

Hearing Officer's Report and Recommendation

Proceeding pursuant to Section 41.34 of the Mental Hygiene Law to resolve the objection of the Town of North Castle, Westchester County, to the establishment of a community residence to be operated by Paradigm Treatment Centers, LLC, at 14-16 Cole Drive in the Town of North Castle

Appearances:

Nixon Peabody, LLC, (by Robert N.H. Christmas, Esq.), 437 Madison Avenue, New York 10022, attorneys for Paradigm Treatment Centers, LLC

Stephens, Baroni, Reilly & Lewis, LLP, (by Stephen R. Lewis, Esq. and Roland A. Baroni, Esq.), 175 Main Street, Suite 800, White Plains, New York 10601, attorneys for the Town of North Castle

Peter S. Loomis, Hearing Officer:

Pursuant to a letter directed to me from Joshua Pepper, General Counsel of the New York State Office of Mental Health (OMH) dated February 7, 2017, I was appointed as Hearing Officer in this matter and directed to hold a hearing and submit my recommendation to the OMH Commissioner within 30 days of the receipt of the hearing transcript. A hearing was held at the OMH Regional Office in Poughkeepsie on March 13, 2017, at which time testimony was received from a total of five witnesses, two on behalf of Paradigm Treatment Centers, LLC (Paradigm) and three on behalf of the Town of North Castle (Town). Ten Paradigm exhibits are in evidence and nine on behalf of the Town. I received an electronic copy of the transcript of the hearing on March 20, 2017, and a hard copy on March 22, 2017. On March 25, 2017, while in Westchester County for other reasons, I drove by the proposed residence on Cole Drive and through the general area.

Preliminary Statement

Briefly, Section 41.34 of the Mental Hygiene Law, commonly known as the Padavan Law, provides that a sponsoring agency that intends to develop a community residence at a specific site must notify the chief executive officer of the municipality within whose borders the site is located. The municipality then has forty days to either approve the site, suggest one or more alternative sites, or object to the establishment of the facility because to do so would result in such a concentration of community residential facilities for the mentally disabled in the municipality or in the area in proximity to the site selected such that the nature and character of areas within the municipality would be substantially altered.

In reviewing any objection, the statute provides that the OMH Commissioner shall consider the need for such facilities in the municipality and the existing concentration of such facilities or

other similar facilities licensed by other state agencies. The Commissioner shall sustain the objection if he or she determines that the nature and character of the area in which the facility is to be based would be substantially altered as a result of establishment of the facility. In this particular instance, Paradigm filed its notice with the Town Supervisor on November 7, 2016, and the Town filed its objection on January 25, 2017. It suggested no alternate sites.

Prior to the hearing of March 13, 2017, it should be noted that there was substantial communication between me and counsel for Paradigm and the Town, and I stated on the record that copies of the correspondence would be submitted by me when I submit my recommendation to the OMH Commissioner. At the outset of the hearing, however, Mr. Lewis on behalf of the Town, again took exception to three rulings I made prior to the hearing, which will only be briefly discussed since all of the documentation relative to those rulings will otherwise be part of the record before the Commissioner.

The Town objected to my determination that the hearing would not be open to the general public. My decision was based essentially on the fact that there is no public comment period during this type of hearing, that the Town's residents would be represented by its counsel, and that the presence of print media, which I did allow, would ensure that the public was informed. The Town also objected to my ruling that Terrence McLaughlin, Esq., who the Town had retained as Special Counsel, could not question witnesses at the hearing. I also ruled, however, that McLaughlin could be present and assist the Town's attorney, and in fact he was and did. My determination was based on my conclusion that as a neighbor of the proposed site, he had a personal interest in the outcome of the proceeding, and was therefore not an appropriate questioner. Finally, I ruled that the Town could not call Paradigm employees as part of its case in chief, since it appeared from the exhibits submitted by the Town prior to the hearing that the purpose of those employees' testimony would have been to bring into the record before me past communications by Paradigm with OMH, and to go behind the face of the application, which would be irrelevant to the very specific issues before me in this proceeding.

