

June 2, 2022

By Electronic Mail

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

**Re: Greater Teatown Alliance
Initial Comments on the Application of The Gurdjieff Foundation, Inc.
1065 Quaker Bridge Road East (PB 2022-4)**

Dear Chairperson Taylor and Members of the Planning Board:

Our firm represents the Greater Teatown Alliance, which is a group of community members residing in the Greater Teatown area, including some living in proximity to the subject site.

For the reasons set forth below, the proposed “Non-school curriculum program” special permit is not applicable because neither The Gurdjieff Foundation, Inc. nor the subject site is a “*private nature preserve*” as defined in the Zoning Ordinance, to which this special permit applies. See Zoning Ordinance 307 Attachment 2, Table of Permitted Uses. Instead, the proposed use constitutes a “membership club” as that term is defined under the Zoning Ordinance, and such clubs are not permitted in an R-80 district.

The application materials refer to an informal, undisclosed “determination” by the Town’s Director of Code Administration and Enforcement (“Code Director”) that the proposed program qualifies for the “Non-school curriculum program” special permit, notwithstanding the express language in the Zoning Ordinance.

We respectfully request that the Code Director (who is copied on this letter) reconsider and reverse this so-called determination based upon the analysis below, or, if he does not agree with us, then provide a copy of such official determination so that our client may consider what steps to take to protect its interests in this matter.

Analysis

The proposed use qualifies as a Membership Club, which is listed in the Table of Permitted Uses under the subheading entitled “Institutional, Recreational and Public Uses.” A Membership Club is defined in Section 307-4 of the Zoning Ordinance, as follows:

A private nonprofit corporation, membership corporation or association whose intent is to *promote the interests of its members*. Such corporations or associations include trade associations, professional organizations, unions and similar political, ethnic and fraternal organizations, but shall not include property owners’ associations.

Zoning Ordinance § 307-4 (emphasis added).

The applicant acknowledged in its attorney’s letter that the project is intended to “serve as a location *for the activities of its members*.” (Emphasis added). The letter further explains that the “Foundation’s *membership* consists primarily of adults between the ages of 45 through 75 years old.” (Emphasis added). It is evident that the proposal is *not* a non-school curriculum program associated with a nature preserve open to the public; rather, it is a membership club that would promote only the interests of the foundation’s private members.

The actual proposed Membership Club use is not allowed at the subject site. The Zoning Ordinance prohibits Membership Clubs in R-80 zoning districts (they are not allowed as-of-right or by special permit). See Zoning Ordinance 307 Attachment 2, Table of Permitted Uses.¹

The “Non-school curriculum program” special permit that the applicant is pursuing appears in the Table of Permitted Uses only under the subheading entitled – and this is the dispositive point – “PRIVATE NATURE PRESERVE” and “PRIVATE NATURE PRESERVE USERS.” The applicant’s materials lack any reference to the subheading under which its sought-after special permit is listed.

The Zoning Ordinance defines a Private Nature Preserve, as follows:

A parcel of land open to the public, with structures and/or other facilities owned and operated by a not-for-profit organization and dedicated to the

¹ Alternatively, if the programs are open to the public, the applicant’s proposed transformation of the Danish Home, including for up to 75 people staying overnight, sometimes for one week at a time, also renders this project more like a Hotel as that term is defined in Section 307-4 of the Zoning Ordinance.

promotion of greater public understanding, awareness and appreciation of the natural environment through environmental and agricultural education programs and passive recreation activities.

Zoning Ordinance § 307-4.

Furthermore, overnight accommodations are not one of the uses allowed under “use of buildings” specified in the Zoning Ordinance with respect to nature preserves. See Zoning Ordinance § 307-65.3B(12). The only reference in the Table of Permitted Uses under Nature Preserve related to overnight occupancy is the allowance for a caretaker cottage.

Based upon the applicant’s own submission materials, as well as the information on its website, we do not see how The Gurdjieff Foundation, Inc. (an exclusive membership organization), or the subject site, can be deemed a Private Nature Preserve open to the public that is eligible for the “Non-school curriculum program” special permit under the Zoning Ordinance.

The applicant’s counsel’s letter, dated February 16, 2022, describes The Gurdjieff Foundation, Inc. as a lot of different things. But never as a private nature preserve or anything like it. The letter refers to the Foundation as an “architectural, environmental and neighborhood asset that can serve as a location for the activities *of its members*.” (Emphasis added). It labels Mr. Gurdjieff as an “author, teacher and musician” (not an environmentalist). It also describes a host of activities that would occur if this application was approved – including, without limitation, “study of movement, creative arts and crafts,” “shar[ing] meals,” “sleep[overs],” “mind-body exercise, gardening, philosophical study,” and “listening to music, listening to readings, or a meeting.”

Not once does the applicant refer to itself as a Nature Preserve, or otherwise as having anything to do with promoting a greater public understanding of nature or the environment through environmental and agricultural activities. The proposed use does not even meet the criteria of being “open to the public,” as our understanding is that only the Foundation’s members are invited and permitted to participate in its activities. The definition of Private Nature Preserve in the Zoning Ordinance also does not contemplate up to approximately “75 people sleeping at the property.”

Nor does the applicant’s website (<https://www.gurdjieff-foundation-newyork.org/>) support a determination that the proposed use and teachings of the Foundation qualify this project as a Private Nature Preserve.

Thus, the applicant is not eligible for a “Non-school curriculum program” special permit relating to a Private Nature Preserve.

Conclusion

We wanted to bring this use issue to the attention of the Planning Board and Code Director (and applicant) as soon as possible.

The comments in this letter are confined to this issue, and our client reserves the right to comment on all other aspects of the application should it somehow proceed. That includes, for example, traffic concerns, the efficacy and impact of a private water system, and how up to 75 people will stay overnight in a building that previously housed 24 residents.

Thank you for the Board's attention.

Respectfully submitted,

ZARIN & STEINMETZ

By: Brad Schwartz

Brad Schwartz

cc: Michael J. Cunningham, Esq.
Chris Kehoe, AICP
Martin Rogers, Code Director
Jessica J. Glass, Esq. (applicant's attorney)