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March 15, 2013

*Via Hand Delivery and Electronic Mail*

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 Area Variances  
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:

This letter is submitted in further support of Open Door Medical Center, Inc.'s ("Open Door") application for area variances to permit the relocation of its medical office from 80 Beekman Avenue to 300 North Broadway in the Village, to address the following points raised at the Board's December 19, 2012 and February 27, 2013 hearings<sup>1</sup> and in the Report of the Village's Planning and Development Consultants, Ferrandino & Associates Inc. ("Ferrandino"), dated February 26, 2013 (the "Ferrandino Report"): (i) whether Phelps Memorial Hospital will continue to comply with the Village's parking requirements if 40 parking spaces are used by Open Door (*see* Item 1, p. 2, *infra*); (ii) the number of shuttle trips and the drop-off location (*see* Item 2, p. 2, *infra*); (iii) concerns about circulation and conflicts in Open Door's parking lot and traffic back-ups on Route 9/North Broadway ("Route 9" or "North Broadway") (*see* Item 3, p. 4, *infra*); (iv) the safety of Route 9 near the proposed office (*see* Item 4, p. 5, *infra*); (v) the results of a Supplemental (Saturday) Traffic Study and Parking Analysis (*see* Item 5, p. 6, *infra*); (vi) the suitability of the building at 80 Beekman Avenue for Open Door's expanded office (*see* Item 6, p. 7, *infra*); (vii) Open Door's due diligence (*see* Item 7, p. 7, *infra*); (viii) the proposed parking variance in comparison to others that have been granted (*see* Item 8, p. 8, *infra*); (ix) Open Door's "expanded service area" (*see* Item 9, p. 9, *infra*); and (x) discussions with the Village Board concerning the crossing guard, Open Door's purchase of parking permits in Village-owned lots, and the shuttle drop-off location (*see* Item 10, p. 11, *infra*).

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<sup>1</sup> Copies of the transcripts of the Board's December 19, 2012 and February 27, 2013 hearing sessions are submitted herewith for your information.

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1. *Allowing Open Door Staff, Residents, and Employees to Park at Phelps Memorial Hospital Will Not Render Phelps Non-Conforming With Respect to Parking.* Open Door was asked by Village Architect Sean McCarthy and Ferrandino to confirm that if Phelps Memorial Hospital (“Phelps”) allocates 40 parking spaces in the existing parking garage on its site for Open Door’s use, Phelps’ remaining parking will be sufficient to meet the Village’s zoning requirements for its existing hospital and medical uses. Phelps’ planning and engineering consultant, Divney Tung Schwalbe (Andrew Tung, ASLA, Esq., LEED AP) tabulated the existing parking on the Phelps Campus and the number of spaces required by the Village’s Zoning Ordinance for the various uses on the Campus. According to Mr. Tung, “the Phelps parking supply exceeds the number of zoning-required spaces by over 500 spaces.” (Copies of Mr. Tung’s analysis and a Master Plan for the Phelps Campus to which he keys his parking supply numbers are annexed hereto as Exhibit 1.) Therefore, Open Door’s use of 40 parking spaces in the existing parking garage on the Phelps Campus will not render Phelps non-compliant with respect to parking.

2. *Shuttle Trips: Daily Number and Drop Off.* Open Door proposes to transport its employees, Residents, and staff between Phelps and Open Door’s office by a shuttle that will run from approximately one hour before the office opens to approximately one hour after it closes. The shuttle will be a 7-passenger minivan which can maneuver in the parking lot on the site the same as any other passenger vehicle.<sup>2</sup>

According to travel time runs conducted by Adler Consulting between Phelps Hospital and the proposed office in Sleepy Hollow, a typical shuttle run will take approximately 18 minutes round-trip. Open Door has used a 30-minute cycle in figuring out its shuttle schedule. At the busiest time (i.e., Year 3 of the Residency Program), Open Door will need to run a maximum total of 13 round-trip shuttle trips per day when the office is opened 8:30 a.m. to 7:00 p.m., generally as follows:

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<sup>2</sup> Open Door proposes to be open 8:30 a.m. to 7:00 p.m., Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday, and 8:30 a.m. to 2:30 p.m. on Saturday. The shuttle’s start time prior to when the office opens is to afford time for employees and residents to travel from Phelps to the site and prepare the office for patients.

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<b>Time Line</b>	<b>Hours</b>	<b>Number of Round Trips<sup>3</sup></b>
Morning	7:30 a.m. - 9:30 a.m.*	3 trips
Mid-Morning	10:00 a.m. - 11:15 a.m.*	2 trips
Afternoon	12:30 p.m. - 1:30 p.m.	2 trips
Evening	4:00 p.m. - 6:00 p.m.*	3 trips
Late Evening	7:15 p.m. - 8:15 p.m.*	1 trip

\*These runs have built-in wait times at the Hospital because of the need to match work location changes with the schedules of the employees. (Source: Open Door Family Medical Center, Inc.)

