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HENRY M. HOCHERMAN
OF COUNSEL

December 12, 2012

Via Hand Delivery

Hon. Peter Koffler, Chairman
and Members of the Zoning Board of Appeals
Village of Sleepy Hollow
28 Beekman Avenue Municipal Building
Sleepy Hollow, New York 10591

*Re: Open Door Family Medical Centers
Application for Parking Variance(s) and an Appeal
from the Determination of the Building Inspector
300 North Broadway, Sleepy Hollow, New York
Tax Identification No.: Section 115.11, Block 4, Lot 27*

Dear Chairman Koffler and Members of the Board:

The purpose of this submission is to respond to a number of questions raised at the November 14, 2012 public hearing on this application, and to clarify matters that we believe were either misunderstood or misstated. Enclosed is a copy of the November 14th Hearing Transcript for the Board's information ("Transcript 1").

1. Relocation of the Joint Family Residency to Phelps Memorial Hospital

It was suggested at the public hearing that the Joint Family Medicine Residency Program (hereinafter the "Residency Program") be relocated to Phelps Memorial Hospital ("Phelps") and that Open Door or Phelps operate a shuttle service to transport patients between downtown Sleepy Hollow and Phelps. For the reasons discussed in the letter of Phelps' Chief Executive Officer, Keith Safian, dated December 11, 2012 (the "Safian Letter") and the Affidavit of Lindsay Farrell, Chief Executive Officer of Open Door, sworn to December 12, 2012 (the "Farrell Affidavit"), both of which are submitted herewith as Exhibit A, such an option is legally and physically impractical, if not impossible, and is contrary to the central requirements of a Federally Qualified Health Center ("FQHC") and a Family Residency Program, which are to be conveniently located to the population being served so that services are readily accessible to patients and, therefore, more likely to be used. "Busing" 70 percent of Open Door's patients to the outskirts of the Village directly contravenes that principle.

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As explained in the Safian Letter, Phelps is not legally qualified to operate an FQHC. Further, there is insufficient medical office space on the Phelps campus to accommodate the Residency Program. While, in theory, Phelps could build additional space on its property, such an effort would take years and be extremely expensive, if not cost-prohibitive. As unfortunate as it may be, Phelps has to be concerned with the financial implications of its decisions and cannot reasonably or responsibly pursue a course of action that would be fiscally unsound. Nor would it be in the community's interest for Phelps to do so.

As explained in the Farrell Affidavit, Open Door is an FQHC and can operate the Residency Program. As an FQHC, Open Door is legally required to be situated where it can minimize barriers to access to health care. Based on this imperative, Open Door has located in a place convenient and accessible to its patients, 70 percent of whom are within walking distance to Open Door's office. As further explained by Ms. Farrell, over 9,000 people living in the 10591 zip code, which covers all of Sleepy Hollow, meet the definition of low income and are eligible for the services provided by Open Door. It is anticipated that the vast majority of such residents live within walking distance of Open Door's existing and proposed offices.

It is clear that a patient shuttle service between downtown Sleepy Hollow and Phelps will diminish or frustrate patient access to services and create a logistical nightmare for the rendition of services. A shuttle service will extend the time it takes for patients to obtain medical care, which may reduce or, worse, discourage them from making or keeping appointments. Appointments need to be scheduled sequentially and at reasonable intervals to afford sufficient time for patients to receive medical care and consult with their health care providers. The mass arrival at a single time of patients using the shuttle service will make it extremely difficult, if not impossible, for the office to manage patient flow and render medical services with the requisite level of care in an efficient manner. Any measures that diminish patient access to services tend to increase the propensity for illness and disease in the larger community, including in schools, and do little to promote the public health, safety and general welfare. Measures that make the provision of services inefficient only serve to increase health care costs and create barriers to making medical services accessible to those most in need.

As a practical matter, a patient shuttle system could result in more significant traffic impacts than the proposed office. By necessity, the shuttle service would require groups of patients to congregate on the public streets for pick-ups and drop-offs and could have the effect of causing back-ups on area roadways when the shuttle has to start and stop for patients, especially during peak traffic hours. The public and some members of the Board expressed concern about traffic back-ups when vehicles turn into and out of the proposed office site; a shuttle system requiring frequent stops along area roadways to pick up or drop off patients could have a more significant impact on those roadways.

Tellingly, area hospitals that also operate health centers are situated within the community of patients they serve and are thus easily accessible to patients. For example, the centers at St. Joseph's Medical Center and White Plains Hospital are located in downtown Yonkers and White Plains,

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respectively. The patients served by Open Door would not have comparable access to a health center program located at Phelps. As such, those examples are not relevant models for comparison to Open Door's Residency Program.¹

For these reasons, locating an FQHC/Family Medicine Residency Program at Phelps is legally, financially and physically impractical and, therefore, not a feasible alternative for Open Door to pursue.

2. Concerns About Vehicular-Pedestrian Conflicts Are Misplaced

After hearing repeated comments about how "dangerous" the New Broadway/North Broadway intersection is, that pedestrians can barely cross North Broadway safely, and that additional pedestrian traffic generated by the proposed office use will exacerbate vehicular-pedestrian conflicts and expose the Village to liability, Adler Consulting examined the vehicular and pedestrian signal timing and phasing at the New Broadway/North Broadway/Bedford Road/Beekman Avenue/Hudson Terrace intersections and the location of stop lines in relation to crosswalks for the purpose of determining the circumstances under which pedestrian and vehicular conflicts could arise. Adler Consulting's findings are set forth in a letter report dated December 11, 2012 (the "Adler Letter Report"), submitted herewith as Exhibit B. Adler determined that potential conflicts with pedestrians crossing North Broadway were *de minimus*, explaining as follows:

For the intersection of New Broadway with North Broadway, pedestrians may utilize the crosswalk to cross North Broadway between the vicinity of Mickey's Automotive to the corner of the Site in either direction concurrent with a green signal indication permitting traffic to enter the intersection from New Broadway. During this phase, the other vehicular movements on North Broadway, Bedford Road and Beekman Avenue would face a red signal indication and vehicular traffic movements would not be permitted. The STOP line for the northbound North Broadway approach is located just south of Bedford Road. There is also a STOP line directing motorists where to stop on the southbound approach of North Broadway and is supplemented with a "STOP Here on RED" sign (R10-6). Pedestrians crossing a street in a crosswalk always have the Right-of-Way and vehicles must stop to permit the crossings.²

¹ Some may mention the Westchester County Medical Center Residency Program as a successful example despite its remote location in relation to a population center. The Medical Center's Residency Program features specialty practices. As such, the Medical Center does not present a reasonable comparison to the Open Door model.

