

**THE DAVIS POND CONSERVANCY, INC.**

December 2, 2016

Re: Paradigm Treatment Centers LLC and 14-16 Cole Drive

Dear Honorable Supervisor Schiliro and Honorable Town Board Members:

Thank you for providing so much of your time Wednesday night to listen to the concerns of our members and the entire community.

As you continue to look into Paradigm's attempt to establish its proposed commercial facility at 14-16 Cole Drive, we wanted to bring to your attention the unanimous actions of Scarsdale's representatives in reaching their decision to file an Objection to a short stay or revolving door "facility" like this in the heart of their residential community.

In this regard, we call your attention to the Mayor of Scarsdale's very thoughtful and wise remarks and wholeheartedly endorse the sentiments expressed by the Mayor at pages 72-79 of the enclosed transcript of that Village Board of Trustees hearing.

In summary, in support of the Objection the Mayor stated the following on the record:

- While most of the comments received from residents were from those strongly opposed to the facility, the residents are sympathetic to the mental health issue the sponsoring agency sought to address;
- "While the particulars of the residents' objections vary, there is a common theme, namely, that the siting of this type of facility in a residential neighborhood is simply inappropriate;"
- "The Heathcote area through which Morris Road runs has been exclusively a residential area for its more *[sic]* 100-year existence as a developed part of the Village. Neither Monte Nido nor any other facility similar to the one proposed could locate in that part of the Village absent the Padavan Law;"
- Based upon what the Board heard from residents, its review of the materials, and after consulting with counsel, the Board objected "on the grounds of overconcentration and such other grounds as may exist if any;
- The Board was not proposing an alternate site because "the Board does not feel it appropriate to suggest" the proposed facility be relocated "from one Scarsdale neighborhood to another;"

- However, with regard to relocation, an internet search indicates that "there may be many properties available in southern Westchester that might meet" the agency's needs;
- During the time period between the objection and the Commissioner's hearing, it is hoped that the agency "will seriously consider or reconsider alternatives in other areas that meet its needs;" and, finally,
- "Separate and apart from its treatment mission, ***it would seem contrary to Monte Nido's business interests to pursue a plan that prompts the level of opposition that has been elicited by this proposal.***"

The Board here should rely upon the same rationale as the Board in Scarsdale; to wit: while we are highly sympathetic to the cause, we are strongly opposed to the facility; Paradigm is seeking to place its commercial drug and substance abuse facility in an exclusive, quiet community that has been strictly residential for decades and decades; based upon the undeniable facts presented by the community, an objection predicated upon overconcentration and any other grounds is manifestly appropriate; Paradigm's commercial drug and substance abuse facility should not be inflicted on any other community in our Town; there are numerous other sites outside the Town far more appropriate for this facility; and, given the vociferous and incredible outpouring of opposition manifesting itself in the collection of over 700 signatures on a petition over the course of less than a week encompassing the Thanksgiving holiday, it is entirely contrary to Paradigm's business interests to pursue its proposed facility at 14-16 Cole Drive.

We also enclose for our Board's consideration the Scarsdale Objection form and Scarsdale's Resolution in support of its Objection. The Resolution is annexed as the final two pages of Scarsdale's Objection form.

Our circumstances and needs are indistinguishable from those of the Scarsdale residents who asked their elected representatives to do everything within their power to protect them.

We ask no less of you in your fiduciary roles as our highest elected official body.

Respectfully,



Vivianne Edery-Rattet

Treasurer

1 MAYOR JONATHAN MARK: Okay. Give us five minutes.  
2 We'll try to keep it to five minutes this time.

3 (Break in the proceedings from 29:29 to 44:45.)

4 MAYOR JONATHAN MARK: Thank you all for bearing  
5 with us and for waiting us out on this evening. Here's  
6 where we're coming out, the purpose of this meeting, the one  
7 before it that started at 6:30, was to gather more  
8 information concerning a notice from Monte Nido and  
9 Affiliates that it intends to establish a residential  
10 treatment center on 2 Morris Lane South. The facility would  
11 be for the treatment of up to eight adolescent girls ages 12  
12 to 18 with eating disorders.