The Paradigm Presentation

Andrew Coleman Rucker, who holds a Bachelor's degree in psychology and is a certified group home administrator in California, has thirty years of experience in adolescent residential treatment. Rucker is a Director and significant shareholder of the for-profit applicant, which currently operates five facilities in California. One of these is in San Francisco, which treats both mental health and chemical dependency, and four are in Malibu. Two of these are exclusively for mental health treatment, while the remaining two treat both mental health issues and chemical dependency. All are licensed as group homes by the state of California.

In California, the major diagnostic categories for admissions were "...major depressive disorder, generalized anxiety disorder, post traumatic stress disorder and co-occurring substance abuse."

(Tr. 38/23-25) Rucker described co-occurring substance abuse as self-medication by an individual to deal with a primary disorder, and that Paradigm's goal is to address the primary disorder so that the need to self-medicate dissipates. Individuals who continued to have a chemical dependency issue after treatment for mental health concerns would need to move to another facility to treat a drug and alcohol program. That would also be the case in New York. In Paradigm's three California programs that treat both mental health and chemical dependency, approximately 20% of the patients have a co-dependency, and Rucker expected a "small percentage" (Tr.78/3) at Cole Drive would also have a chemical co-dependency. He also testified that probably 30% of the expected population at Cole Drive would be coming from an institutional setting.

In its five current facilities, Rucker stated, Paradigm served 35 New York families in 2015 and 38, its capacity, in 2016. Of the 38, 15 were from Westchester County. Paradigm stays "... at capacity" (Tr. 39/14), is unable to admit all the New York patients who have applied for treatment in California, and maintains a wait list. He also stated that distance precludes some New Yorkers from treatment in California, and that Paradigm had been encouraged by families to operate a facility closer to their homes. Paradigm keeps records of inquiries, and Rucker stated there had been 285 inquiries from New York families in 2015 and 315 in 2016. In each of those years, Paradigm was able to accept approximately 10% of those who inquired.

Paradigm's effort to establish a New York facility began in 2015, Rucker testified, when it contacted OMH, and was told that "... we had to have the County indicate that there was a need." (Tr. 42/19-20) Paradigm had subsequent contacts with the County and OMH, Rucker recalling specifically a telephonic meeting with OMH and Michael Orth (Deputy Commissioner of the Westchester County Department of Community Mental Health) on October 18, 2016, when Orth was said to have indicated to Rucker "... that there was need." (Tr. 44/2) At the end of the call, Rucker stated, the OMH representative was said to have indicated that Paradigm had established a need and should move forward.

Rucker did acknowledge, however, on cross-examination that prior to October he had written the Commissioner of that Westchester County agency on July 29, 2016, notifying Dr. Herceg of Paradigm's intent to file an application with OMH, but that Paradigm had no written documentation indicating a need for its facility from the County Department of Community Mental Health.

Rucker was shown a recent letter from that agency's Commissioner to OMH dated February 23, 2017, which became the Town's Exhibit A34 in evidence, and which states that after review of Paradigm's PAR application (now pending before OMH), "DCMH does not recommend approval of this PAR," Rucker's reaction being that the letter represents "... a complete reversal on their position from multiple meetings in which they participated." (Tr. 67/4-6) The letter, it should be noted for this record, states as follows: "It is the position of DCMH that the services

described in the PAR are not congruent with the public mental health system of Westchester County. Current Community Residence models of practice contend that children and adolescents receive treatment and educational services in the community. The admission process begins with the SPOA for all referrals which is not clearly described in the PAR. Furthermore, there is no current need for this level of care at this time to the eligible population as evidenced by historical vacancies in the already-existing Community Residence programs located in the County.”