² An aerial photograph showing the intersections and a diagram of the permitted movements when pedestrians are crossing North Broadway with the pedestrian signal is included with Adler's Letter Report.

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Accordingly, the only vehicle/pedestrian conflict for Open Door Family Medical Center clients at the North Broadway/New Broadway intersection is with vehicles coming out of New Broadway and, based upon the traffic volume data collected, consists of a maximum of only five (5) vehicles during any of the four peak hours studied. All other vehicle movements are stopped at the STOP line for their respective red indications of the traffic signal.

Notably, the crosswalk in front of Open Door's proposed office is wide open and visibility is unencumbered; pedestrians and vehicles have unobstructed views of one another. Photographs of the crosswalk were included in Adler Consulting's Traffic and Parking Study, dated June 28, 2012 (the "Traffic and Parking Study"), previously submitted to the Board,³ and are provided with the Adler Letter Report for the Board's convenient reference. Any potential conflicts between pedestrians using the crosswalk and vehicles, therefore, are readily identifiable and avoidable. Adler concludes "that pedestrians walking to and from the Open Door Family Medical Center will be able to use the crosswalk to safely cross North Broadway at the corner with New Broadway during the signalized pedestrian phase."

Further, the pedestrian equipment and facilities at intersections in the vicinity of the proposed office are accessible, in good condition, and provide adequate time to cross. (See Traffic and Parking Study, pages 11-20.) Significantly, as has already been established, no pedestrian accidents occurred at *any* of the intersections Adler Consulting studied in the Traffic and Parking Study during the five-year period for which Adler examined accident reports. (See the Traffic and Parking Study, pages 57-61; Adler Letter to the Planning Board dated July 9, 2012, which is Exhibit 7 to the September 14, 2012 ZBA Submission; and Transcript 1, page 322, lines 4-6).

Open Door has monitored the actual interplay of pedestrians and vehicles at the intersection during the morning peak hour period by taking videos of the crosswalk between Mickey's Automotive and the proposed office during several morning hours on Wednesday, December 5, 2012 and Tuesday, December 11, 2012. The recordings were made each day to cover the period before, during and after the morning peak hour. We will be submitting shortly an Affidavit from the videographer retained by Open Door to make the recordings, a summary of the times when pedestrians crossed the street, and disks containing a true copy of the recordings. The recordings confirm that pedestrians of all ages use the crosswalk, that they have no difficulty doing so safely because there are few, if any, conflicts with vehicles, the crossing signal provides sufficient time to cross, and visibility at the intersection for pedestrians and vehicles alike is excellent. The recordings further show that the volume of traffic that passes through the intersection is neither heavy nor dangerously concentrated.

³ Adler's Traffic and Parking Study is Exhibit 3 to our firm's September 14, 2012 letter submission to the Board (the "September 14, 2012 ZBA Submission").

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3. Open Door's Patients Will Continue to Walk to Appointments at the Proposed Office

Another concern that was expressed in the questions and comments at the public hearing related to whether Open Door's patients (existing and new) will continue to walk to the new office given that it is approximately one-quarter mile further than the existing one from where the concentration of Open Door's current patients reside. Open Door is confident that the patients will continue to do so principally because, unlike most of us prosecuting or reviewing this application, they do not have the luxury of making the choice not to walk. For the reasons explained in the Farrell Affidavit, the overwhelming majority of Open Door's families do not have the financial resources to own a car or needlessly expend money on taxi rides or public transportation, and do not have access to a car. For them and their families, walking is the customary and accepted mode of transportation to reach most places – work, stores, the laundromat, and the doctor. There is no reason to expect that the short additional distance between the existing and proposed office will affect the means employed by patients to travel to Open Door's new office, which is just around the corner from the existing one.

4. Open Door Will Provide Useful Route Guidance to Its Patients Who Are Savvy Pedestrians

At the hearing, Open Door's representatives discussed with the Board the preferred pedestrian routes that Open Door will urge its patients to use to reach the new office. Open Door is confident that its patients will heed its guidance because Open Door is effective in its patient education and the routes are safe and make sense. As has been explained, Open Door will provide its patients with multi-lingual information as to the safest pedestrian routes to reach the new medical office. The routes are logical and are based on the places of residence of a large segment of Open Door's patient population. As such, they will be convenient to follow.

Open Door's patients are savvy pedestrians. Like the driver who travels the same routes on a daily basis and comes to know the ins and outs of that route (e.g., where the choke points lie, where visibility is good or compromised, where the road curves, and where drivers tend to brake), experienced walkers learn quickly the safest routes to travel, the easiest and safest points to cross the street, and where drivers tend to "push the limits" of a traffic light or posted speed limit. Open Door's patients have been safely walking to its existing location at 80 Beekman Avenue for 17 years. The short additional distance does not present any issues not already faced by the patients.

5. Projections

Open Door's projections of patient visits led to questions about the current number of patient visits at 80 Beekman Avenue, the number of elderly patients served by Open Door, the ratio of well care to emergency (i.e. same day urgent care) visits and similar matters. All of these figures and parameters are addressed in the Farrell Affidavit.

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6. Open Door's Due Diligence

At the hearing, Open Door was asked when it became aware of the "restrictions" or conditions that had been imposed on the Grotto application. The questioner did not describe the specific restrictions or conditions to which he was referring but assuming he meant the condition of site plan approval prohibiting a medical office or the parking shortfall for such a use under the Zoning Ordinance, Open Door was aware of the conditions before purchasing the building at 300 North Broadway. However, such conditions were not viewed as impediments to the proposed office. As respects the prohibition of medical offices in the Grotto Office Building, Open Door did not consider that condition relevant to its application because a medical office is a permitted use in the C-1 Highway Commercial District and the restriction on Grotto's application was specific to the multi-tenanted use of the building approved with unrestricted access on New Broadway, not to the use of the entire building for a single medical office with all non-emergency access restricted to North Broadway. The Building Inspector has confirmed to Open Door's counsel that Open Door's proposed medical office use is permitted.