13 The notice was received on October 27, it turns out  
14 electrically. I just looked at the hard copy that said  
15 October 28th, but either way, it was sent pursuant to  
16 Section 4134 of the New York State Mental Hygiene Law, a  
17 provision referred to was the Padavan Law. A copy of the  
18 notice is posted on the Village website under the Board of  
19 Trustees tab.

20 The Padavan Law has been on the books for 37 years.  
21 Its purpose is to permit certain facilities licensed by the  
22 New York State Office of Mental Health to be established in  
23 residential areas notwithstanding local zoning laws that  
24 might otherwise prohibit locating these types of facilities  
25 in residential areas. By serving a Padavan Notice, Monte

1 Nido triggered a 40-day period that started when the notice  
2 was electronically received on October 27th.

3 Prior to the expiration of the 40-day period, the  
4 Village may do one of the following: Approve what is  
5 proposed in the notice, propose alternate sites within its  
6 jurisdiction for the proposed facility or object on grounds  
7 that the facility would result in such a concentration of  
8 community residential facilities for the mentally disabled  
9 in the municipality or in the area in proximity to the site  
10 selected that the naturing character of the areas within the  
11 municipality would be substantially altered. A concept  
12 referred to as overconcentration.

13 If the Village takes no action within the 40 days,  
14 the law would permit Monte Nido to proceed with its plan.  
15 We note that because a small sliver of the property in  
16 question, specifically the access drive to the site, crosses  
17 the New Rochelle border a similar Padavan Notice is to be  
18 sent to the city of New Rochelle or was sent. Our Village  
19 manager, Steve Pappalardo, spoke with the New Rochelle city  
20 manager and learned that New Rochelle uses an advisory  
21 committee to review proposals of this nature and provide a  
22 recommendation to the city council prior to the city taking  
23 any action.

24 Mr. Pappalardo understands that as of today, the  
25 city of New Rochelle has yet to take any formal action on

1 this matter. At this meeting and some of the ones before  
2 it, we heard from representatives Monte Nido and from  
3 residents. We've also reviewed the materials submitted by  
4 their counsel over the past week or so. The gist of what  
5 Monte Nido has presented is that the facility would operate  
6 in a very low-key way as a residence with a view to  
7 protecting the privacy of those in treatment and with due  
8 regard for the residential neighborhood in which it is  
9 located.

10 They represented there would be no signs or outdoor  
11 lighting announcing the facility, no vans with Monte Nido  
12 logos faring residents or staff, that anticipated parking  
13 needs could be handled on-site with no need for street  
14 parking. Visits to the facility by family members would be  
15 scheduled with no drop-in traffic. They also stated that  
16 the footprint of the existing structures would not be  
17 changed and that any modifications to the structure would be  
18 to the interior. Monte Nido would go through the Village's  
19 customary processes to obtain any building permits needed  
20 for the work.

21 In terms of compliance with fire and other Safety  
22 Codes, Monte Nido has represented that they would expect to  
23 have to comply with them as any other residents would.  
24 While Monte Nido noted they did not have a contract to  
25 purchase the vacated land next to the they're property on

1 the corner of Morris Lane South and Dorchester, they're  
2 acquisition of the property would include an easement over  
3 that lot in the event they needed to provide additional  
4 access to the house under applicable Safety Codes.

5 It is noted that prior to the meeting this evening,  
6 Monte Nido had hosted an informal meeting in the library on  
7 November 15, 2015 at which their CEO, Mrs. Vicky Kroviak,  
8 and some of her colleagues went over certain of the points  
9 just mentioned. About a dozen residents attended that  
10 meeting as did Trustee Lee, Trustee Pekarek and I. A  
11 handout prepared by Monte Nido containing FAQs and  
12 addressing certain points noted as posted on Scarsdale  
13 10583.com.

14 For their part, most of the comments from residents  
15 that we have received by letter and e-mail over the past  
16 week and heard this evening strongly object to the Monte  
17 Nido proposal with a minority of comments in support. It  
18 must be said that residents of Scarsdale are sympathetic  
19 with the health issue Monte Nido seeks to address. Many of  
20 us are aware either from experience in our own families or  
21 in families of friends of the prevalence of eating disorders  
22 in adolescence and the need to treat those disorders.