While Rucker acknowledged an email from an OMH employee to Paradigm’s Jerri Anna Phenix from February 8, 2016 (part of Exhibit A31 in evidence) which stated the writer’s “initial reaction that OMH would not license the model proposed,” he believed that the email was “early in the process,” (Tr. 70/2-3) and that they (OMH) “...later determined that we were, in fact, appropriate to be licensed as a community residence.” (Tr. 70/3-5)

Rucker stated that he had been in contact with “multiple hospitals” (Tr. 44/14) in Westchester County, which were “very enthusiastic,” (Tr. 44/16) although he acknowledged that there was no such support in writing. Rucker stated that he was aware of two community residence programs for adolescents “...in close proximity” (Tr. 41/15) to Paradigm’s proposed residence and he believed there were times when they were not at capacity, but he had no knowledge as to whether any inquiries made to Paradigm from New Yorkers involved potential clients who had been rejected from existing facilities in Westchester.

The proposed residence on Cole Drive in Armonk is currently a private single family home of 12,000 square feet on 11 acres, and described by Rucker as “very private.” (Tr. 46/15) The property is fenced and gated, although the house is visible from the road, and is located on a cul de sac. There are no exterior changes planned to the residence. Rucker, on behalf of Paradigm, signed a two year lease for the house in August 2016, with a rental of \$25,000 monthly, since it was his understanding from OMH that it would be “...helpful to the process” (Tr. 119/7) if a specific site was identified. He acknowledged, however, that there is nothing in writing from OMH suggesting he sign a lease.

Were the Cole Drive residence to be established, it would serve eight adolescents at a time, who would be dealing with depression, anxiety and trauma. Tutors would be present, although the residents would remain enrolled in their home schools, and might continue to attend their schools while in residence, should OMH feel it’s an “important piece of the process.” (Tr.45/19-20) Youth who have histories of violence would not be accepted. There would be fifteen staff total at the residence working three different shifts.

The minimum stay at the proposed facility would be thirty days, and Rucker testified that in his California experience, the longest stay had been four months. In California, Rucker testified that insurance has covered between 60 and 80% of the client’s cost, and he stated that New York families using the Paradigm California facilities have been able to obtain insurance

reimbursement because they have been able to”... get their insurance company to agree that there was nothing equivalent near them in New York.” (Tr. 120/15-17) The record reflects that the monthly cost for service approaches \$50,000. In addition, Rucker stated, Paradigm offers financing and provides scholarships. Although there is no written documentation, Rucker stated that OMH “...has required or asked that we set aside 15 percent of our beds for Medicaid clients and we’re going to comply and do that should this be approved.” (Tr. 131/7-10)

Valerie Monastra is employed by VHB, an engineering, planning and transportation firm in White Plains, and holds a Master’s degree from Cornell University and a second Master’s from Tufts University in Environmental Policy and Planning. She has an American Institute of Certified Planners (AICP) Certification, and has approximately 16 years of experience in the planning field, including 10 years as Director of Planning for the Village of Ossining. She has experience in defining what constitutes a neighborhood and had previously performed land use analyses concerning the establishment of community residences licensed by OMH while employed by the Village of Ossining.

Monastra visited the Cole Drive proposed site on February 7, 2017, noting that the house is gated and fenced, with parking beyond the gate, and also drove generally around the area that day. She expressed familiarity with the Jennings Court of Appeals case (90 N.Y. 2d 227), and the definition of neighborhood discussed therein, which “looked at or identified that physical boundaries such as parks and thoroughfares is a rational basis for defining neighborhoods especially when those types of physical characteristics could prevent somebody from crossing on foot.” (Tr. 140/9-14)

The witness sponsored Paradigm Exhibit 2 in evidence, a copy of which is attached for convenience, and which depicts the neighborhood boundaries Monastra identified “...based upon the Jennings definition, and my site visit, and my research.” (Tr. 111/4-7) The witness defined the northern boundary as the Westmoreland Sanctuary, a 640 acre tract bounded on the west by Chestnut Ridge Road and on the east by Route 22, the western boundary as Interstate 684, a six lane highway with no pedestrian or vehicular access from the Cole Drive area, the eastern boundary as Route 22, a two lane road with no sidewalks and “not conducive to pedestrian movement,” (Tr. 145/8) and the southern boundary also as Route 22 which bends to the southwest as Bedford Road on the exhibit and intersects with Baldwin Road.

