

August 23, 2021

By E-Mail and Regular Mail

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

**Re: Hudson Ridge Wellness Center, Inc.; Case No. 6-15
CRHISD's Comments on Responses to Public Hearing Comments**

Dear Chairperson Taylor and Members of the Planning Board:

This letter sets forth CRHISD's initial comments on the Applicant's August 2021 Addendum to March 2019 Consolidated Expanded Environmental Assessment Report ("Addendum"). Additional comments will follow during the August 31st Public Hearing and in other written submissions.

Introduction

The Addendum unfortunately fails to address CRHISD's comments in a meaningful and substantive way. It is mostly full of platitudes and conclusory statements. Given a chance to finally be candid with its neighbors, the Applicant has chosen to ignore, obfuscate and refuse to engage. There are no new plans, engineering studies, or data to support the Applicant's claims.

Much of the information CRHISD requested has been completely ignored, or answered by general, unsupported assurances that everything will be okay. This doesn't cut it. The Applicant had ample opportunity to give the residents comfort about their concerns by demonstrating how the Applicant reached its conclusions of no adverse impacts. Instead, the Addendum only made matters worse by offering incomplete responses and, notably, more contradictions. CRHISD hopes that the Board shares and expresses disappointment about the

quality of the responses provided. Given the lack of meaningful responses to the questions raised by the community, CRHISD respectfully requests that the Board, as Lead Agency under SEQRA, either (i) instruct the Applicant to provide full responses supported by legitimate analyses, or (ii) put an end to the Applicant's pursuit of a Negative Declaration and issue a Positive Declaration under SEQRA.

While the Addendum totals 405 pages, the only "new" information is contained in the opening letter, and in a few appendices toward the end. And those appendices, particularly the correspondence with OASAS and information about square footage calculations, proves that the Applicant misrepresented its communications with OASAS, and continues to gloss over the fact that it cannot fit 92 beds and the rest of its high-end program into the existing buildings.

CRHISD's concern about what the Applicant's real plan might be has only been amplified by the following language in the June 28, 2021 letter from Cuddy & Feder LLP to the Planning Board: the facility would be for "ninety-one (91) patients *or individuals receiving treatment.*" (Emphasis added). This language indicates that people other than those in residence may receive treatment at the facility up to a maximum of 91 individuals. This legitimizes CRHISD's position that fewer beds does not mean fewer impacts; fewer beds would mean different impacts, especially if all 91 people receiving treatment were not staying at the facility. Your Board must elicit an answer to that.

CRHISD seeks real answers to its legitimate questions. The Planning Board needs substantive responses to those unanswered questions so that it is positioned to make an informed decision on this application. The record currently contains too much missing and unreliable information for the Board to take a "hard look" and make a reasoned determination.

Accordingly, CRHISD respectfully asks that the Planning Board keep the Public Hearing open and require the Applicant, once again, to provide substantive and complete responses to all comments, including updated drawings when applicable. We know that the Board was anticipating closing the Hearing. CRHISD was hoping for transparency, and answers. It did not get them. The Applicant remained largely silent during all the Public Hearings, promising instead a one-time grand recitation of responses to all comments as it chases a Negative Declaration. The Applicant did not do what it said it would do, nor did it present that which your Board is entitled and accustomed to.

The Planning Board could also put an end to the Applicant's pursuit of a Negative Declaration, and issue instead a Positive Declaration under SEQRA and require a formal, structured EIS process as CRHISD has been urging. (See CRHISD Letters dated December 31, 2020, and March 23, 2021).

Comments on Responses

The comments below are intended to highlight some of the key deficiencies in the Addendum. This list is not exhaustive.

1. Floor Plans Demonstrating Viability of Proposal

CRHISD has asked repeatedly for floor plans demonstrating that 92 beds, together with all the other spaces needed for this proposed high-end, Betty Ford-like program, are viable within the existing buildings on the site. The Applicant erroneously contends that the “Planning Board has no authority over this issue.” (Addendum at 4). We hope the Board had a chance to review the Town’s Special Permit requirements, which mandate that this information be made available so that the Planning Board (and public) can properly evaluate the “intensity of operation and character” of the proposed facility. Zoning Code § 307-42A.

Rather than supply the required floor plans, the Applicant’s consultants (Cicero Consulting), who seem to specialize in assisting healthcare clients apply for certificates of need—not architectural or building design—provided a letter that appears to simply recite OASAS’s minimum square footage requirements for the spaces required in the proposed facility. This allegedly totals 24,497sf. They then conclude that there is “almost double the required square footage for the proposed 92 bed facility” because the seven existing buildings total 45,560sf. (Appendix 54). This is not just an oversimplification but a completely flawed analysis. The question is not whether OASAS’s minimum requirements are less than what the existing buildings offer.

The question is how the Applicant is going to fit 92 Betty Ford-style beds and other high-end services into that square footage. CRHISD’s experts say it can’t. The Applicant had a chance to prove them wrong by simply offering floor plans or architectural drawings to substantiate its claim. It didn’t. No one on behalf of the Applicant made any effort whatsoever to lay out the actual proposed program to see if and how it would fit within the existing buildings. All they did was provide a flawed mathematic calculation that does not credibly answer the question.

We also note that the Addendum suddenly increases the available square footage within the seven existing buildings on the site by over 18% to 45,560sf. The Applicant’s March 2019 CEEAR states that the seven buildings “comprise a total of approximately 38,560sf.” (CEEAR at 37). While according to CRHISD’s architect the outcome remains the same as under either scenario the existing square footage cannot accommodate a Betty Ford-like program, which is it? Shouldn’t the Applicant know this basic information? If it is getting this basic information wrong, what else is it getting wrong?¹

CRHISD’s architect is finalizing its analysis and expects to submit a report shortly.

¹ As another example, Addendum Appendix 54 identifies the amount of square footage required in “laundry rooms,” but elsewhere the Addendum states that all laundry would be done off-site. (Addendum at 21 & Addendum Appendix 52 at 2).

2. OASAS Communications

The Applicant finally provided its communications with OASAS. The Applicant promised those communications would vindicate its failure to advance its OASAS application because OASAS asked that this local process play out first. The communications show nothing of the sort. OASAS apparently has hardly any information about this project. (Addendum Appendix 53).

During the May 4th meeting, Planning Board Member Kessler rather explicitly requested each communication—emails, texts, letters, phone calls, etc.—that corroborated Mr. Baldwin’s statement that OASAS instructed the Applicant to complete the Town’s review processes before conducting a prior consultation meeting with OASAS.

The letters and emails in the Addendum confirm that OASAS did *not* advise the Applicant of this (no phone log or text messages were provided). There is also no evidence that OASAS truly understands the extent of public controversy and concern over this proposal to locate an OASAS facility on a site in a residential neighborhood that does not comply with zoning. It appears the only knowledge that OASAS has about this project comes primarily from a newspaper article in 2016 and the Applicant’s own website. (Addendum Appendix 53).