Nor did Open Door consider the technical parking deficiency a significant obstacle or a condition that would adversely impact surrounding commercial and residential properties. Open Door knew from decades of operations that zoning parking formulae such as the one from which Open Door is seeking a variance have no nexus to the needs, requirements or demands of Open Door's use. Open Door's current medical office at 80 Beekman Avenue, around the corner from the proposed office, operates with NO off-street parking for its staff or patients and has done so since 1995 (and for ten years before that at 46 Beekman Avenue). Notwithstanding the lack of parking at both, because the overwhelming majority of Open Door's patients (70 percent) do not drive to their appointments the offices have operated extremely well with no significant impact on the surrounding neighborhoods. Open Door has operated successfully at its other three facilities (Port Chester, Ossining, and Mount Kisco) for decades under similar, if not more challenging, circumstances and had to secure a parking variance in one of those locations. Thus, the parking challenges presented by the proposed site (and even greater space deficiencies) had been dealt with successfully by Open Door on numerous previous occasions. In this context, Open Door's decision to purchase the 300 North Broadway property, while giving little weight to technical parking requirements, was entirely reasonable.

7. On-Street Parking in Webber Park is not Reserved

Opponents to Open Door's application insist that the variances will have an adverse impact on parking in their neighborhood because many of the residences do not have sufficient parking for their occupants, a condition which will purportedly be exacerbated if Open Door is allowed to occupy the building at 300 North Broadway. The problem with their position is that on-street parking in Webber Park is not reserved for the residents of that neighborhood. Presumably, the Village could designate such parking "Resident Only," require a parking sticker upon the payment of a fee, and/or prohibit parking in front of the building's New Broadway frontage to reduce the potential for vehicles

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associated with Open Door's commercially zoned building to park on New Broadway. However, it has not done so, instead allowing the on-street parking to be available to the general public which includes Open Door's patients. Unless and until the Village takes measures to restrict on-street parking in Webber Park, denial of Open Door's variance because of concerns that Open Door's patients will use that parking (despite Open Door having demonstrated the low probability of that occurring) would be unfair, if not arbitrary and capricious.

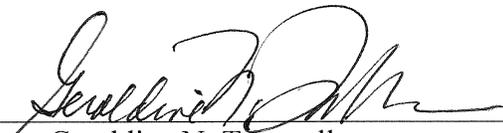
We are submitting herewith as Exhibit C a copy of the revised Site Plan showing seven fully-conforming parking spaces on the site, a layout which we discussed at the November 14, 2012 public hearing. As I explained at that time, this revised Site Plan eliminates the need for a variance to permit compact or transient parking spaces and for the loading space. It also provides a dedicated path for pedestrians from the North Broadway sidewalk to the main door of the medical office.

Finally, please note that we have referred to the property throughout this proceeding as 300 North Broadway, not 1 New Broadway, because that is the address the Village's boards used for the property in the prior approvals granted for the Grotto Site Plan.

We believe we have addressed those questions and matters raised at the Board's November 14, 2012 hearing that warrant a response, and we look forward to addressing the Board further at the continuation of the public hearing on December 19, 2012.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: 
Geraldine N. Tortorella

GNT:mc
Enclosures

cc: Sean McCarthy, R.A., Building Inspector
Janet Gandolfo, Esq., Village Attorney
Kyle McGovern, Esq.
Gary Gianfrancesco, AIA
Bernard Adler, P.E.
Michael O'Rourke, P.E.
Ms. Lindsay Farrell
Ms. Anita Wilenkin

Exhibit A

December 11, 2012

Zoning Board of Appeals
Village of Sleepy Hollow
38 Beekman Avenue
Sleepy Hollow, New York 10591

Re: Open Door

Dear Ladies and Gentlemen:

At the last meeting of the Zoning Board of Appeals, the suggestion was made that Phelps should operate a Federally Qualified Health Center/Family Medicine Residency Outpatient Program on its campus to resolve the concerns that they raised about parking.

1. I spoke with Phelps' counsel and confirmed that Phelps Memorial Hospital Center is not eligible to become or operate a Federally Qualified Health Center. Phelps does not meet the requirements of the enabling legislation to be able to operate this type of program.
2. There is not adequate physical space available at Phelps to house the Family Medicine Residency Outpatient Program. The space requirements would necessitate building a new building which could not be built quickly enough to accommodate the incoming residents. Funding and state approvals for a new building are major impediments.
3. The hospital campus is the wrong place for a Federally Qualified Health Center/Family Medicine Residency Outpatient Program. Since the vast majority of the patients walk to Open Door, forcing the patients to travel to Phelps by bus:
 - a. reduces access to healthcare services due to limitations of the bus schedules
 - b. bus fare presents a financial barrier to many patients
 - c. why would we want to inconvenience hundreds of community residents when a viable location has been identified within walking distance of their homes?

I strongly urge the Zoning Board of Appeals to approve Open Door's application – vital health services and the future of Phelps Family Medicine Residency Program depend on this approval. Thank you.

Sincerely,


Keith F. Safian, FACHE
President and CEO

VILLAGE OF SLEEPY HOLLOW
ZONING BOARD OF APPEALS

----- x
Application of Open Door Family Medical
Centers for Area Variances and an
Appeal from the Determination of the
Building Inspector for Property Known
and Designated as Section 115.11,
Block 4, Lot 27, 300 North Broadway,
Village of Sleepy Hollow, New York
----- x

Affidavit of Lindsay Farrell

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Lindsay Farrell, being duly sworn, deposes and states as follows:

1. I am the Chief Executive Officer of the applicant in this proceeding, Open Door Family Medical Centers (“Open Door”), and have served in this capacity since 1999. For thirteen years before that, I worked as Open Door’s Director of Operations and Director of Development. I am fully familiar with the operations at all of Open Door’s medical offices, including the one that has been operating on Beekman Avenue in the Village of Sleepy Hollow for approximately 27 years. I submit this Affidavit to address some of the requests for additional information made at the public hearing conducted by the Sleepy Hollow Zoning Board of Appeals on November 14, 2012.

