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In The Matter Of The Application Of
Hudson Ridge Wellness Center, Inc
To The Planning Board Of The Town Of Cortlandt

Affidavit of Acknowledgement
on Behalf of Hudson Ridge Wellness
Center, Inc. to and for the Benefit of
The Town of Cortlandt

-----X

State of New York)
)
County Of Westchester)

Steven Laker, being duly sworn , does hereby depose and say :

1. I am the Vice-President of Hudson Ridge Wellness Center, Inc and am authorized to submit this Affidavit on behalf of Hudson Ridge to and for the benefit of the Town of Cortlandt.

2. Hudson Ridge has carefully reviewed the Planning Board's Negative Declaration adopted at the Planning Board's April 5, 2022 meeting. A copy of the "Negative Declaration" is marked Exhibit 1 annexed hereto and made a part hereof.

3. The Planning Board's Negative Declaration contains approximately 34 itemized conditions entitled "Special Permit Conditions" found on pages 2 through and including 8 of the Planning Board's Negative Declaration.

4. In full compliance with the Planning Board's requirement that the applicant identify the Operator of the facility Hudson Ridge respectfully gives notice that the Operator is and shall be Behavioural Management Group Inc d/b/ a Hudson Ridge Wellness Center. Hudson Ridge's Application to OASAS was filed at OASAS on February 3, 2023 with OASAS acknowledged receipt issued that same day.

5. Condition 34 of the Negative Declaration reads as follows:

“Prior to the Chair signing any approved set of Site Plan drawings, the operator for this facility shall provide a written acknowledgement, in a form acceptable to the Town Attorney and enforceable by the Town, that it received a copy of all resolutions, approvals, declarations, etc., related to this facility and agrees to abide by them and all conditions. All successor operators shall provide the same written acknowledgement to the Town prior to commencing operations.”

6. On September 28, 2022 the Zoning Board of Appeals issued a Decision and Order granting to Hudson Ridge an area variance from the requirement that a hospital in a Town residential zoning district have frontage on a State Road. A copy of the "Decision and Order" is marked Exhibit 2 annexed hereto and made a part hereof.

7. The Decision and Order also reiterated many of the 34 Special Permit Conditions of the Negative Declaration and included additional conditions and requirements including, *inter alia*, that Hudson Ridge return to the Planning Board to receive Site Development Approval and that Hudson Ridge comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

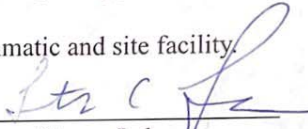
8. This Affidavit of Acknowledgment hereby ratifies, reaffirms and acknowledges Hudson Ridge's agreement that it has received a copy of all past, present and future resolutions, approvals, declarations, etc., related to this facility and is the Applicant for a Resolution granting a Special Permit and Final Site Plan Approval and agrees to abide by all past, present and future resolutions and all conditions.

9. This Affidavit of Acknowledgment further confirms that all of the aforesaid conditions, resolutions, decisions, declarations, etc., are enforceable by the Town and for the express benefit of the Town with respect to the operation of the Hudson Ridge facility.

10. This Affidavit is further respectfully submitted to confirm Hudson Ridge's agreement that the terms and provisions of this Acknowledgment shall be binding upon all successors and assigns of Hudson Ridge and shall govern the operation of this facility.

11. Hudson Ridge further ratifies and reconfirms and affirms under penalty of perjury that prior to commencing operations this Acknowledgment shall be provided by itself and any and all successors and assigns.

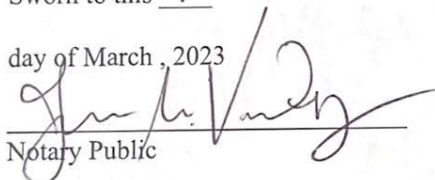
12. Finally, Hudson Ridge for itself and on behalf of the Identified Operator again ratifies, reconfirms and acknowledges that prior to the Planning Board Chair signing any approved set of Site Plan drawings Hudson Ridge shall obtain and deliver to the Town evidence acceptable to the Town Attorney that it has obtained Contingent Approval (or comparable approval) from OASAS approving the facility's programmatic and site facility.



Steven Laker

Sworn to this 7th

day of March, 2023



Notary Public



TOWN OF CORTLANDT
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Chris Kehoe, AICP
Director

Planning Staff
Michelle Robbins, AICP
Rosemary Boyle-Lasher

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1080

Town Supervisor
Richard H. Becker, MD

Town Board
James F. Creighton
Francis X. Farrell
Cristin Jacoby
Robert Mayes

April 6, 2022

Hudson Ridge Wellness Center, Inc.
72 North State Road, Suite 502
Briarcliff, NY 10510

Re: PB 6-16 Hudson Ridge Wellness Center, Inc.

Dear Mr. Laker,

Enclosed please find a copy of the Negative Declaration adopted by the Planning Board at their meeting on April 5, 2022 for the subject application.

If you have any questions regarding this matter please contact my office.

Sincerely,

Chris Kehoe, AICP
Clerk to the Planning Board



Christine B. Cather
4/8/2022

Certified Copy

4/8/2022

Date

Christine B. Cather

Deputy Town Clerk

enclosures

cc w/res: Richard H. Becker, MD, Town Supervisor
James Creighton, Town Board Liaison
Thomas Wood, Esq., Deputy Town Attorney
Laroue Shatzkin, Town Clerk
Robert Davis, Esq.



NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: April 5, 2022

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Cortlandt Planning Board has determined that the proposed action as described below will not have a significant adverse environmental impact pending further approvals/licensure from outside agencies as to the final scope of the proposed program to be provided, as well as additional details and modification to the site plan, and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hudson Ridge Wellness Center, Inc

Description of Action: The proposed project would result in the renovation of the existing seven (7) buildings on the approximately 20-acre parcel of property, along with site improvements to include new walkways, parking areas, landscaping and lighting for a hospital to treat individuals with chemical dependency issues

SEQR Status: Type I Conditioned Negative Declaration? Yes
Unlisted No

Location of Action: 2016 Quaker Ridge Road

The following documentation was analyzed in making this negative declaration:

- Long Form EAF
- Supplemental Part II & III Information
 - July 20, 2015 Expanded Environmental Assessment Report
 - October 6, 2016 – Expanded Environmental Assessment Report
 - April 10, 2017 Addendum to Expanded Environmental Assessment Report
 - July 10, 2017 2nd Addendum to Expanded Environmental Assessment Report
 - March 2019 Consolidated Expanded Environmental Assessment Report
 - August 2021 Addendum to March 2019 Consolidated Expanded Environmental Assessment Report
 - February 2022 Response to 2022-1-26 Public Hearing Comments
- Traffic Report – 1/19/2018
- Transportation Report and Transportation Management Plan – 12/17/2018
- Hydrogeology Assessment Report – 4/30/2017
- 8-page drawing set prepared by Ralph G. Mastromonaco, P.E. latest revision dated March 21, 2022.