As CRHISD has been telling the Board accurately, the communications between the Applicant and OASAS concern the Applicant oddly asking OASAS *whether it needs certification* under Article 32 of the Mental Hygiene Law. And OASAS won’t answer this basic question until the Applicant submits a Certification Application, which it has not done. OASAS said: “OASAS has not seen any proposal from Hudson Ridge.” (See Addendum Appendix 53, OASAS’s August 23, 2019 letter). There is nothing in these communications about the Applicant seeking a prior consultation meeting. At no point is the Applicant ever told to stand down until the local process plays out. Indeed, OASAS never told the Applicant *anything* other than to submit its Certification Application.

The Applicant represented to the Planning Board and public that OASAS has weighed in, and that it had documentation to prove its claim; yet, the Applicant has nothing. (See Video of May 4th Meeting, beginning at 1:06:52).² So the question remains, why hasn’t the Applicant proceeded before OASAS? And why did it misrepresent this fact?

Moreover, enclosed as Exhibit “A” is a Memorandum from County Legislator Vedat Gashi confirming that the Applicant has not had any contact with the Westchester County Department of Community Mental Health (“DCMH”). Again, why not? CRHISD submitted a letter previously from Steven Rabinowitz, a former OASAS employee, explaining that applicants customarily seek initial feedback from OASAS and DCMH *first*, before embarking on the full

² Also disconcerting is that the response in the opening letter in the Addendum perpetuates this falsehood notwithstanding the written evidence contained in the Appendix. (Addendum at 7). Is the Applicant not being candid with its planning consultants?

local land use review process. The Applicant is insisting on doing it backwards, and after all this time it is still not clear why. One thing is now certain: it is not because OASAS (or DCMH) told the Applicant to do it this way.

To be clear, this isn't a game of "gotcha" (although trust and credibility issues are not going away). This issue is important because we all may be wasting our time on a proposal that has no real shot at coming to fruition—at least not in the format it is being presented—if it cannot pass muster with OASAS and DCMH. Just like when the Planning Board asks applicants to obtain conceptual feedback from outside agencies during the land use review process, the Board should insist that this Applicant do so here. The Applicant has not even tried.³

3. Community Character

CRHISD has devoted a lot of attention during this Public Hearing process to describing how the proposed 92-bed facility and its 120 daily traffic trips and other impacts would negatively harm the quality of life of the residents. (See, e.g., February 22, 2021 and March 23, 2021 submissions). CRHISD has submitted extensive evidence, both orally and in writing, demonstrating that the proposed use is incompatible with the character of Quaker Ridge Road and the established single-family residential neighborhood that has grown up around the site since Dr. Lamb operated a sanatorium a century ago. We trust the Board is familiar with CRHISD's community character concerns, and refer the Board to its prior submissions.

The Applicant's response in its Addendum boils down to two main arguments: that the proposed specialty hospital (i) is consistent with the hospital that last existed on the site around 1948, and the other institutional uses that existed thereafter until around 1980, and (ii) is "not fundamentally different than any of the other non-residential uses permitted in the neighborhood." (Addendum at 15).

The first argument fails because it completely ignores that the residential character of the community has changed drastically between 1948 and today, and thus the proposed facility would be wholly inconsistent with the present-day character of the neighborhood. We refer the Board again to the Maps submitted as Exhibit F to CRHISD's March 23rd submission—they depict how the area has transformed into a residential community over the past 40+ years.

The Applicant ignores this irrefutable evidence about the surrounding residential community, relying instead on comparing the proposed facility only to prior historical uses on this site itself. This analysis is too narrow. Community character analysis is broader and focuses on whether a proposed use would harmonize within the surrounding community—in this case, one

³ To the extent the Addendum is referencing CRHISD when it states that OASAS learned about the project "from the opposition," the Addendum is wrong. (Addendum at 7). No one from CRHISD first informed OASAS about the project. The Applicant's correspondence with OASAS appears to confirm that OASAS heard about the project from an "article" and the Applicant's own "website." (Addendum Appendix 53). In any event, it was not from CRHISD. We are not sure why the Applicant is so preoccupied with the "opposition" in this response on page 7.

that has established itself as firmly residential for the past 4 decades. (See cites to Town Comprehensive Plan, SEQRA Handbook, and Town Zoning Ordinance in CRHISD's February 23, 2021 submission).

The second argument fails because other non-residential uses, such as schools, places of worship, and country clubs, would all serve the local community and offer destinations where residents could congregate and feel part of the community. They would contribute to the residents' sense of place and quality of life within their community. In contrast, the proposed wellness center is "fundamentally different" because it would not be integrated with the community; it would be off-limits to everyone except the affluent individuals who fly in from around the country for their stay. We remind the Board that "[r]esidential districts are intended to be free from uses other than residential uses, except those which are both *compatible with and convenient to the residents* of such districts." Zoning Ordinance § 307-5(A) (emphasis added). Again, this is a laudable concept, it just isn't allowed on this site under the Town's residential zoning.

Notably, the Addendum does not address the hardship that the Applicant brought upon itself when it voluntarily acquired this site in a residential zoning district for its proposed "specialty hospital" even though this site does not satisfy the "frontage on a state road" special permit requirement. CRHISD has pointed out many times that this requirement was adopted in 2004—6 years before the Applicant acquired the site. The Addendum does not explain why the Applicant took the risk it did (and then did nothing to get to know its neighbors and their concerns).

4. Recreational Use and Enjoyment of Quaker Ridge Road

Related to community character, the Addendum contains bicycle and pedestrian traffic counts along Quaker Ridge Road for 2 days in April (a Saturday and Tuesday), for a 3-hour period each in the early to mid-afternoon, to purportedly support its claim that the area roadways are not heavily utilized by bicycles or pedestrians. (CEEAR at 29). The Addendum alleges that during the six hours of counts, there was an average of 3.67 bicycle trips and 1.17 pedestrian trips. (Addendum at 13).

These limited counts go against the overwhelming public testimony during the Public Hearings that the area roadways are enjoyed frequently by residents and visitors to Greater Teatown for bike riding, walking, jogging, and other recreation. Indeed, some Planning Board Members and other attendees at the Site Visit on April 18 observed usage of Quaker Ridge Road greater than what these counts portray. Something seems wrong with these counts. No information was submitted regarding who conducted the counts. Nor was the back-up data provided to verify that the information in Addendum Table B is accurate. Perhaps these 6 hours are not a sufficient sample size.

CRHISD asks the Board to use its common sense to disregard the Addendum's counts in favor of the personal knowledge and experiences of the residents—who have been using the local roadways for recreation for decades, not 6 hours—and know first-hand how these roadways are used. See, e.g., Michelson v. Warshavsky, 653 N.Y.S.2d 622, 623 (2d Dep't 1997)

(affirming denial of 3-lot subdivision where the planning board applied its “discretion and commonsense judgments” to the facts presented by owners of adjacent and neighboring parcels regarding flooding; the “long-term personal observations” by the neighbors were not general objections, but rather were “sufficient to raise legitimate and serious questions about the effect of the proposed subdivision”).