23 Some residents also understand the desire for  
24 discrete treatment centers to allow services to be provided  
25 in a home-like setting in order to allow those being treated

1 to experience an ordinary day-to-day routine as part of  
2 their recovery process; however, while the particulars of  
3 the residents' objections vary, there is a common theme,  
4 namely, that the siting of this type of facility in a  
5 residential neighborhood is simply inappropriate.

6           The Heathcote area through which Morris Lane runs  
7 has been exclusively a residential area for its more  
8 100-year existence as a developed part of the Village.  
9 Neither Monte Nido or any other facility similar to the one  
10 proposed could locate in that part of the Village absent the  
11 Padavan Law. The Board has listened to the residents who  
12 have written and appeared before us. In light in what we  
13 have heard, our review of the materials before us and after  
14 consulting with counsel, it is the intention of the Board to  
15 file a Notice of Objection to the Monte Nido proposal.  
16 Excuse me, excuse me, excuse me. Thank you.

17           On the grounds of over concentration and such other  
18 grounds as may exist if any; however, although one of the  
19 alternatives under the law is to propose alternative sites  
20 within the jurisdiction, it is not likely that the Village  
21 will pursue that route under the statute since the Board  
22 does not feel it appropriate to suggest Monte Nido relocate  
23 its proposed facility from one Scarsdale neighborhood to  
24 another. It is noted, however, that even a cursory look at  
25 what -- on the Internet indicates that there may be many

1 properties available in southern Westchester that might meet  
2 the needs of Monte Nido for the proposed facility.

3           It is our understanding that once the objection is  
4 filed, either party may request that the commissioner of  
5 mental health conduct a hearing on the matter. The  
6 commissioner must then conduct a hearing within 15 days of  
7 any such request and make a determination within 30 days  
8 after the hearing. It is hoped that during the pendency of  
9 this matter, Monte Nido will seriously consider or  
10 reconsider alternatives in other areas that meet its needs.

11           Separate and apart from its treatment mission, it  
12 would seem contrary to Monte Nido's business interests to  
13 pursue a plan that prompts the level of opposition that has  
14 been elicited by this proposal. Once we hear back from the  
15 commissioner and depending upon what the ruling is, we will  
16 consider what next steps if any to pursue. In the interim,  
17 if people wish to submit additional materials to the Board,  
18 they may be e-mailed to clerk@Scarsdale.com which will cause  
19 them to be distributed to the Board and the relevant Village  
20 staff.

21           That concludes my statement and I now want to amend  
22 our agenda to include a resolution that authorizes the  
23 filing of the objection.

24           Do I have a motion for such an amendment?

25           UNKNOWN MALE: So moved?



1 UNKNOWN MALE: Second.  
2 UNKNOWN MALE: Second.  
3 MAYOR JONATHAN MARK: Thank you.  
4 And Trustee Lee, why don't you read the resolution.  
5 TRUSTEE LEE: Resolved pursuant to statement mental  
6 hygiene general laws Section 41.34. The Board of Trustees  
7 hereby objects to the establishment of the proposed  
8 community residential facility by Monte Nido at 2 Morris  
9 Lane, Scarsdale, New York. And be it further resolved that  
10 the Village attorney is hereby directed to file said  
11 objection with Commissioner Carrie Delaney of the Office for  
12 People with the Developmental Disabilities within 40 days of  
13 the receipt of Monte Nido's notice to the Village.  
14 UNKNOWN MALE: Second? Do we have a second?  
15 UNKNOWN MALE: Second.  
16 UNKNOWN MALE: Do we need a roll call vote on this?  
17 (Unintelligible), roll call the --  
18 UNKNOWN FEMALE: Trustee Callaghan.  
19 TRUSTEE CALLACHAN: Aye.  
20 UNKNOWN FEMALE: Trustee Finger.  
21 TRUSTEE FINGER: Aye.  
22 UNKNOWN FEMALE: Trustee Lee.  
23 TRUSTEE LEE: Aye.  
24 UNKNOWN FEMALE: Trustee Pekarek.  
25 TRUSTEE PEKAREK: With a heavy heart, aye.

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UNKNOWN FEMALE: Trustee Samwick.

TRUSTEE SAMWICK: Also with a heavy heart, aye.

UNKNOWN FEMALE: Trustee Stern absent.

Mayor Mark.

MAYOR JONATHAN MARK: Aye. Thank you. We can now  
continue with the balance of our agenda.