2. Open Door was asked to address whether the Family Residency Program could be relocated to the campus of Phelps Memorial Hospital (“Phelps”) and patients bused to that medical office from downtown Sleepy Hollow. It cannot. Open Door is a Federally Qualified Health Center (“FQHC”) and, as such, it is required by law to be situated where it can minimize barriers to access to health care resulting from an area’s physical characteristics, residential patterns, economic and social grouping, and available transportation. As a result, Open Door must be located where it is convenient and accessible to its patients. In Open Door’s experience in Sleepy Hollow, over 70 percent of Open Door’s patients reside within an area bounded generally by Pocantico Avenue and North Broadway to the north, Depeyster Street to the east, Clinton and Division Streets to the west, and North Broadway at Franklin Street to the south, and walk to their appointments. The area bounded by the foregoing streets contains sidewalks and related pedestrian facilities that are adequate to promote safe pedestrian movement.

3. The proposed office is within this service area and only a short distance away from the existing medical office. According to figures published by the United States Office of Housing and Urban Development (“HUD”), there is a significant additional population in Sleepy Hollow and its immediate surroundings that is likely to require the services of Open Door. According to those statistics, over 9,000 people in the

10591 zip code served by Open Door Sleepy Hollow are low income and, therefore, can qualify for sliding fee scale health care services provided by Open Door. New patients, like the existing ones, are expected to reside primarily in the downtown Sleepy Hollow vicinity and within walking distance to Open Door's proposed office.

4. Relocating Open Door Sleepy Hollow's program to Phelps is not a feasible alternative for a number of reasons. Besides the hurdles outlined in the affidavit of Keith Safian, President and Chief Executive Officer of Phelps, submitted herewith, Phelps is relatively remotely located on the outskirts of the Village and the route between downtown Sleepy Hollow and Phelps is not pedestrian-friendly. As a result, Phelps is not easily accessible to patients without access to an automobile or private vehicular transportation.

5. A patient shuttle service between downtown Sleepy Hollow and Phelps is not an effective solution to that impediment. It would be highly inefficient for patients and is likely to protract the time it takes for patients to obtain medical care, which may reduce the patient's ability to keep appointments or dissuade them from making appointments in the first place.

6. Further, such an arrangement would create a logistical nightmare for Open Door and impede its ability to provide quality medical and other health-related services to its patients. Our medical office, like that of a private physician, schedules appointments at regular intervals to enable our physicians and other health care providers sufficient time to see patients, discuss questions and concerns, and address subsequent care requirements. Were the shuttle service arrangement to be used, patients would arrive en masse only to have to wait for long periods for their respective turns. Such a system would make it virtually impossible for the office to function efficiently and with the requisite level of personal care and attention required to provide medical services and, in turn, would compromise the training afforded to the Residents.

7. Members of the public mentioned that a number of hospitals successfully operate health centers within the hospital, citing St. Joseph's in Yonkers as an example. St. Joseph's and the other hospital/health center institutions in the New York metropolitan area with which I am familiar are differently situated from Open Door and not comparable models. Specifically, they are located in urban centers that are readily and conveniently accessible to patients. For example, St. Joseph's is located in downtown Yonkers. Another example, White Plains Hospital, operates a small health center adjacent to the hospital. It too is within walking distance to a substantial amount of patient-occupied housing. I am familiar with Lutheran Medical Center in Brooklyn, another example of a hospital-affiliated health center situated close to where its patients are located. The only other residency program in Westchester County with which I am familiar is at the Westchester County Medical Center; that program is for specialty practices only. As such, it is not a reasonable point of comparison to the Open Door model.

8. As explained at the public hearing on November 14, 2012, I investigated a number of different sites before Open Door selected the currently-proposed office. I have also explored other alternative mitigation that would reduce the extent of the variances required without success. One mitigation measure that I had hoped would be fruitful was the purchase of parking tags for spaces in the Village Lot on Elm Street. Open Door had been paying for parking in that location but the Village refused to renew the permits when environmental remediation of the area in and around the former Duracell Battery plant was about to commence. One of Open Door's attorneys was advised that some of the spaces were being reserved for the remediation contractor and the balance for residents in the area of the cleanup site whose on-street parking was being displaced by the remediation work. Open Door would gladly resume purchasing parking tags for any lot within reasonable proximity to the proposed office, be it in the Elm Street Lot or the Beekman Avenue lot right around the corner from the office. Thus far, this alternative mitigation has not been viable due to the Village's inability or unwillingness to make the parking available to Open Door.

9. To understand why Open Door's patients currently walk to their appointments and why we firmly believe they will continue to do so, the Board needs to look at life from the patients' perspective and consider what constitutes "normal" for them because it does not equate to what is normal for most of us. The low income patients served by Open Door live at or below 200 percent of the Federal Poverty Level. For a family of four, that is less than \$46,100 per year or about \$3,842.00 per month before taxes. Many of these people work at low wage jobs that others just will not or do not want to do, i.e., housekeeping, landscaping, dry cleaning, restaurants. They are the "invisible" people that support the service economy and the suburban way of life here in Westchester. Rent of often more than \$1,250 per month leaves a little more than \$645 per week for everything else – utilities, taxes, child care, food, toiletries, clothing, laundry, medical care, and the like. For this reason, the cost of a car and insurance is beyond the reach of most; taxis and public transportation are an expense to be incurred only when absolutely necessary and as a last resort. As a consequence, walking is the normal and accepted mode of transportation for Open Door's clientele; they walk to work, they walk to the store, they lug duffle bags of laundry on foot to the laundromat, and they walk to the doctor, with children in tow.

10. Open Door was asked for additional information concerning its current operations at 80 Beekman Avenue. The information is as follows:

* Patients served: Between November 2011 to November 2012, Open Door served approximately 4,000 patients.

* Residents: Since July 2012 when the Residency Program began, the Residents have seen approximately 100 patients at Open Door.

* Elderly Patients (65 years and older): Approximately 320 of Open Door's patients are 65 years or older. Open Door does not maintain statistics on the number of patients who are disabled, but my experience is that the number is small. Upon

information and belief, on average, less than one patient per day is physically handicapped.