The Applicant’s basic lack of understanding how area residents and visitors to Greater Teatown use and enjoy Quaker Ridge Road for its scenery and natural setting, including the nearby Aqueduct trail, invalidates all the Applicant’s conclusions about community character and the residents’ quality of life in their neighborhood.

5. Traffic – Supplemental Report from Bernard Adler, P.E.

Enclosed as Exhibit “B” is a Supplemental Traffic Report, prepared by Bernard Adler, P.E., of The Chazen Companies, concluding that none of his comments in his prior Report (March 23, 2021) have been adequately addressed in the Addendum. For brevity’s sake, the Board is referred to this Supplemental Report.

CRHISD again urges the Planning Board to seek guidance on these issues from its traffic consultant (Provident Design Engineering). PDE should also be asked to confirm if the Applicant’s responses to its last review memorandum, dated April 17, 2019, are satisfactory.

6. Building Code Compliance and Lighting – Supplemental Report from Ed Larkin, P.E.

Enclosed as Exhibit “C” is a Supplemental Code Compliance Report, prepared by Ed Larkin, P.E., of The Chazen Companies, concluding that his comments in his prior Report (March 23, 2021) have either been ignored in the Addendum or not completely answered. The Board is also referred to Mr. Larkin’s Supplemental Report. We have also enclosed both Mr. Adler’s and Mr. Larkin’s March 23rd Reports together with their Supplemental Reports for the Board’s convenience.

In sum, Mr. Larkin opines that the deficiencies in the Addendum include:

- failure to submit a photometric plan
- failure to submit sufficient information about the project’s HVAC system and emergency generators (including their fuel truck delivery/storage requirements)
- failure to submit a construction schedule and sequencing plan for bringing the old buildings into compliance with the NYS Building Code

These matters relate directly to the Planning Board’s SEQRA/Site Plan considerations. They cannot be punted to building permit review.

7. Shuttle Program and Staffing

CRHISD requested that the Applicant update Table S1, entitled “Number of Employees Entering/Exiting the Site by Shift,” to state definitively how many employees would be expected to use the shuttle and when. Related to this, CRHISD also asked for the staffing schedule to be confirmed because the Applicant had presented a new, different, and less specific schedule to the ZBA in October 2019 (it did not show FTEs by shift) (See Exhibit J to CRHISD’s March 23, 2021 submission, and reproduced in Addendum Appendix 42D). All this information would allow the Board, its traffic consultant, and the public to understand and opine on the shuttle program, as well as the project’s traffic, community character, noise, and other impacts related to new cars at new times on the local, narrow, and dark rural roads.

The Applicant provided none of this. The Addendum instead simply references Appendix 37 in its March 2019 CEEAR, and recites the hours for the 4 shifts. This information predates the new staffing schedule submitted to the ZBA in October 2019—which also appears to contain *more than 4 shifts* as employees would be coming and going early in the morning and late at night, including a shift starting at midnight. (See Addendum Appendix 42D).

Neither the Addendum nor CEEAR Appendix 37 answer the question: *how many employees will be using the 2 shuttle vans per shift?* The Addendum (p.7) says the number will “vary,” and Appendix 37 says it would be used by a “substantial portion” of lower-level employees. Table S1 previously specified the actual number of employees that would use the shuttle—only it was prepared in 2016 and had other inconsistencies pointed out in our March 23rd submission. (Table S1 is attached as Exhibit “D”).

And the inconsistencies continue here too. The Addendum says on page 8 that “there is *no shuttle for the 10:00 PM* entering and 6:00 AM exiting employee shift,” but the Addendum also says on pages 9 and 20 that “there are limited employee arrivals/departures at the night shift change *at 10:00 PM with the use of the two shuttle vans.*” (Emphasis added).

In short, Table S1 must be updated based on a definitive staff schedule and be free of contradictions.

Additionally, we refer the Board to Mr. Adler’s Reports for comments about demonstrating the viability of using FDR Park and other off-site locations for shuttle parking, which CRHISD also raised in its July 8, 2021 submission. The Applicant did not provide this information either.

8. Proposed Use and Size of Each Building

The information provided in the Addendum (p. 8) regarding the proposed uses of each building do not match the uses identified on the Title Sheet of the 2019 Site Plan.⁴ And as

⁴ The response in the Addendum on this topic also cross-references certain Appendices in the CEEAR that do not contain the information that the Addendum says they do. For example, Appendix 13.C

mentioned above, the square footages shown on the Title Sheet do not correspond to the square footages identified in Addendum Appendix 55. All this information must be reconciled and resubmitted so that the Board and public knows the size and proposed use for each building. Without this information, the impacts relating to the use of each building on adjoining neighbors—some of whom are just steps away—cannot be evaluated.

9. Applicant's Inexperience

Without belaboring the point, CRHISD has repeatedly called upon the Applicant to reveal who is behind the project and what qualifications and experience he/she has to operate this facility modeled after the Betty Ford Clinic. This was a chance for the Applicant to put those questions to rest. Instead, it *again* obfuscated and told this Board and the public that they shouldn't care about experience because "full-time, experienced professional management" will run the facility under the regulation of OASAS. (Addendum at 6).

Were this not a Special Permit Use, maybe the answer would be sufficient. If the Applicant did not need an OASAS license, possibly the Applicant could ignore the inquiry. But in the land use context before your Board (and the ZBA), these issues must be addressed and answered. With the mounting inconsistencies and misrepresentations each time the Applicant provides a new submission, it becomes all the more important to know who is behind this facility and why he/she should be trusted to develop it. Given the persistent unanswered questions, and the unrefuted data showing that the proposal is not feasible, all indications are that the Applicant cannot be.

Conclusion

The Planning Board should keep the Public Hearing open and insist that the Applicant respond to all public comments substantively and completely, including to provide supporting data and updated/new drawings as appropriate.

Alternatively, the Planning Board should issue a Positive Declaration requiring a formal EIS process, which would eliminate these types of incomplete submissions and place control of the process squarely with the Lead Agency and its consultants.

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in Volume 3 of the CEEAR pertains to wetland delineation, not the use of Building #2. This type of ongoing difficulty and confusion in making sense of the Applicant's materials, often containing conflicting information, would be helped by an EIS process. All the information would be contained and organized in a DEIS.

Thank you for the Board's continued attention.

Respectfully submitted,

ZARIN & STEINMETZ

By:


David S. Steinmetz

Brad Schwartz

Encls.

cc: Thomas F. Wood, Esq.
Joshua B. Subin, Esq.
Chris Kehoe, AICP
Michael Preziosi, PE
Martin Rogers, Director of Code Enforcement
CRHISD
The Chazen Companies
Mr. Steven Rabinowitz
Mr. Paul A. Rubin
Robert F. Davis, Esq.

