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July 8, 2022

Kenneth M. Stenger
Stephen E. Diamond*
Jessica J. Glass
Karen E. Hagstrom
Ian C. Lindars
Albert P. Roberts
PARTNER EMERITUS

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

Mary Kate Ephraim
Jad Haddad
A.J. Iuele

Re: *Application of The Gurdjieff Foundation, Inc. for the property of the Danish Home for the Aged, Inc. located at 1065 Quaker Bridge Road East*

OF COUNSEL
Colby Creedon
Joan F. Garrett**

Dear Chairperson Taylor and Members of the Planning Board:

PARALEGALS
Elizabeth Amicucci
Jennifer Arno
Jillian Medina
Alison Secor

We represent The Gurdjieff Foundation Inc. (“Foundation”) with respect to its pending application for site plan and special use permit approvals for a non-school curriculum program at 1065 Quaker Bridge Road East, Town of Cortlandt, New York (“Property”). The Foundation is scheduled to appear at the July 12, 2022 meeting.

Amendment of the Application

CLOSING COORDINATORS
Maria L. Jones
Sandra A. Turner

While, as discussed below, the Foundation’s proposed use of the Property fits squarely within the permitted use in the R-80 district of a place of worship and religious instruction, the Foundation offered to and did pursue its application under the category of a non-school curriculum program, to give the Town greater control over the use through the conditions of a special use permit.

*ALSO ADMITTED IN FL & MA
**ALSO ADMITTED IN CT

However, given the recent objections to the current application set forth in the letter of Brad Schwartz, Esq. to this Board, dated June 2, 2022, and in further consultation with Town staff, we respectfully request amendment of the Foundation’s application based upon the use of “Church or other place of worship and religious instruction, parish house, rectory or convent and nursery school,” under the category of “Institutional, Recreational and Public Uses.” Because this is a permitted use in the R-80 district, a special use permit is not required.

By copy of this letter, we request that Martin Rogers, the Director of Code Administration and Enforcement, who also serves as the Town's Zoning Enforcement Officer, determine in writing that the proposed use of the Property, as described by the Foundation, constitutes the permitted use of a place of worship and religious instruction.

We further request that the Board, at the July 12, 2022 meeting, schedule the public hearing for site plan approval.

The Foundation's Use of the Property as a Place of Worship and Religious Instruction

The Gurdjieff Foundation Inc. is a non-profit foundation incorporated in the State of New York and recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code, as it is organized and operated exclusively for charitable purposes.

The activities of the Foundation are based on the methods and teachings (both written and oral) of George I. Gurdjieff. He was an author, teacher and musician, whose ideas were influenced by numerous religious traditions and practices. Central to this teaching is a focus on the individual human being in relation to all the influences of life, with the emphasis on self-study and self-awareness to promote more harmonious personal development and harmonious relations with other human beings and the world.

Gurdjieff often referred to his teaching as esoteric Christianity. He emphasized the need to "know thyself" for all those who seek true knowledge and being." His teaching speaks of an omnipotent and benevolent creator of all things. According to this teaching, there is in man's subconscious an aspect of the creator, that includes conscience, and man's aim and purpose in life is to discover this in himself, and thereby be better able to serve others, the Earth, and the creator.

The activities of the Foundation are integral to many spiritual traditions and religions: (1) meditation and contemplation; (2) study of religious texts, including writings by Gurdjieff and his pupils; (3) lectures, seminars, and discussions; (4) classes in sacred dance; (5) practice of crafts; and (6) music studies. Except for activities related to physical maintenance, finances, and the day-to-day administration of the Foundation, all gatherings of members of the Foundation include one or more of these activities. Some or all of these types of activities are important aspects of Christian, Buddhist, Jewish, Hindu, Islamic and many other long established religious traditions.

The Foundation has had places where members congregate since its inception shortly after Gurdjieff died in 1949. Most gatherings begin with a period of group meditation. Any time members come together for a day or longer, each day begins with group meditation, and there is often a time for meditation at the end of the day. Many events include classes in Sacred Dance, and often performances of music written by Gurdjieff in association with Thomas de Hartmann. Many of the dances and music pieces are prayers. In addition to studying texts, there is often work on writing, translating, or transcribing, usually with the intent of publishing material related to the teaching, either privately or publicly. Lectures, presentations, and group discussions that explore and expound on the teaching are a regular occurrence. Work on crafts is conducted in

ways that are similar to those of the Benedictines and other spiritual communities, as a means toward developing attention, self-realization, giving a tangible form to the spirit of the teaching, and providing a service. The Foundation will use the Property as a place where all of these activities may take place.