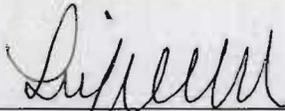
* “Well care” versus “emergency” appointments: On average, up to approximately 30 percent of Open Door’s appointments each day are available for “emergency” or urgent care same day visits (hereinafter “emergency” appointments). However, like private medical offices, Open Door urges its patients who require same day appointments to call ahead of time to schedule their visit and the overwhelming majority of patients do so. Therefore, emergency appointments represent patients already accounted for in Open Door’s projections. On only an infrequent basis will patients “walk in” hoping to be seen. It is important for the Board to understand that the ratio of well care to emergency appointments and scheduled to unscheduled appointments at Open Door is comparable to any private medical office.

* Ambulance Calls to Open Door: Open Door makes, on average, approximately 1.25 calls for an ambulance per quarter, or 5 for the year.

11. A final issue that has attracted considerable attention in this hearing process and the one before the Planning Board is whether staff will adhere to the requirement that they park at Phelps and take a shuttle to the new office at 300 North Broadway and the “enforceability” of the measure. The Board has heard testimony from staff affirming that they will adhere to the requirement. As I have explained, complying with it will be a condition of employment at Open Door Sleepy Hollow and failure to abide by it will be grounds for disciplinary proceedings, including discharge. I know of no plainer way to explain why or how the commitment will be enforced. I would note that were the Village really concerned about compliance, it could solve the issue by making parking tags available once again to Open Door, an arrangement that worked well until the permits were not renewed.

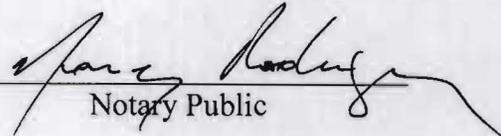
12. The importance and benefit of Open Door to the entire community, not just the patients it serves, cannot be overstated. Open Door needs to move to a larger facility to accommodate the growing demand for medical services from the community and the Family Residency Program, a program that will produce the next generation of family medicine practitioners to serve the needs of the entire Sleepy Hollow community and beyond. Absent the Residency Program, a serious risk exists that the Sleepy Hollow community will be under-served by family physicians.

13. Further, if Open Door is unable to serve the large Sleepy Hollow population requiring its services, those patients are going to use the emergency room for treatment which will reduce the ability of the emergency room to care for the patients requiring true emergency care. Such a consequence could have a devastating impact on Phelps and, by extension, the general community it serves. Open Door urges the Zoning Board of Appeals to weigh all of these factors in evaluating the benefit associated with its variance application.



Lindsay Farrell

Sworn to before me this 12
day of December, 2012



Notary Public

NANCY RODRIGUEZ
Notary Public, State of New York
No. 01RO6024127
Qualified in Westchester County
Commission Expires May 3, 2015

Exhibit B

Adler Consulting,
235 Main Street
White Plains, NY 10601-2401

Transportation Planning & Traffic Engineering, PLLC

Tel # (914) 997-8510
Fax # (914) 997-7140

December 11, 2012

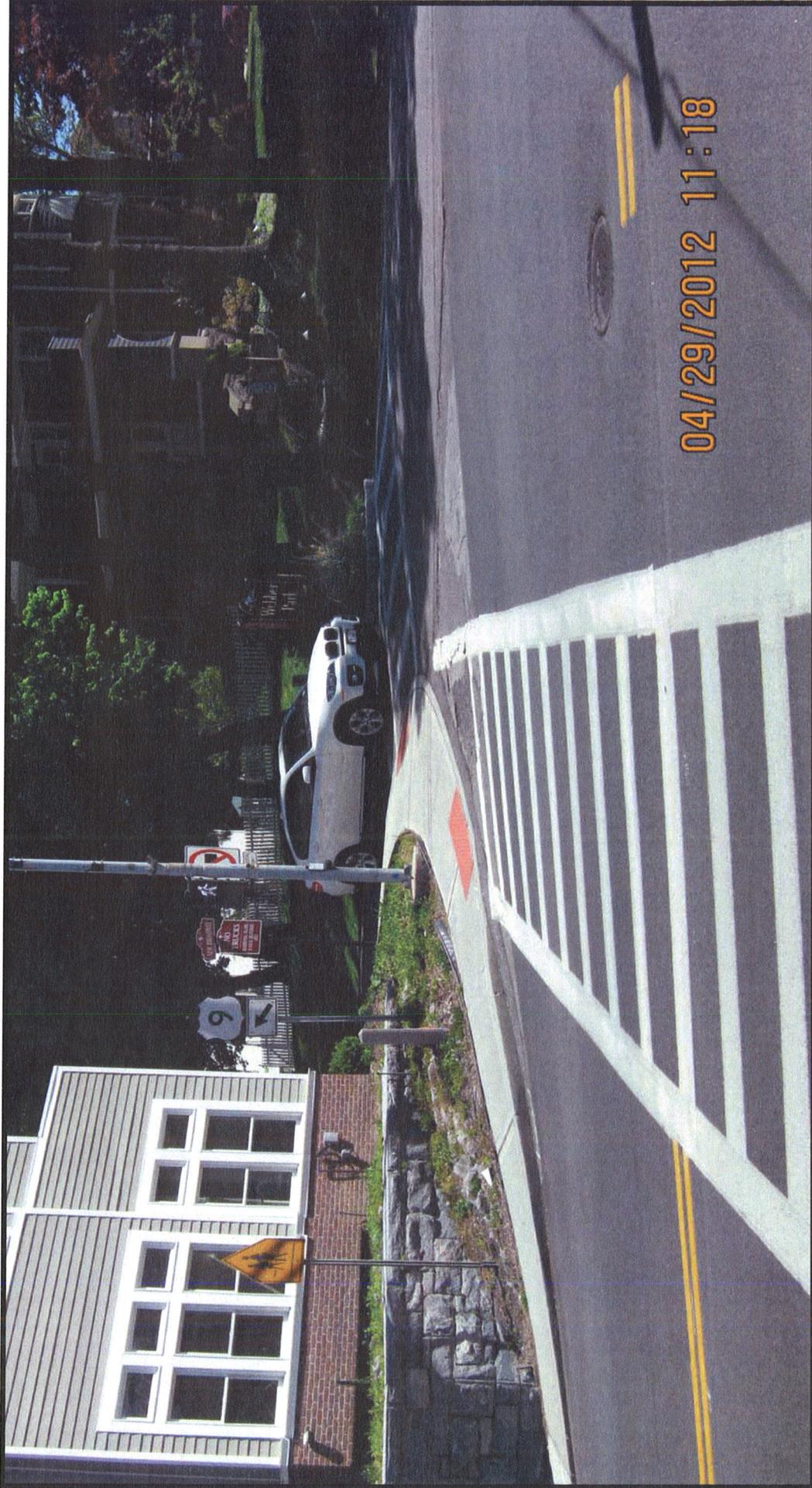
Honorable Members of the Village
of Sleepy Hollow Planning Board
Municipal Building
28 Beekman Avenue
Sleepy Hollow, New York 10591