EXHIBIT A

Vedat Gashi

Legislator, 4th District
Chairman of the Committee on
Public Works & Transportation



Committee Assignments:
Budget & Appropriations
Law & Major Contracts
Legislation

TO: Citizens for Responsible Hudson Institute Site Development,
c/o Jill Greenstein & Cynthia Manocherian

Commissioner, Community Mental Health

FROM: Hon. Vedat Gashi
Legislator, 4th District *Vedat Gashi*

DATE: July 30, 2021

RE: Hudson Ridge Wellness Center, Inc.

Dear Ms. Greenstein and Ms. Manocherian:

Thank you for speaking with me earlier this month and expressing your concerns regarding the proposal by the Hudson Ridge Wellness Center, Inc. for a "luxury" substance abuse treatment center in Cortlandt. This note is to memorialize my conversation with Westchester County Community Mental Health Commissioner Michael Orth following our meeting.

I sent a formal inquiry to Commissioner Orth on July 19, 2021, inquiring if there have been "any representations made to, or communication with" Hudson Ridge Wellness Center, Inc. from his agency regarding this project.

On July 22, 2021, Commissioner Orth responded that his agency has "not had any contact, or have had any presentations, from this organization."

Please let me know if there is any additional information I can provide or assistance you need.

Thank you.

VG/esl

EXHIBIT B

August 23, 2021

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
And Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Re: *Hudson Ridge Wellness Center*
2016 Quaker Ridge Road Town of Cortlandt, New York
Chazen Job No. 319AB

Dear Planning Board Members:

The Chazen Companies, a LaBella Company, reviewed the responses prepared on behalf of the Applicant on the above subject project and has prepared this Supplemental Report on behalf of the Citizens for Responsible Hudson Institute Site Development, Inc. Based on the review of the responses it is our considered professional opinion that the Applicant has provided primarily qualitative responses, and has not responded quantitatively in a way that substantiates or backs-up their conclusions. The generic responses are akin to saying, "don't worry about it" or "trust me." Just repeating a conjecture, without ever providing the backup for it, doesn't make it correct.

The Planning Board's traffic consultant should also be asked to review the Applicant's responses (as well as the open items from the consultant's last review memo, dated, April 16, 2019). These are technical traffic engineering items, and it would help the Board to get input from its traffic consultant.

A. Issues of Concerns Insufficiently Addressed

The following are my comments of the "August 2021 Addendum to the March 2019 Consolidated Expanded Environmental Report" prepared on behalf of the Applicant with respect to traffic comments raised in our March 23, 2021 Traffic letter report.

1. Quaker Ridge Road Roadway Width

An inaccurate pavement measurement of Quaker Ridge Road presents a safety concern.

Based on visual measurements, we noted that the dimensions of Quaker Ridge Road amounted to approximately 18.5 feet. Accordingly, we recommended that a machine survey be performed to accurately measure the roadway. The Applicant's response is that the roadway ***generally has a width of 20 feet.*** (Page 3 of 22, Appendix 47). A machine survey was not used

to verify this measurement as we had requested. The Applicant further offers that vegetation and overgrowth attribute to the apparent narrowing of the roadway. A major concern with this statement is that even with an initial cleaning of the overgrowth, the overgrowth will continually recur within the width of the roadway and will appear narrower. Further, my measurements in the field indicated that the roadway width was less than 20 feet as measured between edge-of-pavement lines, not as a result of overgrowth.

Accordingly, the motorists, pedestrians, and cyclists who use the roadway will tend to move closer to the center of the roadway leading to a potential safety concern and accident potential. The Applicant should be required to measure the width of the roadway pavement using verifiable survey equipment to ensure that Quaker Ridge Road would always contain sufficient pavement for all traffic movements to occur in a safe manner.

2. Dated Traffic Volume Data

Our second comment related to the traffic volume data collected in 2014. It is outdated.

In response, the Applicant re-installed Automatic Traffic Recorders (ATRs) in April 2021. (Page 11 of 22, Appendix 47). However, while new data may have been collected, only spot reporting of the volumes was made. This is not how traffic volumes are normally reported, because it only provides a partial picture. There was no reporting of Annual Daily Traffic for a weekday and a weekend day, no mention of the number of trucks on the roadway and no discussion of travel speed on Quaker Ridge Road, all of which we requested and is typically done, and which would have been available as a product of the ATR data collection process. None of this back-up data was provided.

This information is of critical importance to the Planning Board as Lead Agency and the residents along Quaker Ridge Road to provide a full understanding of the characteristics of travel on the roadway. We need to see the data, not just the Applicant's partial conclusion.

3. Trip Generation

We noted in our prior letter that the independent parameter from which trips are to be generated for the instant application was based on the land-use characteristics of a Nursing Home.

The Addendum just submitted by the Applicant notes that traffic counts were conducted at a "similar facility." (Page 13 of 22, Appendix 47). Interestingly, if similar data was available, why wasn't it used to accurately predict trip generation from this proposed facility?

The Applicant ignored our comment that a Land-Use Code 610 – Hospital, would have been appropriate. A "Sensitivity Study" should have been performed to determine what the trip generation impacts would be using that land-use code and is considered more appropriate for SEQRA purposes. The projections using a Nursing Home land use are overly liberal. Further, the use of a minimalistic trip-generating nursing home, upon which additional credits are

shown with the use of a shuttle, presents an overly optimistic and least-possible anticipated number of trips to be generated. SEQRA is supposed to study worst case scenario.

4. Truck Activity

The amount of anticipated truck trips appears to still be grossly underestimated. The Applicant has not substantiated its conclusion that there would only be 5-6 truck trips per week for this 92-bed facility.

These anticipated deliveries would include deliveries of food supplies to feed all 92 patients 3 meals a day, laundry services, fuel deliveries, medical-waste disposal, and usual over-the-road carriers such as Amazon, UPS and other suppliers. The Applicant merely states that the "truck activity is based on discussions with a consultant experienced in the operation of numerous facilities" (Response #4, page 13 of 22, Appendix 47) This is a vague attempt to verify the assertions without noting the consultants name, his/her credentials to make such assertions, and, most importantly, the quantitative data to back it up. It seems highly unlikely that all deliveries for a facility of this scale will be limited to 5 to 6 trucks per week.

5. Credit Taken for Shuttle Usage

While it is recognized that the use of a shuttle service may work in certain situations, our request was to show an example of how a shuttle has been used successfully for this type of facility as a way to reduce vehicular trips. This request was ignored with a statement that the shuttle service will be monitored (Response #5, page 14 of 22, Appendix 47). The issue is, of course, if the monitoring shows that the shuttle service is not being used, it would be too late to make any corrections to the plan. Additionally, while Level-of-Service calculations may not have used the credit for shuttle services, Table S1 (attached) as presented by the Applicant to the Zoning Board certainly gives the impression of dramatic reductions in the number of trips generated by the facility. But, again, if this does not come to fruition, the actual number of trips will be greater. This could affect character of the roadway, even if not a Level-of-Service impact.