# Village of Scarsdale

Jonathan I. Mark, Mayor



Stephen M. Pappalardo, Village Manager

Matthew J. Callaghan

Carl L. Dinger

David S. Lee

Deborah Pekarch

Marc Samulick

William Stern

Office of the Village Manager

Scarsdale, New York 10583

914-722-1110

Fax: 914-722-1119

www.scarsdale.com

December 1, 2015

Via Overnight Mail and First Class Mail

Kerry Delaney  
Acting Commissioner  
New York State Office for People with  
Developmental Disabilities  
44 Holland Avenue  
Albany, New York 12229-0001

Re: Proposed For-Profit Community Residential Facility at  
2 Morris Lane, Scarsdale, New York 10583

Dear Commissioner Delaney:

By letter dated and received electronically on October 27, 2015, the Village of Scarsdale was notified that Monte Nido & Affiliates, a for-profit provider of treatment programs for adolescents with eating disorders, intends to operate a community residential facility at 2 Morris Lane in the Village of Scarsdale. A copy of the notice letter, which was also received via overnight mail on October 28, 2015, is attached hereto.

After a public meeting on this matter, the Village Board of Trustees on November 24, 2015 voted to object to the proposed community residence siting pursuant to Section 41.34 of the State's Mental Hygiene Law. Attached is copy of the Board's resolution regarding this matter.

I write on behalf of the Board of Trustees to formally file the Village's objection in keeping with the Board's November 24, 2015 resolution and to request a hearing before the Commissioner or appointed hearing officer on that objection and the proposed siting.

Very truly yours,

Jonathan I. Mark,  
Mayor

JIM:wde

Attachments

cc: Monte Nido  
Zarin & Steinmetz  
Village Board of Trustees  
Steve Pappalardo, Village Manager



ZARIN &  
STEINMETZ

RECEIVED  
VILLAGE OF SCARSDALE  
MANAGER'S OFFICE

2015 OCT 28 AM 10:08

David J. Cooper  
Jody T. Cross •  
Marsha Rubin Goldstein  
Jeremy B. Kozin  
Helen Collier Mauch •  
Matthew R. Placotta  
Daniel M. Richmond •  
Brad K. Schwartz  
Lisa E. Smith •  
David S. Steinmetz •  
Krista E. Yacovone  
Michael D. Zarin

• Also admitted in D.C.  
• Also admitted in CT  
• Also admitted in NJ

October 27, 2015

Via Overnight Mail and Electronic Mail

Hon. Jonathan Mark, Mayor  
Village of Scarsdale  
Village Hall  
1001 Post Road  
Scarsdale, NY 10583

Re: *Monte Nido & Affiliates*  
*Notice Pursuant to New York State Mental Hygiene Law Section*  
*41.34 (the "Padavan Law")*  
*2 Morris Lane, Scarsdale, New York (the "Site")*

Dear Mayor Mark and Members of the Board of Trustees:

We represent Monte Nido & Affiliates ("Monte Nido" or the "Sponsoring Agency"), a provider of eating disorder treatment programs (i.e., anorexia, bulimia, binge eating, and exercise disorders). Monte Nido has identified a property in the Village upon which it now seeks to operate a residential treatment facility for up to eight (8) adolescents.

We respectfully submit this Notice pursuant to New York Mental Hygiene Law Section 41.34(c)(1), otherwise known as the Padavan Law, to advise you that Monte Nido intends to operate a Community Residential Facility for the Disabled on the above-referenced Site. In sum, under the Padavan Law, such community residential facilities are exempt from local zoning. Monte Nido is currently in contract to acquire the Site, which contains a suitable home and surrounding property to operate this facility.

The community residence would be licensed by the Office of Mental Health, and would provide housing, supervision and a residential treatment program for up to eight (8) adolescent individuals with eating disorders. Monte Nido's community support requirements would be, as follows:

- Monte Nido's usage of municipal services, such as police, fire and paramedics should be no greater than any other residence in the community.

Tel: (914) 682-7800  
Fax: (914) 683-5490

81 Main Street, Suite 415  
White Plains, New York 10601

[www.zarin-steinmetz.com](http://www.zarin-steinmetz.com)

- Monte Nido intends to have its residents frequent local restaurants, retailers and stores, some of which may be located within the Village.