Monastra also looked at “street network patterns” (Tr. 144/12) because sometimes in neighborhoods you have “a number of different streets intersecting with each other forming a larger network,” (Tr. 144/13-15), but in this case, the witness stated, “the only street network pattern you’re dealing with is Chestnut Ridge Road, Cole Drive and Davis Road.” (Tr. 144/17-19) Neither Route 22 in the vicinity of the residence nor Baldwin Road has sidewalks, nor do Chestnut Ridge Road, Cole Drive and Davis Road.

Paradigm Exhibit 4 in evidence is a map which was part of the Town's filed objection and depicts the location of 4 group homes. It was indicated by Mr. Lewis at the hearing that there was a transposition error in street addresses on that map and the Town offered Exhibit A22, a corrected version. A copy of that corrected version is also attached for convenience.

Monastra testified that the four current group home locations are not within the neighborhood as she defined it. While the distances shown on Exhibit A22 are aerial distances, Monastra considered driving distances in her analysis. Paradigm Exhibit 5 in evidence is a depiction of the driving routes between the proposed Cole Drive residence and the four group homes, calculated using Google Maps, a GIS based system. The nearest group home to Cole Drive is the NYSARC facility at 21 Thornwood Road, which is geographically .95 miles away, with a driving distance of 1.8 miles, while the one that is furthest away is at 287-289 Old Post Road, 2.1 miles geographically, but 3.5 miles by road.

On cross-examination, Monastra stated she was aware of the Town of North Castle's Comprehensive Plan, and in fact testified she had looked at it to determine if the Cole Drive site was in a defined area. She agreed that the Plan divides the town into three districts, but she felt that a district was not a neighborhood as she understood the term.

As to the boundaries she had defined, the witness agreed it was possible to go under Interstate 684 on Baldwin Road to reach Byram Lake Road, and that north of the boundary she identified, Chestnut Ridge Road crosses over Interstate 684. Those possibilities, however, did not alter her opinion as to the defined neighborhood. While Baldwin Road does pass under the highway, she believed "it's not a real connection between Cole Drive and another neighborhood." (Tr. 169/5-7)

The Town of North Castle's Presentation

Adam Kaufman has a Master's in Regional Planning from the University of North Carolina at Chapel Hill and, like Monastra, is a member of AICP. He is Director of Planning for the Town of North Castle, and has worked for the town approximately 12 years. His focus is on land use, and environmental and comprehensive planning.

Kaufman testified that the Town of North Castle has a population of approximately 12,000, and has three hamlet business areas, North White Plains, which is the most urban, Armonk, which has "a little less density," (Tr. 178/15) and Banksville on the east, which is primarily rural. Most of the land in the town is single family residential or New York City watershed land.

Kaufman was familiar with the Cole Drive residence, which he characterized as an estate, stating that it larger than the surrounding houses, and "probably four times the minimum lot size in the district." (Tr. 179/10-11) Kaufman created the Town's Exhibit A22, and measured the aerial distances shown thereon using a GIS system.

The Town of North Castle's Comprehensive Plan does not mention neighborhoods but he believed that the American Planning Association Planning Dictionary, which talks about "a subarea of a town that has a common identity focused around a feature" (Tr.182/18-20) was used to identify the three planning districts within the town, North White Plains, Armonk and Banksville, the identifying feature of each being a business district. The closest group home to Cole Drive is at 21 Thornwood Road in Armonk. He acknowledged that the three group residences shown at the top of Town Exhibit A22, in Mt. Kisco and Bedford, are not in the Town of North Castle.