Re: Open Door Family Medical Center
300 North Broadway
Village of Sleepy Hollow
Westchester County, NY

Dear Chairman and the Honorable Board Members:

In further study of the safety considerations of the crosswalk on North Broadway at the intersection with New Broadway, **Adler Consulting** has reviewed the traffic operations at the intersection of North Broadway/New Broadway/Bedford Road/Hudson Terrace. It is noted that North Broadway is also designated as U. S. Route 9 and that the entire intersection operates under the jurisdiction of the New York State Department of Transportation (NYS DOT) which established the signal timing and phasing that controls vehicular and pedestrian operations.

There are a total of four (4) signal phases controlling operations at the intersection and the entire signal cycle length is approximately 160 seconds. Vehicle movements on all roadway approaches are controlled by standard circular vehicle signal displays without turning arrows. There are pedestrian displays which are activated when a person pushes the button on the signal pole. As is standard traffic engineering practice in an urban situation, the pedestrian signals operate concurrent with the adjacent vehicular signal. It is noted that the overall Safety Study, dated June 28, 2012, indicated that there were no pedestrian related accidents. (Figure 1 and Figure 2 show the views of the crosswalk in the vicinity of the proposed Open Door Family Medical Center.)



Project: Open Door
Sleepy Hollow, NY

Prepared by: **Adler Consulting**, White Plains, NY
Transportation Planning & Traffic Engineering, PLLC

FIGURE 1

View Along Crosswalk From the Vicinity of
Mickey's Automotive Towards the Proposed
Open Door Family Medical Center



Project: Open Door
Sleepy Hollow, NY

FIGURE 2

View Along Crosswalk From the Vicinity
of the Proposed Open Door Family
Medical Center Towards Mickey's
Automotive

Prepared by: Adler Consulting, White Plains, NY
Transportation Planning & Traffic Engineering,

Hon. Members of the Sleepy Hollow Planning Board
December 11, 2012
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For the intersection of New Broadway with North Broadway, pedestrians may utilize the crosswalk to cross North Broadway between the vicinity of Mickey's Automotive to the corner of the Site in either direction concurrent with a green signal indication permitting traffic to enter the intersection from New Broadway. During this phase, the other vehicular movements on North Broadway, Bedford Road and Beekman Avenue would face a red signal indication and vehicular traffic movements would not be permitted. The STOP line for the northbound North Broadway approach is located just south of Bedford Road. There is also a STOP line directing motorists where to stop on the southbound approach of North Broadway and is supplemented with a "STOP Here on RED" sign (R10-6). Pedestrians crossing a street in a crosswalk always have the Right-of-Way and vehicles must stop to permit the crossings. (Figure 3 shows the signal phase during the time when pedestrians would be crossing North Broadway in the vicinity of the proposed Open Door Family Medical Center.)

Accordingly, the only vehicle/pedestrian conflict for Open Door Family Medical Center clients at the North Broadway/New Broadway intersection is with vehicles coming out of New Broadway and, based on the traffic volume data collected, consists of a maximum of only five (5) vehicles during any of the four peak hours studied. All other vehicle movements are stopped at the STOP line for their respective red indications of the traffic signal.

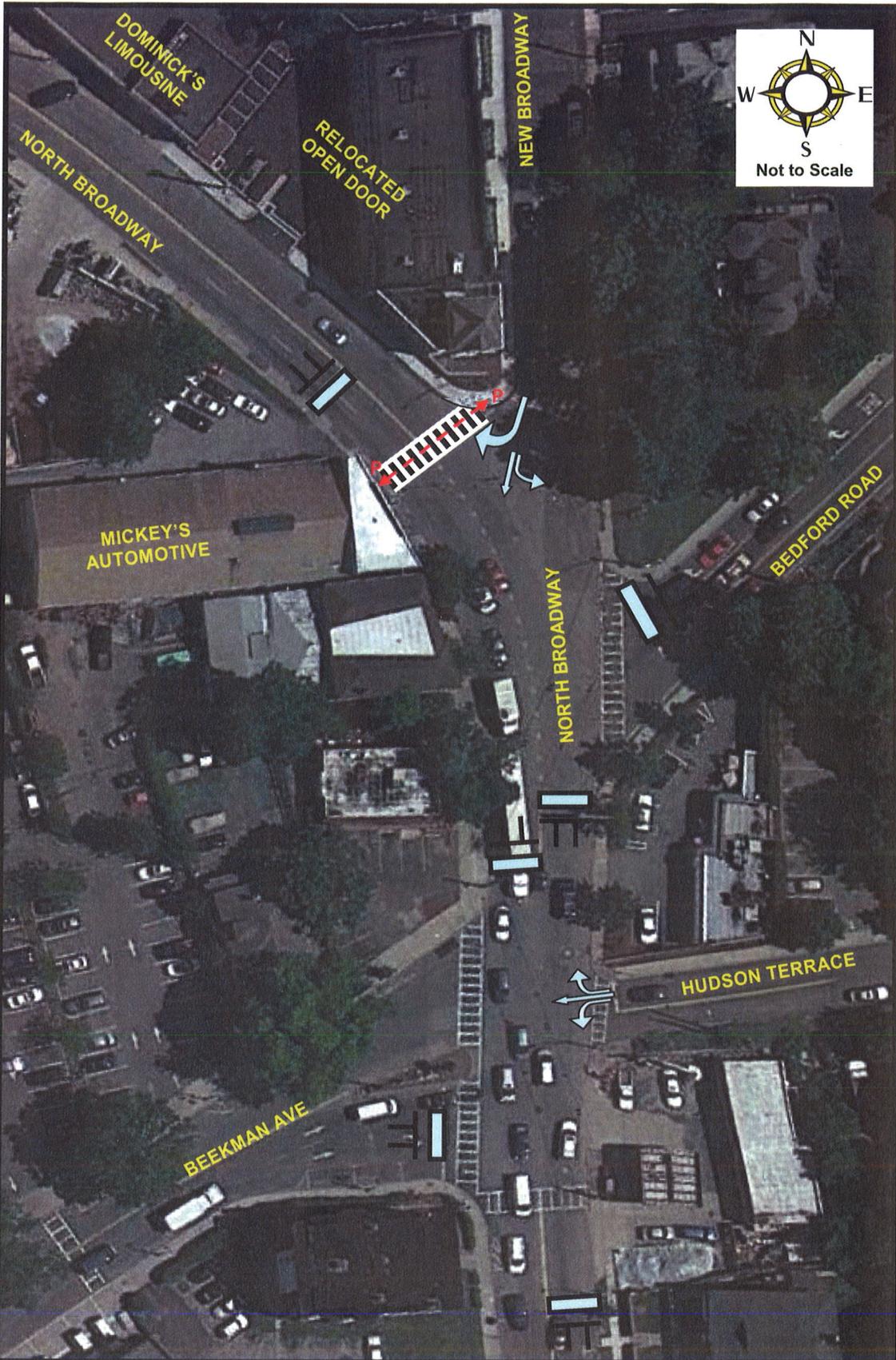
Based on the findings contained herein, it is the considered professional opinion of **Adler Consulting** that pedestrians walking to and from the Open Door Family Medical Center will be able to use the crosswalk to safely cross North Broadway at the corner with New Broadway during the signalized pedestrian phase.