6. Staging for Shuttle Services.

We raised a concern about whether the staging of vehicles for the shuttle trip at a park and ride lot at the FDR park with access from the Taconic State Parkway is viable. Park and ride lots are typically open to the public on a first-come, first-serve basis. The Applicant has not provided information about the lot in terms of the number of spaces in the lot and whether there are spaces actually available on a daily basis based on usage. Further, even if the lot currently has spaces available, there is no guarantee that the lot will not become full in the future. Accordingly, in order to claim use of the lot for SEQRA purposes, it would be necessary to show that permits are available and the necessary number of spaces in the lot can be guaranteed for staff of the Specialty Hospital. The answer is once again vague and unresponsive. The use of "**another facility or other public transportation hubs**" (Response #6, page 15 of 22, Appendix 47), is simply not a viable answer without clear designations of where they are, whether they can accommodate the specific number of workers and shuttle vehicles and whether they are logistically viable for the use proposed.

7. Location of the Facility on a Major Roadway

Just because one example is shown of a facility located on a similar road, doesn't eliminate the importance of a facility being located on or immediately near a major roadway such as a State or County Highway. In response to concerns raised about ambulance trips, the applicant states that the facility is not targeted to "the elderly and infirm" and that they "were not able to locate data related to the type and number of medical emergencies for a residential program facility." (Response # 14, Page 10). The proposed facility will be treating conditions wherein urgent care can become crucial even if it's not at the level of a general hospital. It is highly recommended that a facility such as that proposed be located on a major highway where ambulance care can be provided on a more reliable basis than on a roadway such as Quaker Ridge Road. This is at least one of the reasons why the Town Code requires this type of facility to be located on a State Road.

8. Turning-Template for Emergency Vehicles

It is understood that the Applicant's site engineer met with the Fire Chief of Croton-on-Hudson. However, it is highly recommended that Fire Department sign off on the proposed k-turn maneuver and that the Applicant's site engineer carefully dimension the internal roadway showing the components of the hammerhead for consent by the Fire Department. This should be done during the SEQRA process.

Should you need any additional information, please do not hesitate to contact me.

Sincerely,
The Chazen Companies, a LaBella Company



Bernard Adler, P.E.
Senior Director, Transportation Services

Table S1
Number of Employees Entering/Exiting the Site by Shift

Shift Number	1		1A		2		3	
	6:00 AM		9:00 AM		2:00 PM		10:00 PM	
Shift Start Time	Entering	Exiting	Entering	Exiting	Entering	Exiting	Entering	Exiting
Number of Entering/Exiting Employees	22	11	19	0	34	41	11	34
Less: Number of Employees Using Shuttle Van	(20)	(8)	0	0	(14)	(20)	0	(14)
Plus: Two Van Trips	2	2	0	0	2	2	0	2
Net Number of Vehicle Trips	4	5	19	0	22	23	11	22

March 23, 2021

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
And Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

*Re: Hudson Ridge Wellness Center
2016 Quaker Ridge Road Town of Cortlandt, New York
Chazen Job No. 319AB*

Dear Planning Board Members:

The Chazen Companies reviewed the Traffic implications of the above subject project on behalf of the Citizens for Responsible Hudson Institute Site development, Inc., and the following are our comments:

A. Experience of Bernard Adler, P.E.

Mr. Adler is Senior Director of Transportation Services for the Chazen Companies, a LaBella Company. In 1991 Mr. Adler started Adler Consulting and joined with The Chazen Companies in 2017 to add to its professional capabilities and to add depth to the firm's capabilities. Mr. Adler has served both the public and private sectors for over fifty (50) years. He brings a unique perspective to Clients gained from hands-on duties as a practitioner representing a government, or a private business, as well as providing engineering services for the development community and as an educator.

From 1979 through 1987, Mr. Adler was Commissioner of Traffic for the City of White Plains, New York, a time of its rapid expansion. In that capacity, he was responsible for the design, maintenance and operation of the City's central traffic control system and provided guidance to the Mayor and Common Council on traffic matters affecting public welfare.

Mr. Adler is a Fellow of the Institute of Transportation Engineers (ITE), a past member of ITE's Board of Directors, a past President of the NY & NJ Metropolitan Section and has served on many committees at the International, District and Section levels. He served as General Chairman of ITE's 57th Annual Meeting held in New York City in 1987. Mr. Adler is also a member of the National Society of Professional Engineers, the Transportation Research Board and other professional societies. He is also the author of many published papers and has served as an Adjunct Assistant Professor of Civil Engineering at Manhattan College, Riverdale, NY.

B. Issues of Concerns with the Application

The application seeks the approval of a 92-bed rehabilitation facility/Specialty Hospital for individuals with drug and alcohol addictions. The proposed facility has a single point of access on Quaker Ridge Road. Quaker Ridge Road is a local winding roadway with a nominal width of approximately 18.5 feet with connection from Quaker Bridge Road/Old Albany post Road in Croton-on-Hudson.

In 2010, the Town of Cortlandt adopted Historic/Scenic Road legislation. Both Quaker Bridge Road and Quaker Ridge Road are protected under this legislation with calls on the Planning Board to “preserve the character of the roadscape.” (Section 188-2-B.) Furthermore, the Town of Cortlandt requires hospitals to be on a State road (Section 307-59 B (9)). While the State road issue comes into play when discussing any possible variance in front of the Zoning Board of Appeals, it is also meaningful in the Planning Board decision process as described hereinafter.

I have completed my initial review of the traffic concerns using traditional volume and accessibility standards and the Town of Cortlandt legislation that directly concerns this proposal.

1. Quaker Ridge Road Roadway Width

On Monday, March 15, 2021, I visited the Site to review conditions of the roadway in the vicinity of the Site. It is noted that, based on measurements made without the benefit of Survey equipment, the dimensions measured on the roadway amounted to approximately 18.5 feet. This measurement was replicated at several locations in the near vicinity of the Site driveway. While these measurements may be inexact, the information leads to a question as to the viability of some of the procedures performed. For example, there were discussions of the minimal requirements in widening of Quaker Ridge Road and the ability of trucks to turn into and out of the Site, both based on a nominal 20-foot width, used by the Applicant. It is recommended that the measurements of the roadway be recorded accurately using survey equipment. After accurate measurements are made, an updated vehicle-turning analysis should be completed to determine whether the roadway can accommodate the cars and trucks expected to be generated by the Specialty Hospital proposed for the Site. When considering the outcome of the vehicle-turning movement analysis, the Planning Board should keep in mind the directive under the Historic/Scenic Road study which advises “specific protection of pavement width.”

2. Dated Traffic Volume Data

The Consolidated Expanded Environmental Report, dated, March 2019 and submitted on behalf of the application, notes that the vicinity traffic volumes were collected on Wednesday, June 18, 2014. In that there has not been a SEQRA determination and the application just had its first public hearing, it is my considered professional opinion that those volumes are considered dated. Further, it is understood that Automatic Traffic Recorders (ATRs) were installed in November 2017, however, there is no mention in the report that the 2014 volumes were adjusted based on the 2017 data. Accordingly, given the status of the application, it is strongly recommended that new counts be conducted. ATR counts are recommended which

will record traffic volume information for a full week, including nights and weekends. Because this area has a high recreational characteristic with significant numbers of walkers, joggers and bicyclists, it is also recommended that the counts be performed during the warmer time frame, at least in June. The June date is requested in part because of traffic and parking issues related to the nearby Old Croton Aqueduct trail and Croton Gorge for swimming. Data to be collected should consist of automobile traffic, truck activity and operating speeds.