- X List of agreed to Restrictive Covenants – Joshua Grauer, Esq. Cuddy & Feder Letter dated January 19, 2022
- X All reports & Correspondence as listed in 3/14/2022 letter from JMC
- X March 24, 2022 JMC Submittal (Traffic Management Plan last updated March 21, 2022
- X February 7, 2022 Letter from Zarin & Steinmetz
- X Attached conditions to the Special Permit, and agreed to Site Plan matters by the applicant, which cannot be unilaterally changed by the applicant which are relied upon by the Lead Agent in making this determination.

Name of Action: **Hudson Ridge Wellness Center, Inc.**

For Further Information:

Contact Person: Chris Kehoe, AICP, Clerk to the Planning Board
Town Hall, 1 Heady Street
Cortlandt Manor, New York 10567
(914) 734-1080

(See 617.7(c) for requirements of this determination;

(a) Environmental issues identified as relevant:

1. Impact on Surface Water
2. Impact on Groundwater
3. Impact on Transportation
4. Impact on noise, odor & light
5. Consistency with Community Plan & Community Character

(b) Analysis of the issues identified and elaboration of the basis and reason for this determination that there will not be a significant impact on the areas of the environment identified in Section (a).

1. Impact on Surface Water: Wetlands on the subject site were originally delineated by the applicant's soil scientist. The delineation was confirmed by the Town's Wetland Consultant, Sven Hoeger by a report dated October 18, 2017. No site work is proposed within the delineated wetland or within the 100' regulated wetland buffer. Some site disturbance is proposed at the site access to re-grade the access drive to maintain a suitable grade and for the relocation of an electronically operated sliding security gate. An approximately 1,100 sq. ft. rain garden is proposed for this area.

The proposed project also requires an improved on-site wastewater treatment system OWTS (septic) with required expansion areas. Due to the agreed upon

reduction in the number of beds to a maximum of 58 beds down from 92 (subject to the approval of third-party licensing agencies) the size of the needed OWTS will be reduced and no portion of the primary field, and only a very small portion of the expansion field, will be located within the Indian Brook watershed and therefore there should be no significant adverse environmental impact to downstream water bodies. In addition, the applicant has committed to, and will be required to construct, an enhanced wastewater treatment process for the site to include galley disposal chambers, electrical generation and recirculating gravel filters. The proposed system has been approved by the Westchester County Department of Health and the permit, originally issued in 2017, has been continually renewed and is currently approved through February 2023. For disturbances required for the construction of the OWTS, pool, tennis court and other associated site modifications and improvements a Stormwater Pollution Prevention Plan (SWPPP), to the satisfaction of the Town Engineer, will be required to be submitted at the time of final site plan approval. Therefore, based on the above the subject project should not have a significant adverse environmental impact on surface water.

2. Impacts on Groundwater

The proposed specialty hospital required the drilling of two (2) new wells to supply the site with sufficient water as well as the construction of two (2) new septic fields with expansion areas. Historically the site has been served by three (3) wells on the property. However, because 2 of the 3 wells do not meet current New York State Department of Health (NYSDOH) requirements for public water supply, their use has been restricted to fire protection purposes. Due to concerns raised by nearby residents and representatives from a neighborhood organization regarding the potential impact of the originally proposed 92-bed facility with the potential for 86 staff on groundwater levels, a 72-hour pumping test offsite monitoring program was developed by the applicant's Hydrogeologist (WSP) and reviewed and approved by the Town's consulting hydrogeologist (HES). After the agreement on the scope of the pumping test the test itself was completed in August 2018. The results of the pumping test were provided to the Planning Board in a report entitled "Well Pumping Program and Test Results" dated October 2018. The report determined that the conservative pump test, pumping for 72 continuous hours at twice the average demand of the project, did not show any discernible water-level drawdown in 14 of the 16 offsite wells that participated in the pumping test program. The two (2) wells, located on Quaker Hill Drive that did have observable water-level effects recovered to pre-static conditions after the pumping test ended. In response to the impact of the pumping test on these two wells the applicant will be required, and has agreed to at their own cost, undertake an offsite well-monitoring program of up to six neighboring wells that will begin 3-6 months before the certificate of occupancy is issued and will continue for up to two (2) years after 75% capacity occurs. The final details of the well monitoring protocol will be included in the Planning Board's site plan approving resolution.

The applicant has committed to, and it will be a requirement of the Planning Board's site plan approval, that no on-site irrigation is permitted. The facility has existing lawn area that is already stabilized. As detailed in Appendix 58 of the February

2022 Response to Public Comment document provided by the applicant the new landscaping on-site will be irrigated through the use of a portable 1,000-gallon water trailer.

The above-mentioned details, along with the reduction in the size of the proposed facility from 92 beds to a maximum of 52 beds, with an associated reduction in staffing levels to approximately 65 full and part time staff, with a maximum of approximately 23 staff on site at one time, will further mitigate any possible environmental impacts on groundwater.

3. Transportation: The applicant completed a Traffic Study submitted in the original Expanded Environmental Assessment Report dated October 2016 for a proposed 92 bed facility with 86 staff members. Traffic volumes in the vicinity of the site were counted, volumes were increased by an annual general growth rate of two (2) percent per year to a design year of 2022 and no-build volumes considered the expansion of the Sunshine House, a 54-bed nursing facility in the Town of New Castle. In addition, given that the original count were conducted in 2014 new counts were completed in 2017 and 2021 and found to be similar to the 2014 and 2017 counts. The subject traffic study was revised several times by the applicant in response to reviews by the Town's Traffic Consultant in letter reports dated 10/26/17, 3/23/18, 6/11/18, 2/22/19 and 4/16/19. The applicant has provided information on entering and exiting vehicles based on staff and visitors to the site considering the agreed upon reduction in beds from 92 to a maximum of 52 with an associated decrease in staffing from 86 to approximately 65 full and part time staff.