Some quotes illustrate the religious underpinnings of the Gurdjieff teaching:

“I will say that, if you like, this is esoteric Christianity.”

“You know the prayer 'Holy God, Holy the Firm, Holy the Immortal?' This prayer comes from ancient knowledge. Holy God means the Absolute or All. Holy the Firm also means the Absolute or Nothing. Holy the Immortal signifies that which is between them... All three taken together make one. This is the coexistent and indivisible Trinity.”

“What may be called the 'astral body' is obtained by means of... hard inner work and struggle... If it is formed it may continue to live after the death of the physical body, and it may be born again in another physical body. This is 'reincarnation.'”

- P.D. Ouspensky quoting Gurdjieff in “In Search of the Miraculous”

The Town of Cortlandt Code

The Town of Cortlandt Code (“Code”) does not define “place of worship” or “religious instruction.” Code §307-4, Definitions, states, “Words not defined in either place (the Code, or the New York State Uniform Fire and Prevention Code) shall have the meanings given in the most recent edition of Webster’s Unabridged Dictionary. Uses listed in the Table of Permitted Uses shall be further defined by the Standard Industrial Classification Manual, United States Office of Management and Budget.”

The Standard Industrial Classification Manual, United States Office of Management and Budget, contains Industry Group number 866, Religious Organizations, under Industry No. 8661, Religious Organizations, which is defined as follows, and enclosed:

Establishments of religious organizations operated for worship, religious training or study, government, or administration of an organized religion, or for promotion of religious activities. Other establishments maintained by religious organizations such as educational institutions, hospitals, publishing houses, reading rooms, social services and secondhand stores, are classified according to their primary activity....

The Foundation clearly meets this definition because it is operated for worship, religious training, and study and for the promotion of religious activities.

Also enclosed are the definitions of “worship” and “religious” from the most recent edition of Webster’s Unabridged Dictionary. Clearly, the enclosed definitions embody the core belief and teachings of Gurdjieff, described in detail above, of the outside creator, the awareness of the creator within oneself, the astral body and reincarnation, and the promotion of a more harmonious personal development and harmonious relations with other human beings and the world. All of the activities conducted by the Foundation at the Property, but for physical maintenance, finances, and the day-to-day administration of the Foundation, center around the religious beliefs and teachings of Gurdjieff.

The Foundation’s Certificate of Incorporation states the purposes for which it is formed are to collect and receive “property, and to use the same, including any income accrued thereon from time to time, to foster the study of the problem of evolution of man and his harmonious self-development and his place in the universe, in accordance with the system of ideas taught by G. Gurdjieff and recorded by P.D. Ouspensky....” A copy of the Certificate of Incorporation is enclosed.

The “system of ideas taught by G. Gurdjieff” are religious and spiritual in nature and the activities at the Property will teach and implement those religious and spiritual ideas.

In the Alternative, the Foundation’s Proposed Use of the Property Qualifies as a Pre-Existing Non-Conforming Use

The property was formerly operated as a resort hotel by The Ramble Hill Resort Club Corp. By opinion dated December 7, 1953, the Zoning Board of Appeals determined that the home for the aged by the Danish Home was a continuance of a non-conforming use, considering the use as “comparable to a residential hotel,” and affirmed the action of the Building Inspector in the issuance of a Certificate of Occupancy.

While the Danish Home discharged its last resident in November of 2020 and surrendered its operating license to the Department of Health, the Danish Home is still under the Department of Health’s regulatory authority and is presently performing activities required by the Department of Health. Until recently, the Danish Home had resident staff residing at the property on a full-time basis. The last resident staff member moved out of the Danish Home in January 2022. The Property is currently staffed twenty-four hours a day, seven days a week, by five staff members, four of whom perform security and maintenance functions. The fifth, Erik Andersen, serves as Executive Director and is responsible for the ongoing corporate correspondence, negotiation of insurance, legal, accounting, fuel, and outside contractors. Mr. Andersen is also responsible for fulfillment of the Department of Health Closure Plan, which is ongoing and has obligations that extend into 2026.

Code §307-79, entitled “Effect of cessation of nonconforming use of building”, states that nonconforming use status terminates if the use of a building “ceases for any reason for a continuous period of one year or more”.

A discontinuance of a non-conforming use “connotes a complete cessation so that a minimal nonconforming function, of itself, would not constitute an abandonment.” *Town of Islip v. P.B.S.*

Marina, Inc., 133 A.D.2d 81 (2d Dept. 1987). Given this minimal standard, and based upon the above facts, the non-conforming use of the Property by the Danish Home remains, and a Certificate of Occupancy should be issued to our client as a continuation of that use.