3. Trip Generation

The traffic study expounds on the trips to be generated and uses a Nursing Home as the independent parameter from which the expected number of trips is calculated. However, because the application is referred to and being processed by the Planning Board as a Specialty Hospital, it is recommended that the Institute of Transportation Engineers (ITE) standard from which the projections are made should be a hospital using ITE Land Use Code 610. While it is recognized the proposed facility will not have an active emergency room and, therefore, somewhat less traffic, the projections using a Nursing Home land use are overly liberal. Further, the use of a minimalistic trip-generating nursing home trip generation, upon which additional credits are taken with the use of a shuttle, presents an overly optimistic and least-possible anticipated number of trips to be generated. A more conservative approach using a hospital land use is considered more appropriate for SEQRA purposes. At a minimum, the Applicant should be requested to provide the actual trip-generation data from a comparable facility to verify its analysis.

4. Truck Activity

While specifics have been presented about the extent of the number of trips to be generated during the morning and afternoon peak commuter times, little discussion has been paid to the number of trucks expected on a routine basis. While it has been stated that no trucks will be permitted on the weekends, there has been no attempt at verifying the number of trucks that will access the Site on a typical weekday. These deliveries can include deliveries of food supplies, laundry services, fuel, medical-waste disposal and usual over-the-road carriers such as Amazon, UPS and other suppliers. While the Consolidated Expanded Environmental report states that the "estimated supply deliveries to the hospital are 5-6 per week, weekdays only, as well as once a week garbage and laundry services and daily UPS vehicles", there is no substantiation of these estimates including actual delivery truck trips from other comparable Specialty Hospitals.

5. Credit Taken for Shuttle Usage

The use of a shuttle service is a good traffic demand management tool. However, the majority of examples using a shuttle is in situations wherein an office park or business offers this service as a **convenience** for travel to and from a train station. A second measure where shuttle services have been used is in residential communities where the shuttle provides the link between the residential complex and the train, bus or local retail facilities as a convenience. Its use in this instant application as a mandatory mechanism to reduce trips on a constant basis

lacks certainty. It is recommended that the applicant provide examples wherein a shuttle service works effectively as a mandatory last leg of the journey to work, where the main element of the work trip is via a personal automobile trip such as proposed by the applicant.

6. Staging for Shuttle Services.

It is also concerning that one of the examples used for staging of vehicles for the shuttle trip to the Specialty Hospital is at a park and ride lot at the FDR park with access from the Taconic State Parkway. While an open dialog is a good start, the Applicant should obtain a commitment from the Park Director, with a measure of longevity, that he can guarantee the Specialty Hospital a specific number of spaces, which can account for the number of workers to park their vehicle in that Park and Ride lot for which the number of reduced trips are projected by the applicant.

7. Location of the Specialty Hospital on a Major Roadway

Typically, facilities such as the proposed Specialty Hospital are located on or in close proximity to major roadways such as State or County highways due to the sensitive medical/healthcare nature of the use. Major roadways are addressed earlier than local roadway paying such attention to snow and debris removal after storms. With wind damage from a storm, there are typical roadway closures with downed trees and accidents. Because of the priority given, the major roadways are cleared sooner rather than later. Accordingly, should one of the patients require intensive care treatment or other medical/healthcare treatment, it is more likely that ambulance services can be available when the access to the Specialty Hospital is off a major roadway.

8. Turning-Template for Emergency Vehicles

We are aware of correspondence between the Applicant's site engineer and the Fire Department of Croton-on-Hudson regarding articulation of the department's 47-foot tower ladder #44 into, around and out of the Site. What is not documented, however, is the final review by the Fire Department of the last correspondence by the site engineer including the Fire Access Plan. Additionally, as a former municipal engineer, I am somewhat concerned with the very tight lateral dimensions afforded to the fire apparatus as it negotiates in and around the Site. Lastly, it is rare to see the turning of a large fire vehicle using a k-turn maneuver for its return trip to the roadway system.

Should you need any additional information, please do not hesitate to contact me.

Sincerely,
The Chazen Companies, a LaBella Company



Bernard Adler, P.E.
Senior Director, Transportation Services

EXHIBIT C



*Proposed Hudson Ridge
Wellness Center*

**2016 Quaker Ridge Road
Town of Cortlandt
Westchester County, New York**

August 23, 2021

Prepared for:

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Prepared by:

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Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.
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Chazen Project No. 319AB.00

Introduction:

I previously submitted technical comments to this board on behalf of the Citizens for Responsible Hudson Institute Site Development, Inc. ("CRHISD"). These comments, dated March 23, 2021, focused primarily on NYS Building Code implications of the proposed project that should be disclosed by the Applicant and considered by the Planning Board during the SEQRA/Site Plan review process.

I have reviewed the Applicant's August, 2021 submission, which consisted of written responses to consolidated comments raised by CRHISD, their technical consultants and other members of the public, and I now provide this Supplemental Report.

As detailed in our March 23rd Memo, supplemental engineering analysis is required to address critical aspects of the project's building design. None was provided. All my prior comments remain unaddressed.

This additional information and analysis is essential to adequately address the comments in our memo and to meaningfully identify the environmental impacts of the project, including noise, visual, fire hazard, lighting, and construction impacts.

These building design considerations included:

- Location and number of emergency generators, and their fuel truck delivery/storage requirements,
- HVAC systems, and their fuel truck delivery/storage requirements, and;
- Construction-related impacts (ex. truck trips and site access, noise, staging, etc.) due to bringing old buildings into compliance with current building code requirements.

The Applicant has not sufficiently addressed these items or provided supplemental engineering analyses to resolve the comments. Without this information, it is not possible to identify and assess the complete environmental impacts of the project.

Request for Additional Information:

To illustrate why additional analysis is so critical, as well as directly link these building code implications to environmental impacts, we summarize the additional information we requested in our March 23rd memo. The Planning Board is referred to our March 23rd memo for our complete comments.

1. Proposed HVAC System

Our previous comments requested additional information on the proposed HVAC system for the facility. The Applicant did not address or respond to this request.

While the buildings have had various historical uses, including healthcare, the buildings were designed and constructed prior to the adoption of the Building Code. This project will require upgrades to building systems including Heating, Ventilation and Air Conditioning (HVAC). The type of HVAC system selected has the potential to create direct environmental impacts as well as impact the sizing of the emergency electrical system which is covered under item 2 below.

Please provide the proposed HVAC system, including size and fuel source, and fuel source delivery/storage requirements.