A central component of the applicant's traffic plan is the provision of a shuttle to serve employees to the facility. Patients will not drive to the facility. The applicant provided Table S1A, revised 3/24/2022 to reflect the reduction in beds, showing vehicles entering and exiting the site during the proposed shifts beginning at 6:00 am, 9:00 am, 2:00 pm, 6:00 pm and 10:00 pm. With the use of the shuttle, which will be a requirement of the Planning Board's site plan approval, vehicles, including shuttles, entering and exiting the facility will range from 5-12 depending on the shift.

Further the applicant has committed to a Traffic Management Plan, found in Appendix 64 of the February 2022 Response to Public Comment Document that will be a requirement of Planning Board Site Plan approval. Details of the plan include capping the maximum number of employee shifts, the use of shuttle vans to bring employees to the site, capping the number of staff, committing to providing the Planning Board with bi-annual parking utilization reports, the prohibition of tractor trailer deliveries, capping the number of truck deliveries to the site, exclusive of normal Fed Ex or UPS deliveries that already occur in the neighborhood, at 6 per week and a traffic monitoring protocol when the patient occupancy reaches 75%, to be submitted to Town staff and the Town's traffic consultant, for a period of 2-years after 75% occupancy has been reached. Therefore, from a traffic perspective, as reduced from 92 to 52 beds, the subject application should not have a significant adverse environmental impact.

4. Impact on Noise, Odor and Light

The subject property of approximately 20 acres contains seven (7) buildings that have existed on the site since the 1920's. The property was not used for several decades until the current owner bought it and secured the structures. The introduction of the Wellness Center into the facility could have an impact on noise, odor and light. To mitigate these potential impacts the applicant's site plan shows bollard style lighting proposed for the walkways and parking areas. The proposed bollard lights would be 42", (3' 6") in height, so the light is targeted to minimize any glare. The applicant has provided a preliminary photometric analysis showing no offsite light spillage. In addition, the applicant has committed to the following measures in their list of stipulated conditions of approval:

- 1) Blacking out the windows of the existing buildings located nearest to the property line and adjacent to neighboring homes, specifically buildings 2-6.
- 2) A significant landscaping plan of 140 spruce trees and arborvitae to provide a buffer to the adjacent residential properties.
- 3) Commitment to no expansion of buildings in any way either by increasing the footprint or by the adding of additional floors.
- 4) All lighting will be reduced at 11:00 p.m.
- 5) Prohibition on the use of any exterior bells, pagers or public address system

Therefore, it is not anticipated that the proposed project will have a significant adverse environmental impact on noise, odor or light.

5. Consistency with Community Plan and Community Character

The impact of the proposed project on community character and consistency with the community plan are significant issues with respect to a potential adverse environmental impact of the proposed project on the adjacent community/neighborhood. The Planning Board has reviewed the subject application for the better part of the past seven (7) years and held 6 public hearings on the possible environmental impacts of the project. Detailed reviews have been undertaken with respect to possible impacts on groundwater, surface water, traffic, noise, odor and light. The Planning Board finds that the subject site plan, subject to additional details and modifications and continued public input from outside agencies and through ongoing public hearings on the site plan, as well as with the agreed upon commitment to mitigation by the applicant to include an offsite well monitoring protocol, a transportation management plan, the filing of an agreement committing to not developing the adjoining property in the Town of New Castle, the agreement to making the special permit subject to a renewal by the Planning Board after three (3) years, and other conditions of approval governing a variety of site issues agreed to by the applicant in their January 19, 2022 letter and in the letter dated February 7, 2022 from the attorney for the neighborhood group, Zarin & Steinmetz that will be fully addressed and incorporated, as necessary, into any eventual final site plan approval, the subject application should not have a significant adverse environmental impact.

However, specifically with respect to the issue of consistency with the Community Plan and Community Character the Planning Board notes that the subject parcel is zoned R-80, single family residential. Certain uses are permitted, by Special Permit granted by the Planning Board, in an R-80 zone. One of the permitted special permit uses is a hospital. The proposed project has been determined, through an application to the Zoning Board and litigation, to meet the definition of a hospital. Thus, the application was permitted to proceed through an environmental review by the Planning Board. However, the hospital special permit section of the Town Code, Section 307-59, requires that a hospital in a residential zone be located along a State highway. Quaker Ridge Road is not a State highway, it is a Town road. Once again through a Zoning Board decision and litigation it has been determined that the Zoning Board can entertain an application for an area variance from Section 307-59 of the Town Code to consider permitting a hospital on a Town road. Therefore, the hospital site plan cannot be approved by the Planning Board until the Zoning Board has received an application for and adopted a Decision & Order granting the required variance. The Zoning Board, as part of their review of the application, will be required to analyze the request to allow a hospital on a Town road by using the five-factor test. In order to grant the variance, the Zoning Board must find that the request, amongst other factors, shall not produce an undesirable change in the character of the neighborhood and is generally consistent with the surrounding community or if a detriment to nearby properties will occur. This analysis is central to the Zoning Board's decision. Therefore, it has been preliminarily determined there will not be a significant adverse environmental impact, pending further approvals/licensure from outside agencies as to the final scope of the proposed program to be provided, as well as additional details and modification to the site plan. However, it should be clear that the Planning Board's environmental review and negative declaration does not in any way preclude or pre-judge the Zoning Board's required analysis of this factor.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE PLANNING BOARD OF THE TOWN OF CORTLANDT HELD ON APRIL 5, 2022.

Loretta Tays
Chairperson/Designee

4/5/22
Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

Negative Declaration Attachment

Site Plan Matters

1. The Applicant shall pursue OASAS approval concurrently with its Site Plan/Special Permit application before the Planning Board. Prior to the Chair signing any approved set of Site Plan drawings, the Applicant shall: (i) obtain Contingent Approval (or other comparable approval) from OASAS approving the facility's programmatic and site elements, and (ii) identify the operator of the facility.