If you have any questions or need additional information, please do not hesitate to contact us. We trust that this information will assist you in your review of this issue.

Respectfully submitted,
Adler Consulting,
Transportation Planning & Traffic Engineering, PLLC


Bernard Adler, P.E.
President
NY Professional Engineer 048373

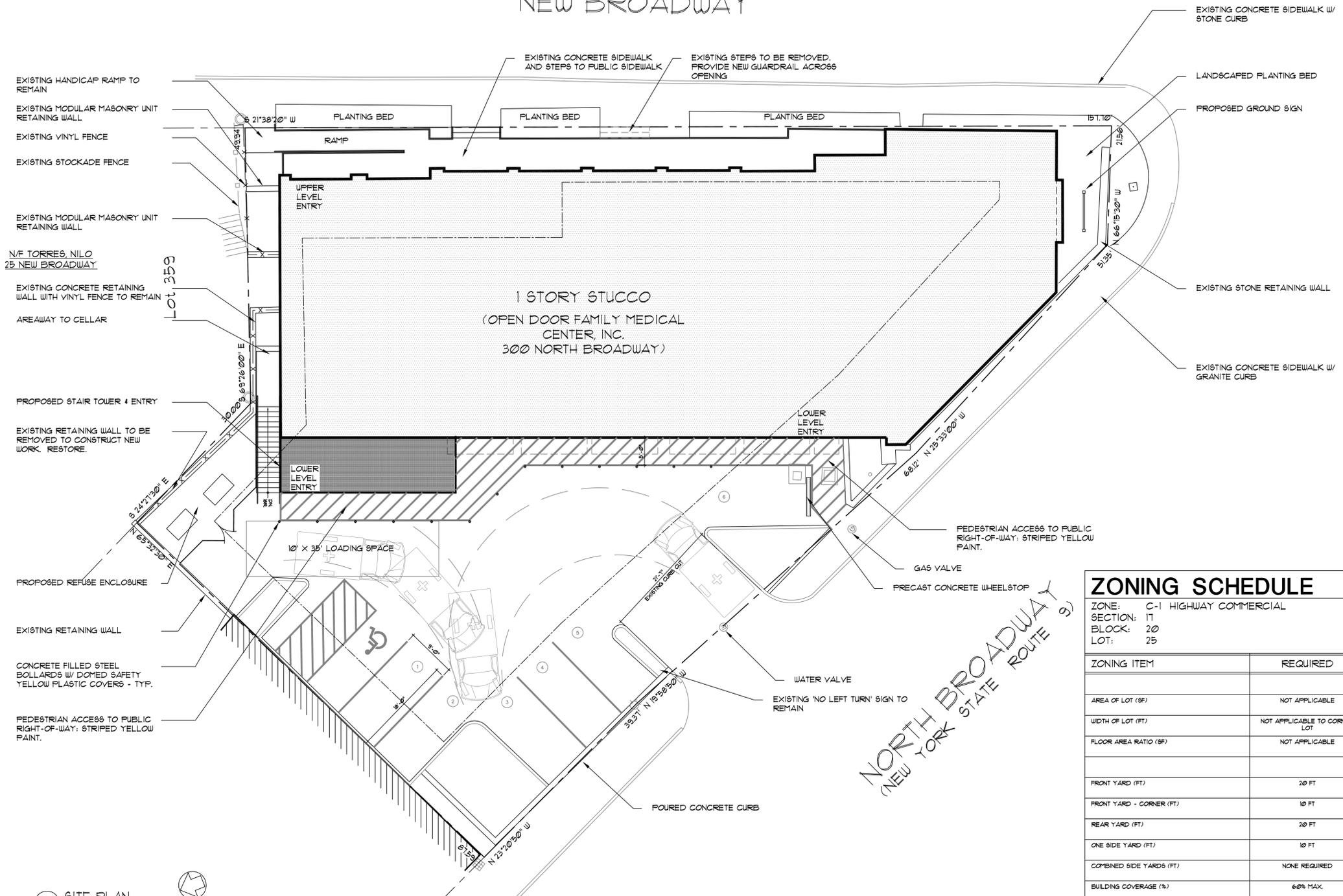

Michael P. O'Rourke, P.E., PTOE
Senior Associate
NY Professional Engineer 061375



Project: Open Door Sleepy Hollow, NY	FIGURE 3	Traffic and Pedestrian Signal Conditions During the Pedestrian Phase in the Near Vicinity of the Proposed Open Door Family Medical Center
Prepared by: <u>Adler Consulting</u> , White Plains, NY Transportation Planning & Traffic Engineering, PLLC		