2. Design Load and Sizing for Emergency Electrical Systems

The Applicant has not adequately responded to our questions about the emergency electrical system. The Applicant stated that “the emergency generator may be located either in the basement of the main building or on the easterly side of the main building”. (P. 24). But this statement is based on a generator that will support only the water and

sewer pumps. Based on a lack of HVAC design detail and the proposed buildings' electrical systems, it does not appear that a complete design load for the generator has been completed. The question of whether emergency generators will be required at each of the smaller structures with residential units also remains open. 1-2 occupancies would require generators. Practical operational concerns based on the volume prior experience of power outages in this area, including for prolonged periods, may also necessitate numerous smaller generators. Without this information the environmental impacts of the emergency electrical system cannot be defined.

Please provide a complete design load, sizing and location for all emergency generators required. Please also provide details on the "noise-dampening enclosure with mufflers" that is referenced in the Applicant's response on page 24.

3. Site and Exterior Lighting

The Applicant did not provide a photometric plan or any of the other lighting-related information requested in my prior memo. Nor did the Applicant explain why it ignored these requests. With respect to lighting, all the Applicant did was repeat its prior statements that the lighting will be residential in character and directed downward. (p. 9).

A photometric plan is the industry standard for demonstrating lighting impacts based on the ability to accurately show the design lighting in plan view without extensive modeling. . Without this plan, the Applicant has no basis for concluding that there would not be light trespass or any impacts to the character of the neighborhood. As a reminder, there are no street lights along Quaker Ridge Road. This area is currently dark at night. We also asked for other information regarding the project's proposed lighting.

Please provide a photometric plan for the project site that includes site lighting and exterior building lighting, as well as other information outlined in our March 23rd memo.

4. Construction-Related Environmental Impacts

The Applicant's response to construction impacts is limited to "site work activities" (specifically driveway widening and walkway installation), and simply states that sediment and erosion control measures will be installed to guard against impacts from these activities. (page 9). The Applicant completely missed the point of our comment.

The basis for our question on construction impacts relates to the extensive building and building system improvements that are required to bring the old buildings into compliance with the current New York State Building Code. This includes the HVAC upgrades and electrical systems mentioned above, as well as structural systems, architectural improvements and energy code compliance. This site will be a typical construction site for a period of time even though no new buildings will be constructed. There will be contractor vehicles, equipment, deliveries and material staging.

Please provide a complete construction schedule and sequencing plan detailing the hours of construction, volume of construction vehicles, dust control, wash areas, asbestos monitoring and removal (as needed given the old age of the buildings), noise mitigation and staging areas.

Conclusion

The comments detailed in our March 23rd Code Memo have not been addressed.

In the case of large projects like the Hudson Ridge Wellness Center, preliminary design of critical building systems is necessary in order to identify and evaluate the project's environmental impacts. This normally does not wait for the building permit process. Each of these systems have direct and, in some cases, cascading impacts that require evaluation during SEQRA.



*Proposed Hudson Ridge
Wellness Center*
**2016 Quaker Ridge Road
Town of Cortlandt
Westchester County, New York**

March 23, 2021

Prepared for:

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Prepared by:

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Chazen Project No. 319AB.00

Introduction:

I submit these comments on behalf of the Citizens for Responsible Hudson Institute Site Development, Inc. ("CRHISD").

I reviewed the Consolidated Expanded Environmental Assessment Report, dated March 2019 ("EEAR"), for the proposed 92-bed Specialty Hospital. The applicant contemplates operating the Specialty Hospital within the existing buildings on the property, and has stated that there would not be any new construction. I am also familiar with this proposal based on my involvement in the ZBA proceedings on behalf of CRHISD. My colleague, Bernard Adler, PE, is submitting a traffic report separately.

Qualifications:

I am a licensed engineer, New York State certified code enforcement official, and LEED accredited professional with experience in both design and construction. Throughout my 16-year career, I have developed extensive experience working within not only the NYS Uniform Building Code but also other standards including those issued by the National Fire Protection Association and which govern healthcare facilities. In my current role, I manage Chazen's Building Code & Life Safety Services group, and work on a wide range of new construction projects. I also advise existing healthcare facilities, providing education and consulting services regarding compliance with the codes and standards that govern their operation. In performing these tasks, I regularly review, interpret, and apply different zoning codes, as well as the NYS Uniform Building Code, NFPA, and other codes and standards. I am also familiar with the requirements of the State Environmental Quality Review Act and how it fits within the municipal approval process.

Executive Summary:

In my professional opinion, there are NYS Building Code implications for the project that should be disclosed by the applicant and considered by the Planning Board (with the assistance of the Town's Code Enforcement Division as necessary) during the SEQRA/Site Plan review. These issues have not been adequately addressed in the EEAR. There is insufficient detail on key elements of the design.

The current 2020 NYS Building Code should be used as the basis for the analyses mentioned below. Information submitted previously by the applicant based on prior Codes should be updated to the current code.

The applicant should be required to provide a full analysis of the building systems required by the Building Code and applicable referenced standards. This analysis should focus on those items that are relevant for SEQRA and site design issues (I am not recommending a full building permit application review), such as:

- Location and number of emergency generators, and their fuel truck delivery/storage requirements,
- HVAC systems, and their fuel truck delivery/storage requirements, and;
- Construction-related impacts (ex. truck trips and site access, noise, staging, etc.) due to bringing the old buildings into compliance with current building code requirements.

Without all this information, it is not possible to identify the complete environmental impacts of the project, including noise, visual, fire hazard, and construction impacts. In addition, the applicant has not submitted suitable information for fully analyzing the project lighting and its potential impacts on neighboring properties and Quaker Ridge Road.

Governing Codes:

- Town of Cortlandt Zoning Code
- 2020 Building Code of New York State (BCNYS)

Additional Codes & Standards:

- 2012 National Fire Protection Association (NFPA) 101 Life Safety Code (NFPA 101-12)
- 2012 NFPA 99 Health Care Facilities Code (NFPA 99-12)
- 2014 NFPA 70 National Electrical Code (NEC)

Analysis:

We offer the following comments. Many of these are inter-related, but we have categorized them for convenience.

1. Occupancy Classification (I-1/I-2)

Based on the applicant's most recent Building Code Analysis, prepared by OLA Consulting Engineers, dated February 6, 2018 ("OLA Report"), and submissions by the applicant to the ZBA in 2019, the main hospital building (Building 1) is classified as Institutional Group-2 (I-2). This is an important designation as I-2 occupancies (as compared to I-1) require a higher level of building systems, including, but not limited to, the following:

- Electric systems shall meet the requirements for "Essential Electrical Systems" as defined by NFPA, including providing emergency power for a minimum of 72 hours, and;
- Automatic Sprinkler System.

For purposes of SEQRA/Site Plan review, the applicant should identify the number and size of emergency generators, and what infrastructure will be needed to satisfy the 72-hour operational requirement. A plan should be provided showing the location of the generators, including fuel storage (likely above-ground propane tanks). The applicant should also document how often it anticipates fuel deliveries, and in what types of vehicles. It also appears through the designation of uses on the site plan, that multiple buildings may be designated I-2, and each of those I-2 buildings will have its own generator. Independent of occupancy classification, I assume that all of the buildings on the site will require its own generator considering that this area regularly experiences prolonged power outages during storms as discussed by residents at the last meeting.