2. The Applicant shall submit (or re-submit as the case may be) the following documents for Planning Board review and finalization during the Site Plan/Special Permit process:
 - a. Post-Approval Off-Site Well Monitoring Plan. This Plan shall include a requirement for the Applicant to post sufficient security with the Town for the performance of such monitoring, review by an objective third party, and the implementation of potential mitigation measures.
 - b. Shuttle Program
 - c. Construction Scheduling, Sequencing and Staging Plan
 - d. Security Protocol
 - e. Landscaping Monitoring and Maintenance Plan. This Plan shall be consistent with the drawing entitled Conceptual Landscape Plan, prepared by JMC, dated December 31, 2021, and shall include, among other things, that native plantings shall be used to the greatest extent practicable; dead or substantially diseased trees must be removed and replaced in a timely manner, and not later than during the then-existing planting season or

at the beginning of the next one; and that the Applicant in perpetuity replant any planted species that do not survive.

- f. Traffic Management Plan
- g. Photometric Plan
- h. Fencing Plan. This Plan shall depict appropriate perimeter fencing for screening and safety purposes. On Quaker Ridge Road, the fence shall be located behind the trees on the Applicant's property.

Special Permit Conditions

1. The maximum capacity of resident beds shall be 52. Neither the Applicant nor any successors shall be permitted to seek to increase the number of resident beds.
2. No dormitory or ward type housing of residents shall be permitted. Residents shall be housed in private rooms or semi-private with one other patient, for a maximum of two residents per room.
3. Buildings #2 and # 5 will have maximum of three patient beds (one per bedroom).
4. Building #4 will have maximum of four beds (one per bedroom).
5. Building #6 will have maximum of five beds, including one suite.
6. No outpatient services shall be offered or provided. The Applicant and its successors (and any affiliates of the Applicant and their successors) shall not use any additional properties in the Greater Teatown community (whether rented or purchased) to provide any type of rehabilitation or related services or accommodations.
7. Staff shall not exceed approximately 65, and there shall be no more than approximately 23 staff on site at any one time. The Applicant shall submit annually to the Town on or before January 15th of each calendar year (or as otherwise reasonably requested by the

Town) a certification identifying the number of staff employed and their respective titles.

8. No new building or structure shall be constructed on the Property, except that the Applicant may construct new structure(s) shown on an approved Site Plan and any such structure(s) shall be of modest size and limited in its purposes to the storage of garbage receptacles, landscaping equipment, etc., enclosing mechanical equipment, and other comparable uses. Notwithstanding the above, the Applicant may construct a swimming pool and/or tennis court as shown on an approved Site Plan (no other recreational structures shall be permitted). Neither the footprints of the existing seven buildings on the Property nor the dimensions or square footage of such buildings may be increased, including, but not limited to, height. The square footage of the seven (7) existing buildings is approximately 39,000 gross sf and 30,000 net sf.

9. Exterior and interior lighting shall be turned off not later than 10:00pm except when needed for safety and emergency egress. Outdoor light poles shall not exceed five feet in height. Dark sky light fixtures shall be employed. Outdoor floodlights on buildings #2, #3, #4, #5, and #6 shall be limited to the front of the buildings and otherwise for lighting that is only activated in emergency situations.

10. All buildings with windows facing any adjoining properties shall be "lights out" between the hours of 10 PM and 6 AM. Unless otherwise required by the New York State Building Code and/or Fire Code, Buildings #2, #3, #4, #5, and #6 shall not have windows, entrances, exits, or patios/porches facing any adjoining properties with the exception of the existing patio off of building #4 and the patio/porches at building #6 (not just blackout shades), and except for exits for emergency purposes only.

11. The patio/porch on the side of building #4 shall be fully screened, smoking shall

be prohibited, and the hours of use shall be limited to 9 am to 5pm. No new patios/porches shall be installed. The existing slab remnants of prior patios shall be demolished.

12. There shall be a maximum of 40 parking spaces, subject to the Planning Board granting the parking waiver that the Applicant has requested as part of this application. Parking outside of building #3 shall be limited to day-time use, except for vehicle storage for those vehicles that will not be used or moved during the evening.

13. The Applicant and its successors shall not obtain or use any access easement from any adjoining property. The Applicant and its successor may obtain a utility easement, if necessary.

14. For as long as the Cortlandt Property that is the subject of this application is used in a manner that is not single-family residential, the adjoining property in the Town of New Castle (35 Quaker Ridge Road, Tax Id 79.10-1-8) ("New Castle Property") shall not be improved or developed, unless such improvement is directly related to the use of the existing building on the New Castle Property as a single-family residence and is not an expansion of the building. This includes, but is not limited to, a prohibition on new driveways, walkways, septic fields (existing septic fields may be repaired), wells, and other buildings, structures or site improvements. In addition, the building currently on the New Castle property shall not be used to house or treat clients or visitors of the Applicant's or other similar facility. The Applicant shall submit a Declaration and Restrictive Covenant to the Town memorializing these terms in recordable form acceptable to the Town Attorney, and proof of such recording in the County Clerk's Office shall be submitted to the Town prior to the issuance of any building permit or site work permit.

15. Septic system shall be monitored and maintained on annual basis with

certification submitted to Town.

16. The use of well water for irrigation for plantings, trees, shrubbery, and filling of pools shall be prohibited. New landscaping, once established, shall first be watered via a rooftop capture system, rainwater harvesting system, or other comparable system (each intended to be installed underground to the extent practicable), with an appropriate capacity to minimize the need for water delivery via truck. Irrigation and water supply for new plantings shall be as described in JMC's February 7, 2022 Memo to the Applicant and submitted to the Lead Agency, and shall be finalized in the Project's Landscaping Monitoring and Maintenance Plan.

17. Water usage shall be tracked/metered daily and reported monthly to the Town and WCDOH in accordance with WCDOH requirements, and water usage shall be consistent with WCDOH approvals for this facility. The monthly water report shall be made available to the public on the Town website. At no time shall the Applicant or its successors solicit the connection of the facility to municipal water.

18. Approximately 60% of staff shall be required to take the shuttle vans to and from the project site.

19. The Applicant shall provide written proof to the Town prior to Site Plan approval that it has secured written consent to utilize offsite park and ride locations, not located in the Greater Teatown community, for its shuttle program. The Applicant shall provide a written update to the Town of such consent on or before January 15th and July 15th of each calendar year, and immediately upon any change in park and ride location or any other aspect of its shuttle program.