It is important to note that none of the adolescents who would temporarily reside in this facility will become matriculated students in the Scarsdale School District. Instead, in accordance with applicable law and regulations, they will be tutored at the residence in accordance with the requirements and instructions from the individual's home school district.

Lastly, the Padavan Law requires that Monte Nido notify you of the most recently published data regarding other Community Residential Facilities (as that term is defined in New York Social Services Law Section 463 (1)) in the surrounding area, so that you can reasonably "evaluate all such facilities affecting the nature and character of the area wherein such proposed facility is to be located." See New York Mental Hygiene Law § 41.34(c)(1). Applying the most conservative criteria, and erring on the side of inclusivity, Monte Nido has identified the following Community Residential Facilities within the surrounding area of the Site:

- Young Adult Institute and Workshop, Inc.- 42 Stratton Road (New Rochelle)
- Richmond's Children's Center- 14 Sussex Road (New Rochelle)
- Jewish Board of Family & Children's Service- 1499 North Avenue (New Rochelle)
- Cerebral Palsy of Westchester- 70 Hanson Lane (New Rochelle)
- YAI/National Institute For People With Disabilities- 177 Falmouth Road (Yonkers)
- Hawthorne Foundation- 25 Dalewood Drive (Hartsdale)
- WARC - 1 Foxhall Road (Scarsdale)
- Search for Change - 1241 Post Road (Scarsdale)

A map illustrating the locations of these other facilities in relation to the subject property at 2 Morris Lane is included for your ease of reference.

It is Monte Nido's position that locating this residential facility within the Village of Scarsdale is lawful, appropriate, will not create an overconcentration of similar facilities such that the nature and character of the areas within the municipality would be altered, and actually will be of benefit to the Village and the surrounding area.

Monte Nido looks forward to working together with the Village in a cooperative fashion with respect to the siting of this proposed community residence at the Site under the Padavan Law. Please let us know if your Board wishes to conduct either an informational meeting with our client or a public hearing.

[intentionally left blank]

ZARIN & STEINMETZ

Hon. Jonathan Mark and  
Members of the Board of Trustees  
October 27, 2015  
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Please do not hesitate to contact us, or have the Village Attorney contact us, to discuss this matter. Thank you for your attention.

Respectfully Submitted,

ZARIN & STEINMETZ

By: 

David S. Steinmetz

cc: *with enclosure*  
Vicki Kroviak, Monte Nido  
Wayne Esannason Esq., Village Attorney  
Elizabeth Marrinan, Village Planner

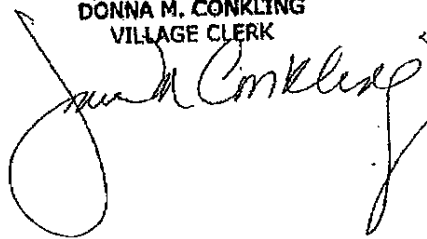
**RESOLUTION**

**RESOLVED,** pursuant to the State Mental Hygiene Law, Section §41.34, the Board of Trustees hereby objects to the establishment of the proposed community residential facility by Monte Nido at 2 Morris Lane, Scarsdale, New York, and be it further

**RESOLVED,** that the Village Attorney is hereby directed to file said objection with Commissioner Kerry Delaney of the Office for People with Developmental Disabilities within 40 days of the receipt of Monte Nido's notice to the Village.

Submitted by: Village Manager  
Submitted for: November 24, 2015

CERTIFICATION  
THE ABOVE RESOLUTION WAS  
ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF SCARSDALE ON  
11/24/2015  
DONNA M. CONKLING  
VILLAGE CLERK



25 Datewood Dr, Hartsdale, NY 10530, USA  
42 Stratton Rd, New Rochelle, NY 10804, USA  
14 Sussex Rd, New Rochelle, NY 10804, USA  
1499 North Ave, New Rochelle, NY 10804, USA  
70 Hanson Ln, New Rochelle, NY 10804, USA  
177 Falmouth Rd, Scarsdale, NY 10583, USA  
2 Morris Ln, Scarsdale, NY 10583, USA  
1241 Post Rd, Scarsdale, NY 10583, USA  
1 Foxhall Rd, Scarsdale, NY 10583, USA



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