Information about emergency generators is relevant for SEQRA/Site Plan because:

- Commercial size generators are significantly larger and cause a larger amount of noise pollution than those utilized by single family homes,

- These commercial generators cause noise both during outages and when they are exercised on a weekly basis,
- Generators and above-ground fuel storage should be screened from view, particularly from the closest adjoining neighbors,
- Fuel storage locations could present fire safety concerns if they do not meet proper setbacks, and;
- Fuel deliveries will affect traffic analysis, including traffic volumes, and whether the delivery trucks can safely navigate the site entrance or will they turn into the oncoming traffic lane when exiting the site. Additional truck trips can also affect the character of the neighborhood and Quaker Ridge Road.

While some depiction of water infrastructure has been proposed, the applicant should provide additional information about the sprinkler systems, including detailed water supply and storage. Based on the location and method of water storage, fire pumps will be required which will require additional fuel storage and/or emergency power that will trigger the same noise and traffic concerns identified above.

2. HVAC Design

The applicant should provide information regarding its Heating, Ventilation and Air Conditioning system (“HVAC”). There are a myriad of systems available, from a low impact geothermal system with heat pumps, or more traditional forced air system with roof based heating and cooling units. The type and size of the system will determine fuel type and demand, and fuel storage/delivery requirements – like the concerns mentioned above regarding generators. Also relevant is how would fuel be distributed throughout the site to each of the buildings. There are too many unknowns at this point to fully assess impacts.

3. Use/Occupancy and Occupant Loading

Occupant loads will impact almost every aspect of design, from mechanical and electrical systems to staffing levels, parking requirements, traffic impacts, water usage, etc. These items are directly related to the project’s SEQRA/site plan review, which makes it essential that the applicant clearly identify the use and occupancy for each of the 7 buildings.

As it pertains to occupant load, there are key inconsistencies between the Site Plans (March 20, 2019) and OLA Report (February 6, 2018). As noted above, there are varying design requirements that will trigger environmental impacts. A clear design approach for the entire site, demonstrated consistently across plans and supporting documents, is required to perform a complete Building Code/SEQRA/Site Plan review. It is particularly important to know where the patients will be residing and receiving care.

Some examples of inconsistencies include:

- Building #2 in the OLA Report is identified as “conferenced and offices,” but the Title Sheet on the Site Plan says it will be used for “additional patient quarters and group activities.”

- Building #4 in the OLA Report is identified as “Patient Quarters and ancillary Administrative Offices,” but the Title Sheet on the Site Plan says it will be used for “group activities and office.”
- Building #5 in the OLA Report is identified as “Patient Quarters and ancillary Administrative Offices,” but the Title Sheet on the Site Plan says it will be used for “group activities.”
- Building #6 in the OLA Report is identified as “residential,” but the Title Sheet on the Site Plan says it will be used for “group activities.”
- Building #7 in the OLA Report is identified as “Patient Quarters and ancillary Administrative Offices,” but the Title Sheet on the Site Plan says it will be used for “additional patient quarters and group activities.”

Feedback from OASAS and the Westchester County Department of Community Mental Health is also important prior to the completion of SEQRA because any material changes to the planned use, occupancy of the buildings or total number of patients within the facility would affect the project’s impacts.

4. Construction-Related Impacts

The EEAR contains 1 page (page 139) on the topic of “Construction.” The rationale appears to be that there will not be any impacts since no building construction or demolition is proposed.

The EEAR fails to define how significant an undertaking it will be to bring the existing 7 buildings into compliance with the current code. This is not as simple as just stepping into the buildings that were used as a hospital in the 1920s after cosmetic upgrades. The site was last used as a hospital long before the modern building code was established. Furthermore, since the development of the New York State Uniform Building and Fire Prevention Code in 1984, the code has been updated numerous times, and is currently settled into a three-year adoption cycle. The frequency of code updates is intended to ensure that the building code can remain current with industry and design standards in the rapidly evolving building construction industry.

Construction will take time, and create significant vehicle traffic and material deliveries to accomplish this work. Some of the updates that may be driven by code include:

- Lateral resisting structural systems – Triggered by an increased hazard class, the main hospital building, at a minimum, would need to meet current requirements for wind and seismic resistance. For a building of this age, this could involve installing new steel bracing frames or other structural upgrades.
- Energy code compliance – The State’s energy code continues to become more restrictive. As triggered by requirements of change or occupancy and level 3 alteration, the entire building must be brought up to code which will include aspects of the thermal envelope.

These are just two areas where re-use of the existing facility will result in major construction. A construction schedule and sequencing plan should be provided, detailing the hours of construction, trucks, noise, staging, etc. An environmental review of those impacts should also be provided.

5. Lighting

Finally, although not related to NYS Building Code, our office also evaluated the proposed site lighting. As for existing conditions, the site is currently very dark, and there are no street lights along Quaker Ridge Road. Our findings are, as follows:

- The Site Plan/Lighting Plan does not include a complete photometric layout necessary to evaluate the light conditions onsite.
- A point-by-point photometric layout would more accurately depict the light levels and potential light trespass beyond the property boundary.
- The Site Plan/Lighting plan does not include any building mounted exterior light fixtures.
- Despite dark sky light fixtures that do not project light past 90 degrees, the topography of the site is such that light fixtures will still be visible from lower elevations such as Quaker Ridge Road.
- Based on the significant number of lights (12 poles and 40 bollard lights), a light study should be provided to evaluate the cumulative visual impact of the site lighting.
- Hours of operation and sensors/controls for all lights should be clearly defined.

Conclusions

Based on our review of the current SEQRA documentation and Site Plans, it is my considered opinion that the applicant is pushing for Planning Board approval and a SEQR negative declaration without sufficient design details to ensure that impacts can be thoroughly assessed.

As we have noted in this report, the lack of design detail related to the buildings and building systems, much of which is required by code, has a direct impact on numerous aspects of SEQRA. This includes traffic, noise, visual, fire safety, and community character impacts. The Town of Cortlandt has qualified resources within its Code Enforcement Division that can help ensure that the building design is advanced to a sufficient level of detail during the SEQRA process. We encourage the Town to require such additional detail and utilize its qualified staff to ensure that impacts do not materialize during any potential building permit application stage.

EXHIBIT D

Table S1

Number of Employees Entering/Exiting the Site by Shift

Shift Number	1		1A		2		3	
	6:00 AM		9:00 AM		2:00 PM		10:00 PM	
	Entering	Exiting	Entering	Exiting	Entering	Exiting	Entering	Exiting
Number of Entering/Exiting Employees	22	11	19	0	34	41	11	34
Less: Number of Employees Using Shuttle Van	(20)	(8)	0	0	(14)	(20)	0	(14)
Plus: Two Van Trips	2	2	0	0	2	2	0	2
Net Number of Vehicle Trips	4	5	19	0	22	23	11	22