20. The Applicant shall limit visitors so that only one quarter of the client population will have their family weekend each weekend of the month. In addition to the above visitor

limitation, the facility shall not host any large gatherings of individuals (conferences, special events, etc.).

21. The Applicant shall limit truck deliveries and pickups for food and other supplies to a maximum 6 times per week and between the hours of 9AM-6PM on weekdays only. There shall also be a maximum of 1 garbage service and 1 laundry pick-up/drop-off weekly between the hours of 9AM-6PM on weekdays only, in addition to USPS, UPS, and FedEx delivery vehicles.

22. The front gate shall be set back sufficient to prevent queuing of vehicles and pedestrians on Quaker Ridge Road.

23. The use of generators (for emergency back-up purposes only) and their fuel storage shall be located on the side of the main building away from adjoining residential properties, shall be adequately screened, and noise suppression materials shall be used to minimize the noise impact. The Applicant may seek approval for residentially sized generators to service Building #2, 4, 5 and 6 along the northern fence line during the site plan process. The Applicant shall endeavor in good faith to limit the number of generators required to service these buildings, and such generators shall comply with any applicable Town setback requirements, shall be adequately screened (including placed at the south side of each building to the extent practicable), and shall employ noise suppression materials to minimize the noise impact.

24. The Applicant shall file with the Town Board a performance bond, letter of credit or other security acceptable to the Town Board in a form acceptable to the Town Attorney in an amount as determined by the Town, to secure to the Town the satisfactory construction, installation, and completion of the required improvements, including no adverse impacts to adjoining properties.

25. No helicopter transportation shall be allowed at the Property or in its vicinity for arrival or departure by clients or staff.

26. Minimum of two resident client beds shall be made available to Cortlandt, Yorktown, Ossining, and New Castle residents for each successive thirty (30)-day period. One such resident bed shall be made available at a cost to them of no greater than Medicaid payment, and the other shall be made available on a sliding scale based on income.

27. No outdoor music or other loud noises shall be permitted, such as exterior bells or public address systems. The use of drones shall not be permitted. All generators and pumps must be muffled and located on the New Castle side of the property (except with respect to any generators approved for the buildings along the northern fence line as set forth above). Noise from the electric transmission station shall be muffled. No building within 150 feet of an adjoining residential property shall be used for vehicles or motorized equipment except vehicles for lawn maintenance and snow removal may be housed in such buildings. When use of equipment overnight is expected, the vehicles shall be moved to the main building.

28. There shall be no illuminated exterior or road-facing signage. There shall be no wayfinding signage posted along roads leading to the Property.

29. Clients will not be allowed off the premises until they are discharged from treatment, including when family visits take place. The Applicant shall provide a plan for notifying the Town and community in the event that a client leaves the Property without permission to ensure the safe return of the client. All routine medical appointments shall be held on premise to the extent practicable in order to reduce traffic. Appointments off site shall be limited to those for services unrelated to the services provided by the facility and deemed medically necessary to be received by the client during its stay at the facility.

30. Any pool shall be located behind Building 1. Hours for the pool shall be limited to 9AM–6PM. No bubble or other enclosure shall be allowed over the pool.

31. One tennis court may be installed. It shall be located on the New Castle side of Building #1. The Applicant shall endeavor in good faith to locate any such tennis court farther east on the Property than where it is currently shown conceptually on the site plan, subject to site constraints. The same hours and enclosure restriction set forth above regarding a pool shall also apply to any tennis court. Pickleball shall be prohibited.

32. The Applicant shall designate a senior level community liaison with authority to remedy any community concerns. The Town shall also identify and designate an individual at Town Hall to be a community liaison and receive and resolve any concerns and/or complaints.

33. The Applicant shall reimburse the local ambulance district for calls to its Property at its regular and normal rates applicable to others.

34. Prior to the Chair signing any approved set of Site Plan drawings, the operator for this facility shall provide a written acknowledgment, in a form acceptable to the Town Attorney and enforceable by the Town, that it received a copy of all resolutions, approvals, declarations, etc., related to this facility and agrees to abide by them and all conditions. All successor operators shall provide the same written acknowledgement to the Town prior to commencing operations.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. NO YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) NO YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>New commuting patterns will be introduced to the residential neighborhood to serve the proposed specialty hospital</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>The proposed specialty hospital will introduce a different land use to an existing established residential neighborhood.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached Negative Declaration

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See attached Negative Declaration for all supporting documentation the Planning Board reviewed to make the determination

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Cortlandt Planning Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Hudson Ridge Wellness Center Inc.

Name of Lead Agency: Town of Cortlandt Planning Board

Name of Responsible Officer in Lead Agency: Loretta Taylor

Title of Responsible Officer: Chairperson

Signature of Responsible Officer in Lead Agency: *Loretta Taylor (cc)* Date: 4/5/22

Signature of Preparer (if different from Responsible Officer) *CLM* Date: 4/5/22

For Further Information:

Contact Person: Chris Kehoe

Address: 1 Heady Street, Cortlandt Manor, NY 10567

Telephone Number: 914-734-1080

E-mail: chrisk@townofcortlandt.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Exhibit 2

Z O N I N G B O A R D O F A P P E A L S

Town of Cortlandt
Westchester County, New York

D E C I S I O N & O R D E R

Petitioner: **Hudson Ridge Wellness Center, Inc.** Case No. **2016-24 (B)**

Address: **2016 Quaker Ridge Rd.**

Location of Property: **Same**

Tax Map Designation: Section **79.11** Block:1 Lot: **18**

Present Zoning: **R-15**

Nature of Petition:

Use Variance Area Variance Interpretation

Special Permit

Describe Specific Request: **An Area Variance from the requirement that a hospital in a residential district must have frontage on a State Road.**

Board Members

Present: **David Douglas**
 Wai Man Chin
 Benito Martinez
 Michael Fleming

Recused: **Frank Franco**
 Tom Walsh
 Chris Beloff

The above-referred to Petition, having been duly advertised in The Croton Gazette, the official newspaper of the Town of Cortlandt in the weekly issue published on 6/16/22 - 6/22/22, Town Board Resolution No. 153-88 having been complied with and the matter having duly come to be heard before a duly convened meeting of the Board on the following dates 6/27/22 and 8/29/22 held at Town Hall and all of the facts, matters and evidence produced by the Petitioner, by the administrative official and by interested parties having been duly heard, received and considered, and due deliberation having been had, the following Decision and Order is hereby made:

