: May 9, 2022

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018