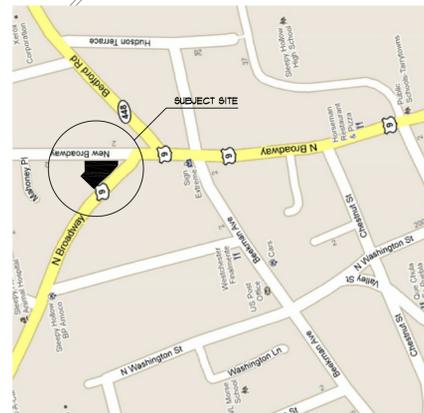
Exhibit C

NEW BROADWAY

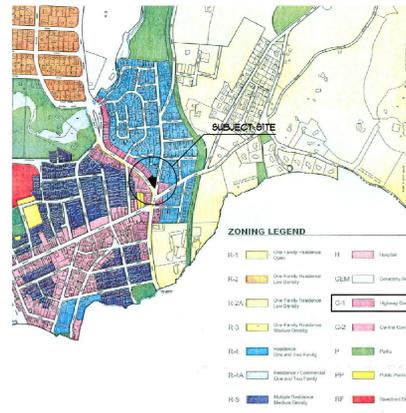


3 SITE PLAN
SCALE: 1" = 10'-0"

N/E LIMOSTABLE REALTY CORP
310 BROADWAY



1 LOCATION MAP
NOT TO SCALE



2 ZONING MAP
NOT TO SCALE

ZONING SCHEDULE

ZONE: C-1 HIGHWAY COMMERCIAL
SECTION: 17
BLOCK: 20
LOT: 25

ZONING ITEM	REQUIRED	EXISTING	PROPOSED
AREA OF LOT (SF)	NOT APPLICABLE	14,073 SF	14,073 SF UNCHANGED
WIDTH OF LOT (FT)	NOT APPLICABLE TO CORNER LOT	NOT APPLICABLE TO CORNER LOT	NOT APPLICABLE TO CORNER LOT
FLOOR AREA RATIO (SF)	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
FRONT YARD (FT)	20 FT	5 FT	5 FT UNCHANGED, EXIST, NON-COMPORING
FRONT YARD - CORNER (FT)	10 FT	5 FT	5 FT UNCHANGED, EXIST, NON-COMPORING
REAR YARD (FT)	20 FT	15 FT	0 FT UNCHANGED, EXIST, NON-COMPORING
ONE SIDE YARD (FT)	10 FT	5.42 FT	1.42 FT UNCHANGED, EXIST, NON-COMPORING
COMBINED SIDE YARDS (FT)	NONE REQUIRED	NOT APPLICABLE	NOT APPLICABLE
BUILDING COVERAGE (%)	60% MAX.	48%	50%
BUILDING HEIGHT (FT/STY)	35 FT	26 FT	26 FT UNCHANGED
BUFFER (ART. IV, 62-3.C)	5 FT	0 FT	0 FT UNCHANGED, EXIST, NON-COMPORING

PARKING	REQUIRED	EXISTING	PROPOSED
PARKING: 1 SPACE PER 300 ⁺ OF GROSS FLOOR AREA FOR AN OFFICE USE	1ST FLOOR + 5228 ⁺ 1143 SPACES 2ND FLOOR + 6,761 ⁺ 2283 SPACES TOTAL SPACES REQUIRED = 40	10 EXTERIOR SPACES PROVIDED - (3) FULL SIZE, (1) HANDICAP, (5) COMPACT, (1) NON-TRANSIENT 12 INTERIOR SPACES PROVIDED - (5) FULL SIZE, (3) COMPACT, (4) NON-TRANSIENT TOTAL EXISTING SPACES = 22	1 EXTERIOR SPACES PROVIDED - (6) FULL SIZE, (1) HANDICAP, TOTAL PROPOSED SPACES = 1
LOADING ZONE: 1 SPACE PER 300 ⁺ OF GROSS FLOOR AREA FOR AN OFFICE USE	1 SPACE FOR AN OFFICE USE UNDER 20,000 SF.	(1) 35'x4' SPACE, 10' MINIMUM WIDTH, 14' CLEAR HEIGHT	(1) SPACE PROVIDED ON-SITE



OPEN DOOR
FAMILY MEDICAL CENTERS
SLEEPY HOLLOW

545.5 WESTCHESTER AVENUE
RYE BROOK, NY 10573
914-937-5596

OPEN DOOR FAMILY
MEDICAL CENTER
300 NORTH BROADWAY
SLEEPY HOLLOW, NY

DATE	ISSUE TO	PR	TO
4-20-11	CLIENT-FOR REVIEW 4 COMMENT	1E	
8-6-11	CLIENT-FOR REVIEW 4 COMMENT	2	
8-6-11	VILLAGE OF SLEEPY HOLLOW - PLANNING COMMISSION	12	
12-02-11	CLIENT-FOR REVIEW 4 COMMENT	2	
12-02-11	CLIENT-FOR REVIEW 4 COMMENT	1E	
12-08-11	CICERO CONSULTING ASSOCIATES CLIENT - REVIEW 4 COMMENT	2	
2-1-12	VILLAGE OF SLEEPY HOLLOW - PLANNING COMMISSION	12	
5-31-12	CICERO CONSULTING ASSOCIATES VILLAGE OF SLEEPY HOLLOW - ZONING BOARD OF APPEALS	2/E	
8-12-12	VILLAGE OF SLEEPY HOLLOW - ZONING BOARD OF APPEALS	14	
11-30-12	VILLAGE OF SLEEPY HOLLOW - ZONING BOARD OF APPEALS	14	

SITE PLAN, LOCATION MAP, ZONING MAP & CALCULATIONS

PROJECT NO.: 21101
SCALE: NOTED
DRAWN BY: GTG
CHECKED BY: GG
DATE: 1-10-11

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