The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board makes the following findings:

Background and Issue Presented

The Applicant seeks to operate a "specialty hospital" serving patients with chemical dependency issues at an approximately 20-acre property located at 2016 Quaker Ridge Road. 2016 Quaker Ridge Road is part of a residential district zoned R-80. Article X of the Town's Zoning Code

contains provisions pertaining to the granting of special permits. Section 307-59(B)(9) of the Zoning Code (which is part of Article X) provides that hospitals in residential zones are only to be permitted on a lot that fronts on a state road. Consistent with § 307-59(B)(9), the Zoning Code's Table of Permitted Uses (§ 307-14 of the Code) allows a hospital in a residential zone by special permit provided that the property has frontage on a state road. Subsection (A)(11) of § 307-15, "Notes to Table of Permitted Uses", contains the same requirement that hospitals will be permitted only on a lot in a residential zone that fronts on a state road.

The Applicant's property is located at 2016 Quaker Ridge Road, in the Teatown section of the Town. Quaker Ridge Road is not a state road. The Applicant therefore seeks a variance from the requirements that a hospital in a residential district have frontage on a state road.

This application first came before this Board in 2016. The application has been concurrently pending before the Planning Board, which has been designated lead agency for purposes of SEQRA-related issues, and, as is appropriate in applications in which certain issues are before the Planning Board and certain issues are before this Board, the two Boards have been coordinating their review of the matter.

The application has been the subject of two previous decisions of this Board on discrete issues. In March 2017, the Board issued a Decision & Order finding that it is more appropriate to consider the Applicant's application as a request for an "area variance" than as a one for a "use variance." In that Decision & Order, this Board stated explicitly that it was not then addressing the substantive merits (or lack thereof) of the Applicant's application for an area variance for its proposed hospital.

In 2019, the Applicant sought an interpretation by this Board as to certain determinations made by the Town's Code Enforcement Officer, including his determination that the Applicant's proposed "wellness center" did not constitute a "hospital" or "specialty hospital", and therefore did not constitute a use permitted in an R-80 zone and did not meet the required conditions for a special permit in such a residential zone. This Board found, by a 3-1 vote, that the proposed use did meet the definition of a "hospital"; however, this vote fell short of the four affirmative votes required to overturn the Code Enforcement Officer's determination. The Applicant then challenged the determination in court and the court ruled the proposed use is to be considered a "hospital."

The Planning Board then resumed its review of the Applicant's proposed site plan for the facility and conducted a thorough environmental review of the proposed project. This Board held in abeyance further consideration of the Applicant's requested for an area variance pending these reviews by the Planning Board.

Two significant developments occurred during this period. First, the Applicant substantially scaled back the scope of its proposed project, agreeing to 34 separate, detailed conditions as part of any special permit that might ultimately be issued. These conditions included, for example:

- The maximum capacity of resident beds shall be 52, down from the 92 that the Applicant had previously sought.
- Strict limitations were placed on the maximum number of residents in the buildings closer to adjoining properties, specifically, a maximum of three patient beds in two of those buildings, of four in one building, and of five in another building.
- The Applicant agreed that no outpatient services shall be offered or provided, and that neither it nor any affiliates or their successors would use any additional properties in the Greater Teatown community to provide any type of rehabilitation or related services or accommodations.
- Staff would not exceed approximately 65 (down from 86), and there would be no more than approximately 23 staff members on site at any one time.
- Approximately 60% of staff shall be required to take shuttle vans to and from the site.
- No new building or structure shall be constructed on the Property (except for modest sized structures for the purpose of storage of garbage receptacles, landscaping equipment, and the like), and neither the footprints of the existing seven buildings nor the dimensions, square footage, or height of such buildings may be increased.
- Exterior and interior lighting shall be turned off not later than 10:00 p.m. Outdoor light poles shall not exceed five feet in height. Dark sky light fixtures shall be employed. Outdoor floodlights on five of the buildings shall be limited to the front of those buildings.
- All buildings with windows facing any adjoining properties shall be "lights out" between 10:00 p.m. and 6:00 a.m. Four of the buildings shall not have windows, entrances, or exits facing adjoining properties (except as may be required by State building or fire codes).
- There shall be a maximum of 40 parking spaces.
- Visitors shall be limited so that only one quarter of the client population will have their family weekend each weekend of the month. The facility shall not host any large gatherings of individuals (conferences, special events, etc.)
- The Applicant and its successors shall not obtain or use any access easement from any adjoining property.

- The use of well water for irrigation shall be prohibited. Water usage shall be tracked and metered daily and reported monthly, and the monthly water report shall be made available to the public on the Town website.

- Truck deliveries shall be limited to designated maximum frequencies and times, on weekdays only.

- Specified noise restrictions measures are set forth.

- Clients will not be allowed off the premises.

Second, on April 5, 2022, the Planning Board issued a Negative Declaration ("Neg. Dec.") determining that the Applicant's proposal "will not have a significant adverse environmental impact. . . ." The Neg Dec incorporated and attached the 34 conditions to which the Applicant had agreed, and noted that such conditions cannot be unilaterally changed by the Applicant.

The Planning Board's Neg. Dec. analyzed, in detail, the environmental issues identified as relevant, namely, (1) impact on surface water; (2) impact on groundwater; (3) impact on transportation; (4) impact on noise, odor and light; and (5) consistency with community plan and community character. The Neg. Dec. concluded that the Applicant's proposed project would not have a significant impact on any of these areas.

As for surface water, the Neg. Dec. notes, among other things, that no site work is proposed within delineated wetland or the wetland buffer; that no portion of the primary septic field, and only a small portion of the expansion field, will be located in the Indian Brook watershed; and that the Westchester County Department of Health has approved the proposed wastewater treatment system.