Conclusion

The Foundation's proposed use of the Property is permitted by two independent bases: 1) as a place of worship and religious instruction, a permitted use subject to site plan approval, and 2) as the continuation of a pre-existing non-conforming use.

Thank you for your consideration. Please feel free to contact me with any questions.

Very truly yours,

STENGER, DIAMOND & GLASS, LLP

Karen E. Hagstrom

KAREN E. HAGSTROM

khagstrom@sdglaw.com

KEH/jm

Cc: Michael J. Cunningham, Esq.
Chris Kehoe, AICP
Martin Rogers, Code Director
Brad Schwartz, Esq.
client

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

**STANDARD
INDUSTRIAL
CLASSIFICATION
MANUAL**

1987

Industry
Group
No. Industry
No.

864 **CIVIC, SOCIAL, AND FRATERNAL ASSOCIATIONS—Con.**

8641 **Civic, Social, and Fraternal Associations—Con.**

Insurance, Major Group 63. Homeowner, tenant, and condominium associations primarily engaged in managing real estate are classified in Real Estate, Industry 6531.

Alumni associations and clubs	Fraternal lodges
Bars and restaurants owned and operated for members of organizations only	Fraternities and sororities, except residential
Booster clubs	Homeowner associations, except property management
Businesspersons clubs, civic and social	Parent-teacher associations
Citizens' unions	Singing societies
Civic associations	Social clubs, membership
Community membership clubs, other than amusement and recreation clubs	Taxpayers' associations
Condominium associations, except property management	Tenant associations, except property management
Fraternal associations, other than insurance offices	University clubs
	Veterans' organizations
	Youth associations, except hotel units

865 **POLITICAL ORGANIZATIONS**

8651 **Political Organizations**

Membership organizations established to promote the interests of a national, State, or local political party or candidate. Also included are political groups organized to raise funds for a political party or individual candidates. Fundraising organizations operating on a contract or fee basis are classified in Industry 7389.

Political Action Committees (PACs)	Political organizations and clubs
Political campaign organizations	
Political fundraising, except on a contract or fee basis	

866 **RELIGIOUS ORGANIZATIONS**

8661 **Religious Organizations**

Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities. Other establishments maintained by religious organizations, such as educational institutions, hospitals, publishing houses, reading rooms, social services, and secondhand stores, are classified according to their primary activity. Also included in this industry are religious groups which reach the public through radio or television media. Establishments of such religious groups which produce taped religious programming for television are classified in Industry 7812, and those which produce live religious programs are classified in Industry 7922. Establishments of such groups which operate radio or television stations are classified in Communications, Major Group 48.

Churches	Religious organizations
Convents	Shrines, religious
Monasteries	Temples
Religious instruction, provided by religious organizations	

worship



Reference Unabridged Dictionary ▾

Content Type Main Entry ▾

[Advanced Search \(/advanced-search.php\)](/advanced-search.php) »

12 entries found for "worship" in the Unabridged Dictionary

Exact matches:

1. ¹**worship** (noun) (worship)
2. ²**worship** (verb) (worship)

See all matches containing "worship" (</unabridged/worship>)

[Unabridged Dictionary \(/unabridged/worship\)](/unabridged/worship) [Collegiate Dictionary \(/collegiate/worship\)](/collegiate/worship)

[Collegiate Thesaurus \(/thesaurus/worship\)](/thesaurus/worship)

¹ wor·ship noun \ 'wər-shəp also 'wɔr-

1a archaic : HONOR (</unabridged/honor>), REPUTE (</unabridged/repute>), CREDIT (</unabridged/credit>)

b archaic : DIGNITY (</unabridged/dignity>), IMPORTANCE (</unabridged/importance>), RANK (</unabridged/rank>)

c sometimes capitalized, chiefly British : a person of standing or importance — used as a title or mode of address especially for holders of various high offices <his Worship the Sheriff — Max Peacock>

2 : the reverence or veneration tendered a divine being or supernatural power also : an act, process, or instance of expressing such veneration by performing or taking part in religious exercises or ritual <all worship is an effort of the individual to realize ... the real presence of the Divine — W. W. Comfort>

3 : a form or type of worship or religious practice with its creed and ritual <foreigners had been thronging to Rome, bringing with them their foreign cults, and she had permitted these worships — John Buchan> <members of the Handsome Lake worship may greet each as brother and sister — F. W. Voget>

4 : respect, admiration, or devotion for an object of esteem <it cannot be called love that a lad of twelve ... felt for an exalted lady, his mistress: but it was worship — W. M. Thackeray> <the worship of the movie hero — J. M. Barzun> <the worship of the machine — C. I. Glicksberg> <the materialism of America, its new sense of power, its old worship of success — Irwin Edman>