With respect to Monastra's neighborhood designation that surrounds Cole Drive, Kaufman believed it was "not consistent with my definition of the neighborhood in the Comprehensive Plan," (Tr.183 /23-25) which he believed to be the Armonk District, its defining feature being the hamlet (business district) of Armonk.

Michael Schiliro is the Town Supervisor of the Town of North Castle, is serving his second two year elected term, and has been a resident of the town for 18 years. The supervisor was the moderator of a public forum held by the Town concerning the proposed community residence, and subsequently the Town Board adopted a resolution on January 25, 2017 opposing it, and which is Town Exhibit A20 in evidence. On the same day the Supervisor signed the objection which forms the basis of this hearing.

Schiliro believed that if the proposed home were established the nature and character of the area would be substantially altered in that the Cole Drive home could house as many as 96 clients over the course of a single year, which is a distinctly different pattern in the town where, "for the most part, people live there year round." (Tr. 208/13-14) He also understood the Padavan Law designation to mean "a long term group home for people in some cases to live out the rest of their life." (Tr. 208/1-2) In the Supervisor's experience, no one in the Town had ever stated to him that there was a need for a community residence for adolescents in the Town of North Castle.

Michael Orth is Deputy Commissioner of the Westchester County Department of Community Mental Health, and has occupied that position since February 2015, although he has been employed by that agency since 1993. He holds a Master's degree in Social Work from Fordham University. As Deputy Commissioner, he is second in command, and his immediate supervisor is the Commissioner, Dr. Mark Herceg. In his capacity as Deputy Commissioner, Orth is responsible for working with public and private agencies and coordinating their services and programs, and is responsible for preventing overlap and duplication of services. He oversees adult and children's mental health services, including the SPOA process, which is a state initiated single point of access initiative dating from 1995. Essentially, "there is one referral form, one process to identify children with serious emotional disturbances who require intensive services including community based services, intensive case management or other residential

type of services.” (Tr. 217/11-16) An adolescent needing these types of services is required to go through the SPOA process, and financial considerations are not part of the process when placing a child. In his capacity, he also works closely with the state agency, OMH, advising it “on local issues and needs.” (Tr. 218/17-18)

Paradigm first came to Orth’s attention in August 2015, and he’s had two in person meetings with Paradigm representatives since that time, and other conference calls. During this time, Orth stated that he “never indicated there was a need for a community residence in Westchester County.” (Tr. 219/23-25) He was aware of “several requests” (Tr. 233/5) for a letter of support from Ms. Phenix of Paradigm, but stated that he believed “the reason there was never a letter of support sent by us is because we were unclear about the scope and nature of what Paradigm and Ms. Phenix were proposing.” (Tr. 233/23-25 and 234/1) This was so despite conversations between Paradigm’s Ms. Phenix and Annette Peters, the county’s program director, and who is the initial point of contact for a sponsoring agency in the PAR (Prior Approval Review) process.

Orth was aware of Paradigm’s Letter of Intent dated July 29, 2016 (Exhibit A48 and Paradigm 8 in evidence), believed that there had been discussions with OMH concerning the letter, and that these led to a further conference call with Paradigm in October. The nature of the services Paradigm was seeking to provide was discussed, and Orth stated that there was still uncertainty on his part “about whether the Paradigm proposal fit into a community residence design based on what the organization representatives were describing.” (Tr. 241/20-24)

Before a sponsoring agency can receive licensing from OMH to operate such a facility, it must file an application and go through the PAR process, but on cross-examination, Orth stated he had no recollection of Frank Bar from OMH inviting Paradigm to submit a PAR application during that October telephonic meeting.

