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January 3, 2019

By Email and Overnight Mail

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

Re: Hudson Ridge Wellness Center, Inc.

Dear Chairman Taylor and Members of the Planning Board:

Our firm represents the Citizens for Responsible Hudson Institute Site Development Inc. ("Citizens Group").

We are writing to convey the Citizens Group's request for the Planning Board, as Lead Agency, to issue a Positive Declaration under SEQRA, and require the preparation of an Environmental Impact Statement ("EIS") for this proposed approximately 96-bed, drug and alcohol rehabilitation facility on a local road in an R-80 residential neighborhood in Cortlandt. The EIS process, as this Board knows, would entail an easy-to-follow, systematic review of the Project's potential significant adverse environmental impacts, as well as meaningful public participation by the Citizens Group and other concerned parties. The Planning Board has conducted such organized environmental reviews for other large and complex projects in the Town.

Respectfully, the Citizens Group is concerned that the current process the Applicant is pursuing, in which the Applicant is seeking a Negative Declaration through a piecemeal review by tackling one technical issue at a time, is contrary to the requirements and spirit of SEQRA. It is nearly impossible to track the multiple and often voluminous and contradicting submissions made by the Applicant, each usually having several cross-references to prior submissions made over the past few years. This is not how SEQRA works.

The most recent and current meetings epitomize the need for greater structure, public participation and predictability in this SEQRA process. The Applicant spent months, for

example, purporting to address the hydrogeological impacts posed by this rehabilitation facility. The Citizens Group continues to question the veracity of the assumptions and conclusions of the Applicant's well-testing data, but the Group and its consultant have not testified yet before the Planning Board regarding this important issue. The Applicant is now focusing on traffic for the January meeting. The Applicant's December 17, 2018 "Response to Traffic Comments" – with its multiple revision dates, citations to prior response letters and the *April 2017* Expanded EA, and references to meetings with the Town – exemplifies the difficulties caused by the Applicant's current piecemeal approach. In contrast, in an EIS, all the relevant information would be packaged in one document and organized by topic area for a single, comprehensive public review, with clear timeframes for public participation.

As this Board is well aware, SEQRA requires that a lead agency "shall prepare, or cause to be prepared by contract or otherwise an environmental impact statement on any action they propose or approve *which may have a significant effect on the environment.*" N.Y. Env'tl. Conserv. Law § 8-109(2) (emphasis added). It is well settled that "[b]ecause the operative word for triggering an EIS is 'may,' there is a relatively low threshold for the preparation of an EIS." See, e.g., S.P.A.C.E. v. Hurley, 291 A.D.2d 563, 564, 739 N.Y.S.2d 164, 166 (2d Dep't 2002). The law is clear that an agency *must* require an EIS if the action includes the potential for even *one* significant adverse environmental impact. See 6 N.Y.C.R.R. § 617.7(a)(1); Omni Partners, L.P. v. County of Nassau, 237 A.D.2d 440, 654 N.Y.S.2d 824, 826 (2d Dep't 1997). Here, there are several potential significant impacts that trigger the low threshold for preparation of an EIS, including that the proposed facility would be incongruous with the community character of this established residential neighborhood, it would be inconsistent with the Town's zoning and comprehensive plan, and it would threaten impacts relating to wells, traffic, and others. See 6 N.Y.C.R.R. § 617.7(c) (listing criteria for determining significance).

In sum, the Citizens Group urges the Planning Board to require an EIS so that the relevant environmental issues can be vetted in an organized manner, with opportunities for public participation at a meaningful time in the review process. It is certainly anticipated that the Applicant will vociferously object to the Group's request and recommendation. The Applicant and its development team will argue that all of the information that would otherwise be submitted under SEQRA has already been submitted. If that is the case, then all the public and affected neighbors are requesting is a thorough repackaging of the material in a fashion that otherwise permits appropriate – and in this case necessary – public participation in the process. Once again, in light of the identified potential significant adverse environmental impacts, as well as the unquestionable public controversy surrounding this application, a Positive Declaration should be issued promptly.

The Board (and Applicant) should know that the Citizens Group has refrained to date from submitting all its comments to the Board since there has not been a formal public hearing on this application. The Citizens Group reserves its rights to submit its comments at the

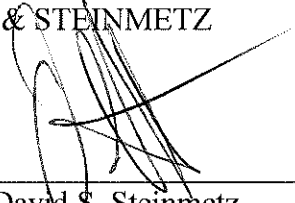
appropriate time, including those by its professional planning, engineering, and hydrogeologic consultants.

Thank you for the Board's attention.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____


David S. Steinmetz
Brad K. Schwartz

cc: Thomas F. Wood, Esq.
Chris Kehoe, AICP
Michael Preziosi, P.E.
Citizens Group