Open Door has explored various alternative routes for the shuttle, all of which would work from traffic and pedestrian safety perspectives. The preferred route is for the shuttle to run from the Phelps Garage south on Route 9 to the Property and turn left into Open Door's parking lot. This is the most direct route and since there are two lanes heading southbound in the vicinity of the Property driveway, cars traveling straight through the intersection will not be blocked by the shuttle turning left into the site. The existing curb cut is sufficiently wide to accommodate two-way traffic in and out of the lot and, based upon the peak hour traffic counts collected by Adler Consulting, the number of vehicles traveling through the intersection is such that the traffic flow will not be adversely affected by the shuttle's limited number of left-hand turns into Open Door's parking lot.

Should your Board continue to be concerned about potential delays caused by the left-turn movement of the shuttle into the Property, Open Door is willing to commit to a route that avoids that turning movement, such as by way of Pocantico Street or Lawrence Avenue to Beekman Avenue to North Broadway. Such a route would allow the shuttle to turn right into the parking lot and eliminate the need to cross the northbound roadway.

Another potential route that we have explored with the Village Board is for the shuttle to drop off staff, Residents and employees in the Beekman Avenue municipal parking lot. They would then walk to the Property, crossing North Broadway at the crosswalk between Mickey's Automotive and the proposed office. Ferrandino has opined that the layout and geometry of the Village's Beekman Avenue parking lot is such that a shuttle drop-off could occur without interfering with the safe operation of the lot by other users. (Ferrandino Report, pp. 7-8.) Ferrandino has recommended that the Village require that the shuttle driver stay with the shuttle at all times, a recommendation with which Open Door would gladly comply.

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<sup>3</sup> Open Door anticipates there may be instances where an extra shuttle run may be necessary during two of the shuttle shifts because 8 or 9 staff members need to be transported to the office but the van can transport only 6 at a time, which is why Open Door projects up to 13 shuttle trips even though only 11 are reflected in this chart.

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In sum, the shuttle could drop off at the site without posing any safety concern, but if the ZBA prefers that drop-offs occur in the Village's Beekman Avenue parking lot, Open Door could agree to the condition, subject to the Village Board's consent.<sup>4</sup>

3. *Parking Lot – Circulation, Conflicts, and Alleviating Concerns About Backed-Up Traffic on Route 9.* Concerns have been expressed about conflicts between and among passenger vehicles, the shuttle during drop-offs, and delivery vehicles, and that such conflicts will lead to traffic back-ups on Route 9. This point addresses those concerns and identifies measures Open Door is willing and able to take to address them and to minimize, if not prevent, the potential conflicts from materializing and having an adverse impact on Route 9 traffic.

a. *Trucks/Truck Traffic To and From the Site.* Even though Open Door has included a full-size dedicated loading space on the Property, truck traffic to the Property is expected to be minimal because Open Door has a very limited need for deliveries or other truck trips to the site. Indeed, the only reasons for trucks to travel to the Property are: (i) delivery of supplies and materials; (ii) delivery of equipment or furniture; and (iii) trash pick-up. Open Door has the ability, and would agree, to minimize the frequency and coordinate the timing of deliveries to the site to reduce potential conflicts between delivery vehicles and passenger vehicles in the lot. Whenever reasonably possible, Open Door would have supplies delivered to its Ossining location and brought to the Property in the minivan shuttle. Where large-size or specialized furniture and equipment delivery is necessary, Open Door would schedule those deliveries at times when the demand for parking is light. Finally, trash pickup could (and would) be scheduled to occur before the office opens to patients (i.e., prior to 8:30 a.m. Monday through Thursday or 8:00 a.m. on Friday). By managing deliveries and truck traffic in this manner, Open Door would minimize, if not prevent, the potential for conflicts between and among trucks and passenger vehicles on the site.

b. *On-Site Circulation.* The parking lot layout in the alternative site plan affords sufficient room for passenger vehicles to maneuver in and out of parking spaces without blocking the entrance/exit lanes. The driveway curb cut is more than 21 feet wide, equivalent to two lanes of traffic, one entering and one exiting. The parking spaces and drive aisle are laid out so that cars can pull out of each of the spaces without blocking the entrance and exit lanes. If multiple cars are attempting to maneuver on the site at the same time, they will have to exercise courtesy and each will have to wait his turn, much like what occurs in any other parking lot.

In addition, there is room in the entrance lane for two additional cars (besides those in the parking spaces) to queue on the lot before any back-up onto Route 9 would occur.

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<sup>4</sup> As explained in item 10 below, Open Door has discussed with the Village Board using the Beekman Avenue lot for the shuttle drop-off spot and is awaiting a response.

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*c. Promoting Traffic Flow on Route 9 – Lane Width and Variable Message Sign.*

The scenario was presented that if more cars than can park on the site enter the lot, they will have to jockey for spots and traffic back-ups on Route 9 are likely to occur. We respectfully disagree that the scenario is likely to arise but, in any event, the concern can be mitigated. Annexed hereto as Exhibit 2 is an aerial photograph of the Route 9 corridor between Beekman Avenue and Pocantico Street on which roadway widths and land uses have been labeled by Adler Consulting (the “Land Uses and Roadway Widths Plan”). As the Land Uses and Roadway Widths Plan shows, the Route 9 northbound roadway in front of Open Door’s Property is 20 feet wide, the equivalent of two full-size travel lanes. For the reasons discussed above Open Door does not anticipate that back-ups will occur, but should a situation arise where a car seeking to enter the lot has to slow down or wait to enter (one of the major causes cited for the concern about traffic back-ups), the northbound roadway is wide enough for cars to go around it, similar to the manner in which the southbound roadway operates.