Orth stated that there are two OMH licensed community residence facilities serving young people within Westchester County, in Pleasantville, which is co-ed, and in New Rochelle, which serves males, neither of which has been at full capacity for the last two years. Further, there are no waiting lists for families seeking to have their adolescent children placed at these facilities, each of which has a capacity of eight residents. Both facilities serve the lower Hudson region and are not confined to residents of Westchester County. There is also a third community residence, which can serve solely female adolescents, this being in Orange County, also with a capacity of eight.

Orth was familiar with Exhibit 34 in evidence, the February 23, 2017 letter to OMH from Dr. Herceg that had been offered during witness Rucker’s testimony, and agreed with the sentiment expressed therein that there is no current need for the services proposed, in light of the facilities already available and their ability to take on additional clients. He agreed, however, that before the letter had been issued, his agency had not reached out to agencies providing inpatient

services to adolescents, such as St. Vincent's Westchester, Four Winds, New York Presbyterian and Westchester Medical Center, to learn whether Paradigm's program would be useful to them. Orth stated that he had seen various letters of support during his review of the PAR application, but he questioned their "relevance," (Tr. 257/22) since "as part of SPOA we have almost daily communication with all the children psychiatric hospitals." (Tr. 257/23-24)

Discussion and Recommendation

This proceeding results from the Town of North Castle's objection to the proposal by Paradigm Treatment Centers, LLC to establish a community residence for adolescents at 14-16 Cole Drive in Armonk, in the Town of North Castle. The community residence would be housed in a 12,000 square foot home on 11 acres and the clients would be adolescents suffering from a major depressive disorder, generalized anxiety disorder, or post traumatic stress disorder coupled with a potential co-occurring substance abuse, who would be in residence for a minimum of 30 days. In its California related operations, the longest stay has been four months.

Insofar as this proceeding is concerned, however, any issues surrounding the details of the proposed program, whether its model qualifies for licensure under Padavan, or the suitability of the proposed facility are not relevant. A PAR application is currently before OMH, an objection has been filed under Section 41.34 of the Mental Hygiene Law, and the statute and case law are very clear as to the issues to be considered herein.

As I stated at the outset of this report, in reviewing any objection, the statute provides that the OMH Commissioner shall consider the need for such facilities in the municipality and the existing concentration of such facilities or other similar facilities licensed by other state agencies. The Commissioner shall sustain the objection if he or she determines that the nature and character of the area in which the facility is to be based would be substantially altered as a result of establishment of the facility.

The leading case dealing with the statute, what is commonly referred to as the Padavan Law, is *Jennings v. New York State Office of Mental Health*, at 90 N.Y. 2d 227, decided by the Court of Appeals in 1997, and which dealt with a proposed community residence to which the City of Albany objected. The case is often cited in regard to consideration of what is the appropriate "neighborhood" when dealing with objections by municipalities to proposed residences, and the issue of over concentration and the potential altering of the nature and character of the area in which the proposed facility is to be based.

Jennings is certainly applicable to this proceeding in that regard. *Jennings* did not, however, deal with the other issue the Commissioner must consider, that being the need for such facilities in the community, as the City of Albany, in *Jennings*, did not dispute need.

In this proceeding, however, need goes to the very heart of the matter. I would not accept the PAR application before OMH as an exhibit in this proceeding, although it was offered by Paradigm, because I understood that alleged letters of support in that submission might have contained the names of past or potential Paradigm clients or their parents, and their privacy rights could have been compromised. While a need for Paradigm's proposed facility may well be adequately demonstrated in that PAR submission, and that question is clearly not before me, the record in this proceeding does not, in my judgment, support a finding of need. Mr. Rucker, Paradigm's sole witness on that issue, made many self-serving statements about requests to him that Paradigm establish a facility in New York, and testified as to the numbers of New York clients being treated in California during 2015 and 2016, and the number of potential clients from New York, perhaps 90%, who could not be accommodated, but there was no documentation offered that supported any of these claims. Further, while Rucker testified that multiple hospitals in New York were "enthusiastic" about the potential Paradigm site, he acknowledged that there would be no letters confirming such support from any of them in this record. At the hearing, Paradigm did not offer a single other witness as to need, and who could have been subject to cross-examination on that issue.

