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November 30, 2016

**BY HAND & E-MAIL**

Supervisor Michael J. Schiliro and  
Honorable Members of the Town Board  
Town of North Castle  
Town Hall – 15 Bedford Road  
Armonk, New York 10504

Re: Application of Paradigm Treatment Centers LLC ("Paradigm") to Operate  
A Drug and Substance Abuse Treatment Facility (the "DSA Facility") at  
14-16 Cole Drive, Armonk, NY (the "Property")

Dear Hon. Supervisor Schiliro and Honorable Members of the Town Board:

This follows my prior letters to the Board of November 28 and 29, 2016, respectively, and is respectfully submitted on behalf of The Davis Pond Conservancy, Inc. and its many supporters requesting that the Town Board vote unanimously to cause the filing of an Objection to the proposed DSA Facility herein. Below I address based on actual personal experience the scope of a Town Board objection and hearing thereon.

After (i) the filing by the municipality (here, the Town) of an objection to a Padavan notice and (ii) in the event of a subsequent appeal of the Objection by the sponsoring agency (here, Paradigm) to the Commissioner of the Office of Mental Health, the Commissioner will examine at an evidentiary hearing, *inter alia*, both of the following critical issues:

1. "Whether there is a **need** for such facility **in the community**, and
2. Whether the establishment of the facility would result in a concentration of such residences/facilities when considered with other community residences or similar facilities licensed by other state agencies such that the nature and character of the area within the municipality would be substantially altered."

The foregoing highly relevant issues were some of the many issues (including, *inter alia*, traffic) that formed the subject of the Commissioner's hearing on the non-profit sponsoring agency's appeal of the City of New Rochelle's Objection to the proposed facility at 70 Belmont Avenue, New Rochelle, New York. Following a hearing and the receipt of evidence and expert testimony, the Commissioner issued a Decision dated October 20, 2014 addressing the question of local need for that proposed facility – one of the many



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issues our client has placed squarely before this honorable Board in its opposition to the DSA Facility.

In the New Rochelle matter, after examining in detail whether in fact there was a local need for the proposed community residence, the Commissioner ultimately found that there was a local need for a community residence for four young adults ***returning to the community*** where those young adults had “ties to the New Rochelle community.”

The Commissioner’s finding of ***local*** need for that community residence was buttressed by a Westchester County Department of Community Mental Health New York State Cares Residential Wait List survey reflecting 34 individuals ages 20 and under seeking community residential placements (with permanence thereto) in Westchester County. That waiting list for ***permanent*** placement stands in stark contrast to the for-profit DSA Facility envisioned here for very short stays (estimated on average at 30 days), where we understand the bulk, if not all, of the proposed patient population at any one time will lack any “ties” to the local community whatsoever – as opposed to the New Rochelle community residence proposed where the residents were “returning to the community” to which they had “ties” for a long term or permanent home.

Here, Paradigm’s marketing to the Spence School population in Manhattan fatally undermines a bonafide claim of local need. Consequently, our client urges the Town to object to Paradigm’s vigorously contested, rushed, barebones, and misleading Notice and require Paradigm to prove at the Commissioner’s hearing the existence of local need amongst North Castle or, at most, Westchester County, residents for a \$49,500/month, transient DSA Facility.

Should Paradigm not carry its burden in establishing local need (and we do not believe it will be able to) before the Commissioner, Paradigm will not be able to lawfully establish the DSA Facility at the Property. A failure to object would very likely preclude the examination of need and the many other issues of public health, safety and welfare raised and to be raised before the Town Board vote.

Lastly, to reiterate, our client is fully prepared at its expense after Town Objection and a Commissioner’s Decision to challenge in Court any decision which fails to recognize the clear shortcomings and legal deficiencies of the DSA Facility proposed.



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The above is completely without prejudice to our position that Paradigm's proposed DSA Facility is not governed by the Padavan Law because it is a commercial drug rehabilitation and substance abuse facility, a use prohibited by the Town Zoning Ordinance which should, respectfully, be restrained and enjoined.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joshua J. Grauer". The signature is fluid and extends to the right with a long, thin horizontal stroke.

Joshua J. Grauer

cc: **VIA E-MAIL**  
Roland Baroni, Esq., Town Attorney  
Michelle Masucci, Esq., Counsel for Paradigm  
Robert Brenner, Esq., Counsel for Paradigm