Origin of WORSHIP

Middle English *worschipe*, *worshipe*, from Old English *weorthscipe*, from *weorth* worthy + *-scipe* -ship — more at worth (</unabridged/worth>)

First Known Use: before 12th century (sense 1a)

[Pronunciation Symbols \(/info/pronsymbols.html\)](/info/pronsymbols.html)

Cite this Entry

“Worship.” *Merriam-Webster's Unabridged Dictionary*, Merriam-Webster, <https://unabridged.merriam-webster.com/unabridged/worship>. Accessed 7 Jul. 2022.

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religious



Reference Unabridged Dictionary ▾

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10 entries found for "religious" in the Unabridged Dictionary

Exact matches:

1. ¹**religious** (adjective) (religious)
2. ²**religious** (noun) (religious)

See all matches containing "religious" (</unabridged/religious>)

[Unabridged Dictionary \(/unabridged/religious\)](/unabridged/religious) [Collegiate Dictionary \(/collegiate/religious\)](/collegiate/religious)

[Collegiate Thesaurus \(/thesaurus/religious\)](/thesaurus/religious)

¹ re·li·gious adjective \ ri-'li-jəs

1 : relating to that which is acknowledged as ultimate reality : manifesting devotion to and reflecting the nature of the divine or that which one holds to be of ultimate importance : exemplifying the influence of religion : PIOUS (</unabridged/pious>), GODLY (</unabridged/godly>) <a religious purpose> <a religious man> <religious attitude>

2 : committed, dedicated, or consecrated to the service of the divine : set apart to religion <a Buddhist monk of a religious order> <the religious life of a nun> <religious offerings>

3 : of or relating to religion : concerned with religion : teaching or setting forth religion <religious liberty> <a religious duty> <a religious poet> also : SACRED (</unabridged/sacred>), HOLY (</unabridged/holy>) <a religious book> <religious rites>

4a : scrupulously and conscientiously faithful <religious in his observance of rules of health>

b : FERVENT (</unabridged/fervent>), ZEALOUS (</unabridged/zealous>)

Origin of RELIGIOUS

Middle English, from Old French *religieus*, from Latin *religiosus*, from *religio* religion + *-osus* -ous — more at religion (</unabridged/religion>)

First Known Use: 13th century (sense 1)

Related to RELIGIOUS

See Synonym Discussion at devout (</unabridged/devout>)

Pronunciation Symbols (</info/pronsymbols.html>)

Cite this Entry

"Religious." *Merriam-Webster's Unabridged Dictionary*, Merriam-Webster, <https://unabridged.merriam-webster.com/unabridged/religious>. Accessed 7 Jul. 2022.

Style: MLA

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[Change Email \(/subscriber/my-account#update-email\)](/subscriber/my-account#update-email)

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CERTIFICATE OF INCORPORATION

-of-

THE GURDJIEFF FOUNDATION, INC.

Pursuant to the Membership Corporations Law

- - - - -

We, the undersigned, for the purpose of forming a membership corporation pursuant to the Membership Corporation Law of the State of New York, DO HEREBY CERTIFY:

FIRST: The name of the proposed corporation shall be THE GURDJIEFF FOUNDATION, INC.,

SECOND: The purposes for which it is to be formed are as follows:

To collect and receive, by gift, devise, bequest and donation, moneys or property, and to use the same, including any income accrued thereon from time to time, to foster the study of the problem of evolution of man and his harmonious self-development through a better understanding of himself and his place in the universe, in accordance with the system of ideas taught by G. Gurdjieff and recorded by P. D. Ouspensky, as follows:

(i) By preserving and perpetuating for future generations the work of G. Gurdjieff in all fields of his activity;

(ii) By conducting and financing research in the study of the history of philosophy, science and art to establish their common origins and different psychological levels;

(iii) By establishing and supporting centers for research and experiment in the sciences and arts;

(iv) By organizing and holding public and private meetings, concerts, recitals and exhibitions to demonstrate the system of ideas developed by G. Gurdjieff and recorded by P.D. Ouspensky;

(v) By publishing books and periodicals devoted to psychological studies and the system of ideas taught by G. Gurdjieff and recorded by D. P. Ouspensky;

(vi) By granting scholarships and fellowships to persons interested in the study of the system of ideas developed by G. Gurdjieff and recorded by P. D. Ouspensky, and by arranging for the travel and study of persons interested in such system in the United States and other countries;

(vii) By doing any and all other things necessary or proper in connection with or incidental to any of the foregoing.