Finally, as to need, while it was argued by Paradigm that the Westchester County Department of Community Mental Health, and its Deputy Commissioner, Mr. Orth, had been initially supportive, and Paradigm appears to have proceeded based at least in part on that alleged support, that agency's Commissioner wrote to OMH in February 2017 recommending that the PAR application be denied, stating that there was no need in Westchester for its services. Mr. Orth, during his testimony at the hearing, was specific that he had never stated to Paradigm that there was need for a further community residence for adolescents in Westchester County. His testimony included reference to three existing community residence facilities for adolescents, two in Westchester and one in Orange County, which have historic vacancies and for which there are no waiting lists.

If the Commissioner finds a sufficient finding of need for Paradigm's proposed services at Cole Drive from the PAR record before her to approve it, then I would recommend that the objection of the Town be dismissed, as I find that there would not be such an over concentration of similar state facilities such that the nature or character of the area would be substantially altered.

While the Paradigm witness as to identification of the neighborhood and the Town planner had distinctly different opinions as to what area should constitute the neighborhood, regardless of which description is adopted, my conclusion would be the same. While I believe the Paradigm witness' delineation of the neighborhood more closely follows the guidelines of Jennings, when physical barriers which residents were not likely to cross on foot were used to define borders, and the Town planner believed that the entire Armonk district should be considered, in fact there is only one other nearby facility shown on the Town's exhibit A22, a NYSARC residence in the hamlet of Armonk, on Thornwood Road, that is in the Town of North Castle. Whether this is

even a nearby “similar” facility is open to question, as well, since it would appear that its residents are generally long term.

The three other community residences cited by the town and shown on Exhibit A22 as being in close proximity are in Mt. Kisco and Bedford, between 1.8 and 3.5 miles away by motor vehicle, and not in the Town of North Castle. While the ARC community residence is outside the neighborhood as defined by Ms. Monastra, but within the neighborhood under Mr. Kaufman’s definition, I find that, as stated, regardless of the definition adopted, were the Cole Drive residence to be established there would not be such a concentration so as to substantially alter the nature and character of the area. This is a heavily wooded area with narrow roads with no sidewalks. The Cole Drive residence, although visible in the distance from the road, is gated, fenced and secluded on 11 acres. I was not persuaded by the Town Supervisor’s opinion that the nature and character of the area would be substantially altered by reason of the short term stay of potential Cole Road clients.

Finally, if the Commissioner concludes that the PAR application does not, on its own, support a finding of need, then I would recommend that the Town’s objection be sustained on the basis of no need being demonstrated for the proposed community residence.

March 29, 2017

A handwritten signature in dark ink, appearing to read "Peter S. Loomis", written in a cursive style.

