

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
- X Traffic Report – 1/19/2018
- X Transportation Report and Transportation Management Plan – 12/17/2018
- X Hydrogeology Assessment Report – 4/30/2017
- X 8-page drawing set prepared by Ralph G. Mastro Monaco, 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 ~~58~~ 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 ~~58~~ 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 ~~2-40~~ 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 ~~58~~ 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.