Nothing herein contained shall -

(a) Authorize the corporation to disburse any of its earnings in a manner whereby part or all of such net earnings would insure to the benefit of any of its members; or

(b) To carry on propaganda or otherwise attempt to influence legislation.

THIRD: The territory in which its operations are principally to be conducted is in the State of New York and

other States of the United States.

FOURTH: The City and County in which its office is to be located is the City and County of New York.

FIFTH: The number of its directors shall be no less than three (3), and shall not exceed fifty (50).

SIXTH: The names and residences of the directors until the first annual meeting are:

<u>NAMES</u>	<u>RESIDENCE ADDRESSES</u>
DORA FURTH	179 Joralemon Street, Brooklyn, New York.
GEORGE A. SPIEGELBERG	23 East 92nd Street, New York, New York.
ROBERT H. PREISKEL	59 Joralemon Street, Brooklyn, New York.
LEON SILVERMAN	110-35 72nd Road, Forest Hills, Long Island, New York
ROBERT KAGAN	10 Stuyvesant Oval, New York, New York.

SEVENTH: All of the subscribers to this Certificate are of full age; at least two-thirds of them are citizens of the United States; at least one of them is a resident of the State of New York. Of the persons named as directors, at least one is a citizen of the United States and a resident of the State of New York.

IN WITNESS WHEREOF, we have made, subscribed

and acknowledged this Certificate, this 17th day of April,
1953.

Dora Furth

George A. Spiegelberg

Robert H. Preiskel

Leon Silverman

Robert Kagan

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

On this 17th day of April, 1953, before me personally appeared DORA FURTH, GEORGE A. SPIEGELBERG, ROBERT H. PREISKEL, LEON SILVERMAN and ROBERT KAGAN, to me known and known to me to be the individuals described in and who executed the foregoing Certificate of Incorporation, and severally duly acknowledged to me that they executed the same.

HOWARD D. WESTRICH
Notary Public, State of New York
No. 31-9628300
Qualified in New York County
Certs. filed with Kings & Bronx Co. Clerks
N.Y., Kings and Bronx Co. Registers
Term expires March 30, 1954

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.;

DORA FURTH, GEORGE A. SPIEGELBERG, ROBERT H. PREISKEL, LEON SILVERMAN and ROBERT KAGAN, being duly sworn, depose and say, and each for himself deposes and says, that he is one of the persons described in and who executed the foregoing Certificate of Incorporation, and he is of full age, a citizen of the United States, and a resident of the State of New York.

Sworn to before me this)
17th day of April, 1953)

HOWARD D. WESTRICH
Notary Public, State of N.Y.
No. 31-9628300
Qualified in N.Y. County
Certs. filed with Kings &
Bronx Co. Clerks
N.Y., Kings and Bronx Co.
Registers
Term expires March 30, 1954

Dora Furth

George A. Spiegelberg

Robert H. Preiskel

Leon Silverman

Robert Kagan

I, WILLIAM C. HECHT, Jr., a Justice of the
Supreme Court of the First Judicial District, hereby ap-
prove the foregoing Certificate of Incorporation of THE
GURDJIEFF FOUNDATION, INC.

WILLIAM C. HECHT, Jr.
Justice of the Supreme Court of
the State of New York.

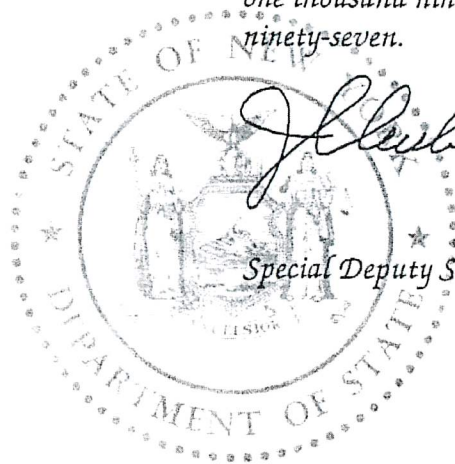
Dated: April 23rd, 1953.

State of New York)
Department of State) ss:

I hereby certify, that the certificate of incorporation of THE GURDJIEFF FOUNDATION, INC. was filed on 04/28/1953, as a Not-for-Profit corporation and that a diligent examination has been made of the index of corporation papers filed in this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is a subsisting corporation.

I further certify, that no other certificates have been filed by such corporation.

Witness my hand and the official seal
of the Department of State at the City
of Albany, this 18th day of December
one thousand nine hundred and
ninety-seven.



[Handwritten signature]

Special Deputy Secretary of State

199712190610 38