Peter S. Loomis
Hearing Officer



Paradigm Community Residential Facility Town of New Castle, New York

Neighborhood Boundary

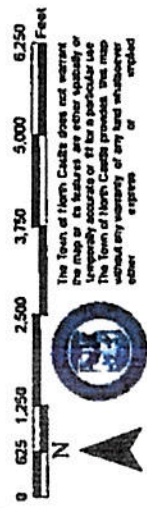
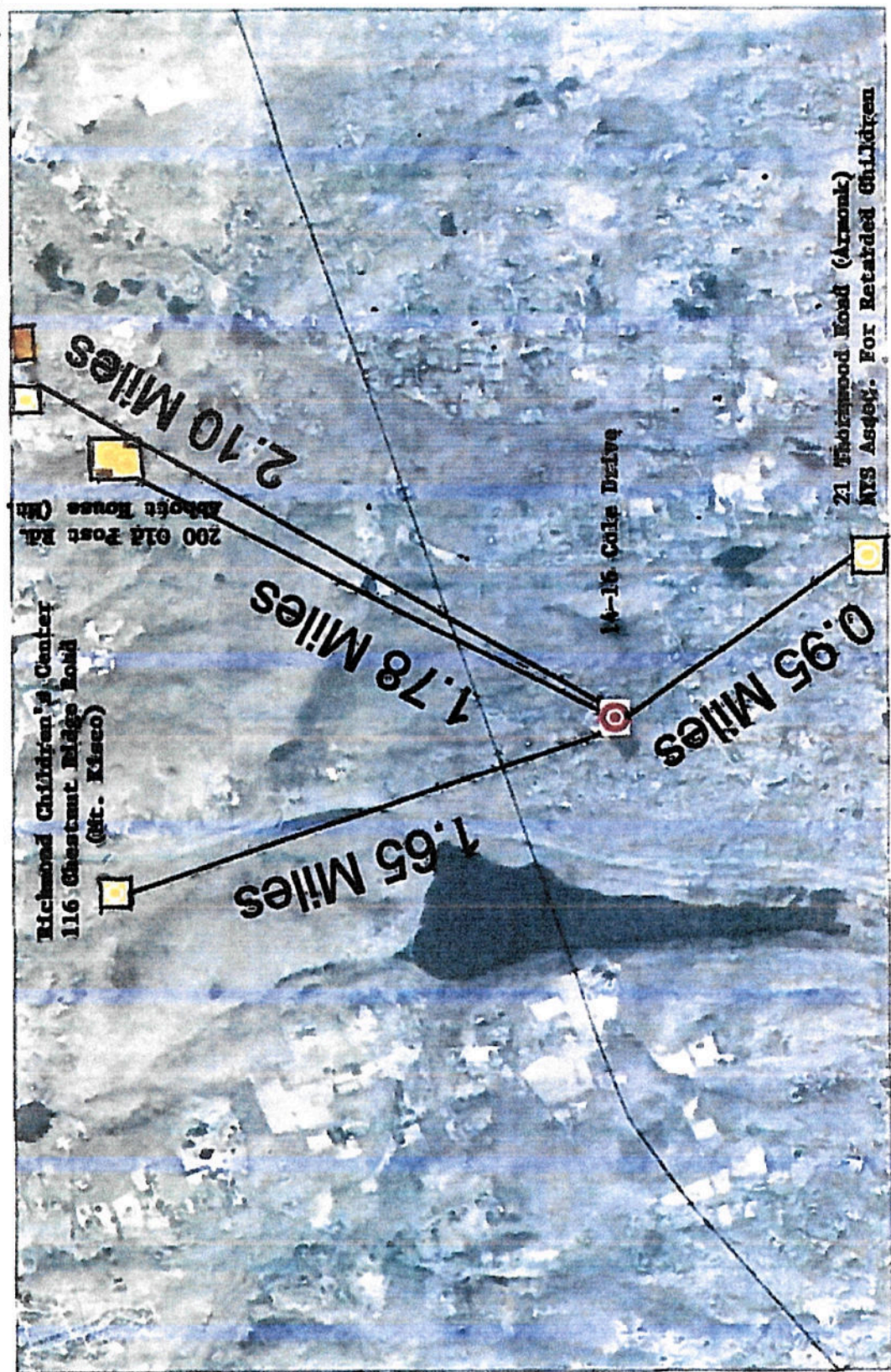
EXHIBIT
Paradigm
2-15
2/12/17
ENGAD 800-631-6889

PARADIGM
EXHIBIT 2

Neighborhood Boundary

Source: ESRI Bing Maps, Westchester County GIS

287 & 289 Old Post Road
 NYS Assoc. Retarded Children (Bedford)
 (Kisco)



Group Home Locations

Legend
 North Castle Bound
 Parcels

PENGAD 800-631-6989
 EXHIBIT
 A 3D
 22
 3/13/17