Regarding groundwater, the Neg. Dec. discusses a report of a pump test, which entailed pumping for 72 continuous hours at twice the average demand of the then-proposed project, which at that time sought 92 beds and 86 staff. The Neg. Dec. also takes note of the condition that no on-site irrigation is permitted. The Neg. Dec. concludes the test, conditions, reduction of number of beds and staff, and other details noted in the Neg. Dec. will mitigate any possible environmental impacts on groundwater.

The Neg. Dec. discusses multiple traffic studies and a traffic plan that contains as a central component the provision of a shuttle to serve employees at the facility, as well as capping the maximum number of employee shifts, a traffic monitoring protocol, and a number of other items. The Neg. Dec. concludes, "from a traffic perspective, as reduced from 92 to 52 beds, the subject application should not have a significant adverse environmental impact."

As for noise, odor and light, the Neg. Dec. takes note of the Applicant's lighting plan for walkways and parking area, with lights that are only 42" in height so that light is targeted to minimize glare, a photometric analysis showing no offsite light spillage, and the Applicant's agreement, as noted above, to blacking out of windows, no expansion of buildings, and "lights out" times. The Applicant has additionally agreed to prohibition of any exterior bells, pagers, or a public address system. Additionally, the Applicant has agreed to a significant landscaping plan of 140 spruce trees and arborvitae to provide a buffer to adjacent residential properties.

Finally, as to community plan and community character, the Neg. Dec. notes that the Planning Board has concluded that the application should not have a significant adverse environmental impact. The Neg. Dec. additionally correctly notes the Applicant's site plan cannot be approved by the Planning Board unless the Zoning Board grants a variance from the requirement that a hospital in a residential district be on a state road, and that in considering the Applicant's request for a variance, this Board must apply a five-factor test, including whether an undesirable change will be produced in the character of the neighborhood, or if a detriment to nearby properties will occur. Therefore, the Neg. Dec. states, again correctly, "[I]t should be clear that the Planning Board's environmental review and negative declaration does not in any way preclude or pre-judge the Zoning Board's required analysis of this factor."

Following the Planning Board's issuance of its Neg. Dec., the Applicant requested that the Zoning Board proceed with the Applicant's request for an area variance. The Zoning Board did so, placing the matter on the agenda for meetings held on April 25, 2022, June 27, 2022, and August 29, 2022, at which it heard from the Applicant's attorney, attorneys for a citizens group opposed to the Applicant's project, and a number of individuals likewise opposed to the Applicant's request for a variance. The Board also received multiple thorough written submissions from the Applicant and those opposed to the request. The Board appreciates and was greatly aided by these presentations and submissions and has reviewed them carefully.

Application of the Five-Factor Test to this Matter

In deciding whether to grant a requested variance, "the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." N.Y. Town Law § 267-b(3)(b). Section 267-b(3)(b) sets forth a five-factor test that zoning boards must apply in making such a determination:

In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the

granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

No one factor is determinative, but each factor must be given due consideration. See, e.g., *Muller v. Zoning Board of Appeals Town of Lewisboro*, 192 A.D.3d 805, 807-08, 144 N.Y.S.2d 198, 202 (2d Dept. 2021) ("The zoning board, in applying the balancing test, is not required to justify its determination with supporting evidence for each of the five statutory factors as long as its determination balancing the relevant considerations is rational").

This Board will therefore address each of these factors in turn in considering Applicant's request for an area variance from requirement that a hospital in a residential district have frontage on a state road.

Community Character

First factor, commonly referred to as the "community character" factor, asks the Board to weigh the benefit to the applicant against possible undesirable change that the variance might produce in the character of the neighborhood or if a detriment to nearby properties will occur from the granting of the variance. The opponents of the Applicant's project have focused much of their attention on this factor.

The Board fully understands these neighbors' concerns. As they have pointed out, Teatown is a semi-rural neighborhood, consisting primarily of single-family houses on large lots. Teatown is a beautiful section of the Town. Opponents of the Applicant's project have expressed deep, and undoubtedly genuine, concerns about possible effects that the presence of the hospital facility proposed by the Applicant might have on the neighborhood, be it due to increased traffic, light, noise, or otherwise. There is also the more generalized concern about the "fit" between this residential neighborhood, with its particular "sense of place", and an institutional use such as the Applicant's proposed facility. Opponents additionally note the Town's expressed preference, in its Master Plan, that medical facilities be located, if possible, in the area surrounding Hudson Valley Hospital.

After careful consideration, the Board has concluded that these concerns of the residents, though understandable, do not sufficiently tip the scale towards denial of the Applicant's requested variance. To

begin with, many of the opponents' concerns boil down to worries about potential environmental impacts. In its Neg. Dec., the Planning Board made specific findings pursuant to SEQRA that the Applicants' scaled-back proposal, which includes numerous agreed-to conditions, would not in fact have a significant impact on traffic, surface water, groundwater, noise, odor, and light, i.e., in the words of the Neg. Dec., "the subject application should not have a significant adverse environmental impact. The ZBA is of the view that the Planning Board's findings, which are based on studies and other empirical facts detailed in the Neg. Dec., are logical, convincing, and correct. The ZBA therefore defers to and accepts the Planning Board's findings and conclusions about lack of significant adverse environment impact made in the Planning Board's SEQRA review.

Based on the evidence placed before it, the Board believes that the expressed concerns that the operation of the proposed facility will significantly alter the overall character of the Teatown area or cause substantial harm to residents living in Teatown will prove to be largely unfounded. The property sits on the very edge of Teatown toward the end of the section of Quaker Ridge Road that lies in the Town. There will be no signage on the roads. The buildings on the property are not visible from the road. Not only will, as found by the Planning Board, there be little overall impact on traffic, but most of what traffic there will be will come from the south, away from nearly all of Teatown. Nothing about the proposed facility should negatively affect the "neighborliness" of the community, with its lemonade stands and Halloween traditions, its wildlife and trails, or its safety.

Moreover, the fact that the Applicant will be engaging in an institutional use is not unprecedented in the Teatown area. The property itself, when previously in use, was used for institutional purposes, including, originally, as a hospital. The largest single property owner in the Teatown area is Teatown Lake Reservation, which draws literally thousands of visitors to its properties, which lie on both sides of Teatown Road, and also include and are linked to its separate property, Cliffdale Farm, on a different section of Teatown Road. Until recently, the Danish Home, located on Quaker Bridge Road, operated as a senior citizen residence and center. The Town Code permits multiple kinds of institutional uses in R-80 districts, including religious institutions, schools, government buildings, and public utility facilities, each of which is permitted as of right. See Table of Permitted Uses. Also, it seems likely that the institutional use that the Applicant is proposing will have a lesser impact on the neighborhood than if, say, the various buildings on the site were to be utilized as multi-dwelling residences, or torn down so that the 20-acre property could be subdivided.

