

## PLANNING BOARD MEETING – MARCH 1, 2022

### INTRODUCTION

1. Good evening, I am Bob Davis, attorney for the Applicant.
2. We understand that tonight the Board is considering its determination of significance under SEQRA for this action. We respectfully submit that, after some 7 years of extensive environmental submissions and review, we have fully justified a Negative Declaration that there are no potential significant adverse environmental impacts.
3. As you know, this Application involves **no new building construction** – only the long-existing buildings will be used, and the Applicant has agreed that there will be no expansion of those buildings. There will be no demonstrable change in the appearance of the site or historic Quaker Ridge Road. No sensitive environmental area is affected.
4. I will take this opportunity to briefly take you through some other “bullet points”, which can lead to no other reasonable determination under the enumerated SEQRA criteria for “significance”, which use descriptions such as a “**substantial** adverse change”, “increase”. “interference”, or “impairment”, a “material conflict” or “hazard to human health”, none of which are applicable here.
5. The Applicant’s prior exhaustive environmental analysis was based on a maximum of 92 patient beds and a staff of 86. The scope of the Application has now been cut by **43%** to a maximum of 52 patients, or such lesser maximum as OASAS would require, with a similar cut in the maximum staff from 86 to 50.
6. The Town’s own independent consultants long ago accepted the Applicant’s traffic analysis, including no change of level of service at any intersections and no significant safety impacts.
7. The Town’s consultants have also approved and agreed with the Applicant’s unprecedented expansive off-site well impact study, concluding that, even when pumping water at twice the anticipated maximum daily rate, and doing so continuously for 72 hours straight, and without considering the Applicant’s water storage tank – **even then**, only two wells were very minimally affected to an extent that would not reduce their function. Moreover, the Town’s consultant, its professional staff, and the Westchester County Health Department have signed off on the Applicant’s voluntary post-approval well-monitoring program. (App. 23, **25**, 35 & 36 of March 2019 submission Vol. 4).

8. In consultation with the adjoining neighbors and its landscape architect, the Applicant has provided extensive evergreen screening along its northern boundary, with 140 8'-14' trees, while still adhering to its initial representation that to protect nearby wells, it will not employ an irrigation system for those plantings, but will utilize a combination of water trucks and rain collection.
9. In further consultation with the neighbors and their architectural consultant, the Applicant has revised its lighting plan with extensive mitigation measures to eliminate any significant impacts.
10. The Applicant has proposed a new state-of-the-art septic system to replace the old one, which has been approved by the Westchester County Health Department to serve 92 patients. It will now be substantially downsized. The Applicant's experts have pointed out that, as agreed by the Town's expert, there will be no impact whatsoever on the Indian Brook Watershed. Opponents may have used inaccurate mapping in this regard. In fact, only a portion of the active larger system would have been located within the far periphery of the Watershed and now, with the reduced size, **no** part of the active septic will be located within the Watershed.
11. The Applicant has stated from the outset that it would place a restrictive covenant on the adjoining 28-acre parcel to maintain its existing open space, so long as the Applicant's property is used for hospital purposes. Of course, the Applicant will also preserve the 75% of its 20.8-acre property which is open space.
12. The Applicant has also terminated its Access Easement over an adjoining residential parcel, which it has sold to a third party for residential use.
13. There will be no additional school children generated, yet the Applicant has projected more than **\$500,000** in new annual property taxes.
14. The Applicant has otherwise agreed to buttress its application with dozens of conditions of approval to further mitigate and eliminate environmental impacts. (App. 55, 56 & 64) Feb. 2022.
15. On February 16, the Applicant submitted yet another in a series of large volumes, responding to the most recent public comments and noting all these mitigative measures.

**16.** Thus, the Applicant has demonstrated that its specialty hospital will have less environmental impacts than the permitted educational, religious, or governmental uses or even a 20-or more-lot residential subdivision of its two properties.

**17.** Based on all of these facts and so many more, we have clearly demonstrated that the hospital will have no significant adverse impact on community or neighborhood character. We have provided ample, detailed analysis on that issue – for one of our lengthy discussions in that regard, see, for example, Appendix 66 to our February Volume, first submitted to you in January 2019.

**18.** While as the Board knows, the law requires that its determinations be based on expert evidence, not on the objections of neighbors, we have been working diligently with the neighborhood group and will continue to do so in the interest of clarity and transparency. We hope that with the substantial reduction in scope and the Applicant’s acceptance of substantially all of the conditions requested of it, we can arrive at a mutually satisfactory conclusion.

**19.** On this basis, we respectfully request that the Board render its Negative Declaration, which is as fully supported by the Record before the Board as any Negative Declaration possibly ever could be.

**20.** If you wish, although many are not relevant, I can briefly take you through each of the SEQRA criteria, which JMC did at length in Appendix 31 to our March 2019 submission, Vol. 4 and summarized in the Exec. Summary to Vol. 1 of that submission and again in Appendix 43 of our August 2021 submission and Appendix 65 of our February 2022 submission.

**21.** With me tonight on Zoom is our traffic expert, Rich Pearson of JMC and his colleagues, Bob Peake on Zoom, and Kevin Masciovecchio, in person. Our engineer, Ralph Mastromonaco is here as well. All are available for questions.

Thank you.