The biggest impact, of course, will be on the properties immediately adjoining, or very close to, the Applicant's property. The Board does not wish to denigrate any impacts that the owners of those particular properties may experience from the opening of the

Applicant's facility. The Board finds, however, that any such possible detriment to such properties is not of such a degree as to warrant denial of the Applicant's requested variance and thereby prevent it from proceeding with its proposed wellness center. As discussed above, the Planning Board has convincingly found that there will not be significant impacts as to light or noise, traffic, surface water, or groundwater. Furthermore, for example, there will be no buildings other than those that already exist, and those existing buildings cannot be increased in size. Windows facing the adjoining properties will be blacked out after 10:00 p.m., and there will be strict rules regarding the shutting off of lights in general. Four of the buildings shall not have windows, entrances, or exits facing adjoining properties whatsoever. There will be no events held at the property. The applicant has agreed to plant 140 spruce trees and arborvitae so as further to buffer and screen the property from that of the adjoining neighbors, whose views, as seen on a Board site visit, are already largely screened by existing trees both on neighbors' property and on the Applicant's property.

Also, as observed above, the Applicant's property has previously been utilized for institutional purposes. It appears that each of the residential parcels adjoining the property was purchased by their current owners well after the construction of the buildings for institutional use, and those owners were thus aware, or reasonably should have been aware, that one day an owner of the Applicant's property might very well seek once again to utilize the property for an institutional purpose.

The Board recognizes that the Town has expressed a preference, in its 2016 Master Plan, that healthcare facilities be located in the northern section of the Town near Hudson Valley Hospital in a proposed district to be known as a "Medically Oriented District". But the Town has not prohibited healthcare-related operations in other parts of Town and did not alter the sections of the Town Zoning Code, discussed above, permitting hospitals in residential districts, which were adopted in 2004. In fact, the Chair of this Board was a member of the 2016 Master Plan Committee that recommended the adoption of the MOD, and does not recall any discussion whatsoever at Committee meetings suggesting that the existence of a MOD should prevent the opening of other healthcare-oriented businesses in other parts of the Town.

Opponents of the requested variance have additionally pointed out that Quaker Ridge Road is a narrow road, and far different in character from a State Road. While there appears to be no "legislative history" as to the reasoning behind the inclusion of frontage on a State Road as a requirement for the granting of special permits for hospitals (and nursing homes) in residential districts, logic would seem to dictate that this requirement was included largely because of concerns about the heavy traffic and usage often associated with hospitals, including, for instance, ambulances, EMT vehicles, etc. The Applicant's proposed facility will not generate such traffic, as the Planning Board held in its Neg. Dec.

Finally, it cannot be overlooked that the facility that Applicant proposes to operate will itself provide a benefit to the community. Substance abuse is, needless to say, a significant problem, including in the Town and surrounding communities. The Applicant's proposed specialty hospital for the treatment of persons with chemical dependencies therefore will supply an important social service, including to residents of the Town. Among the 34 conditions to which the Applicant has agreed is a requirement that a minimum of two resident beds shall be made available to Cortlandt, Yorktown, Ossining, and New Castle residents for each successive 30-day period. One such bed shall be made available at a cost of no greater than Medicaid payment, and the other shall be made available on a sliding scale based on income. Furthermore, Town residents are by no means limited to those two dedicated spots at the facility, but can apply for treatment at the facility.

For each of these reasons, this Board concludes that the community character factor favors the granting of the variance that the Applicant is requesting.

Necessity of the Requested Variance for Applicant's Proposed Facility

The remaining four factors can be addressed more readily. As to the second factor, the facility that the Applicant proposes cannot be operated at its location absent a variance from the general requirement that a hospital in a residential zoning district must have frontage on a state road. Thus, the benefit sought by the Applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Whether the Requested Variance is Substantial

The third factor - whether the requested variance is substantial - has limited relevance to this sort of application. This factor has more bearing on variances seeking, for instance, a reduction in a front yard setback, or allowance of an increase in the height of building. In those situations, this Board can analyze whether a setback or height increase of less than the one sought by the applicant can largely achieve the benefit that the applicant is seeking. Here, the requested variance is not a matter of degree. It is - like, for instance, a request to allow an otherwise prohibited accessory structure in a front yard - an either/or situation. The Board finds that, given its assessment of the other, more pertinent factors, the variance that the Applicant is requesting should not be denied based on its "substantiality."

Effect on Environmental Conditions

The fourth factor is whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in

the neighborhood or district. As discussed above, the Planning Board has concluded as part of the SEQRA process that the Applicant's proposal will not have significant adverse environmental impact, a conclusion with which the ZBA concurs.

Whether the Difficulty was Self-Created

The final factor to be considered is whether the difficulty that the Applicant faces, i.e., the need for a variance, was "self-created." The Applicant purchased the property in 2010. The Zoning Code's State Road frontage requirement was implemented in 2004. Thus, the Applicant had, or should have had, notice of the need for a variance when it purchased the Property. However, N.Y. Town Law § 267-b(3)(b) states expressly that consideration of this factor "shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance." This Board finds that, in light of its assessment of the other four factors, the fact that the Applicant was or should have been aware of the frontage requirement when it purchased the property does not justify denial of the variance.

In sum, this Board concludes that upon analysis of the five factors given the facts of this case, the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, warrants the granting of the variance that the Applicant is requesting.

Applicant is hereby GRANTED an Area Variance from the requirement that a hospital in a Town residential zoning district have frontage on a state road. The applicant is required to return to the Planning Board to receive Site Development Plan approval and subsequent to Site Development Plan approval all required permits from the Office of Code Administration and Enforcement are required to be obtained.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: September 27, 2022
Cortlandt Manor, New York
Date filed: September 28, 2022

Chris Kehoe, AICP
Clerk, Zoning Board

David Douglas
Chairman, Zoning Board