In an effort to further minimize the potential for congestion associated with the operation of the parking lot, Open Door is prepared to install a variable message sign on its Route 9 frontage that will indicate when the lot is full so that cars wanting to gain access to the lot will be given clear and prompt notice that no spaces are available.<sup>5</sup> The message sign would be electronic and connected to sensors that would be installed under the parking spaces in the lot. When the spaces are full, the message sign would read “Lot Full” (or its equivalent). Drivers seeking access to the lot will be advised that no spaces are available and continue along to find parking elsewhere without the need to enter the lot, turn around, and exit the site.

Significantly, land uses along the Route 9 corridor between Beekman Avenue and Pocantico Street include automotive uses, a stone/landscaping yard, gas stations, offices, an animal hospital, and a limousine business. Many of those commercial uses are much more intense than Open Door’s will be and generate substantial and frequent traffic flow. Many regularly receive large truck deliveries, some of which are made from Route 9 where the trucks pull up along the sidewalk. The existing uses and operations appear to operate without incident. At busier times, traffic associated with them may require that traffic along Route 9 slow down to accommodate the additional cars and movements, but the operations seem to function adequately. Open Door’s use will be much less intense and pose much less potential for interference with the operation of Route 9 in its vicinity than many of the existing land uses along the road.

4. *Route 9/North Broadway in the Vicinity of the Property is Not “Dangerous” By Any Objective Assessment.* We continue to hear assertions that “the intersection” near Open Door’s property is “dangerous.” While there can be no dispute that Route 9/North Broadway is a major thoroughfare through the Village along which substantial amounts of traffic travel every day, warnings about its safety are not borne out by any of the objective criteria by which such an assertion is

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<sup>5</sup> We believe such a sign would be permitted pursuant to Section 62-15(E) of the Village’s Zoning Ordinance.

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evaluated. Bernard Adler, P.E. from Adler Consulting has testified that the operation of the intersections along Route 9 in the vicinity of the proposed office from a capacity or level of service perspective will not be adversely affected by the additional vehicular traffic that the proposed office could add to the roadways; pedestrian facilities and equipment (sidewalks, crossing signals, timing) in the area studied are better than adequate; there have been *no* pedestrian accidents at area intersections over the last five years; and the area where vehicular accidents have been concentrated is south of the proposed office and, based upon the types of accidents, likely due to inadequate signage of lane change conditions. Notably, Ferrandino did not reach a different or contrary conclusion.

We have heard dire anecdotal stories about having to take one's life in one's hands and holding one's breath when crossing North Broadway, especially during rush hour, but the approximately 6 hours of video recordings of the North Broadway pedestrian crosswalk between Mickey's Automotive and the proposed office over two weekdays (which covered the weekday morning peak period), commissioned and submitted by Open Door, show that pedestrians have more than adequate amounts of time to cross the road even when they fail to cross with the pedestrian signal or walk outside the crosswalk. Those recordings did not depict harrowing or dangerous traffic conditions through the intersection, even during the morning peak period. Student pedestrian activities at the New Broadway/Bedford Road/North Broadway intersection in the morning are well-known. Were area intersections as dangerous as described, one would expect fewer students trying to cross them and pedestrian accidents having occurred (but there were none). Notably, Ferrandino did not reach a conclusion contrary to Adler Consulting's with respect to the operational condition and safety of area intersections for pedestrians.

Implicit in many of the concerns raised about traffic conditions along the Property's frontage is that Route 9 in front of the Property is a choke-point for traffic, but that implication is not supported by the conditions of the road in that location. As shown on the Land Uses and Roadway Widths Plan, Route 9 between Beekman Avenue and Pocantico Street is at least 40 feet wide. The southbound roadway consists of two 10-foot-wide striped lanes and, significantly, the northbound roadway is one 20-foot-wide travel lane. The northbound roadway in front of the Property is fed by a 24-foot-wide roadway to the south, the easterly portion of which branches off to an 18-foot-wide lane for New Broadway and the westerly portion of which merges into the 20-foot-wide northbound roadway. As such, the impression that Route 9 in front of the Property is a choke point is inconsistent with the actual dimensions and geometry of the road.

5. *Supplemental (Saturday) Traffic Study and Parking Analysis.* Adler Consulting completed a Supplemental (Saturday) Traffic Study to assess the impact of traffic from Open Door during Saturday office hours. A copy is annexed hereto as Exhibit 3. As the study shows, the operations (measured in terms of levels of service) at area roadways will not be adversely affected by Saturday traffic associated with Open Door's operations and there is a significant number of on-street

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parking spaces available should patients need one.

6. *The Existing Building at 80 Beekman Avenue is Not Suitable for Open Door's Operations.* In our December 18, 2012 submission, we submitted information regarding the structural problems Open Door faced with the building at 80 Beekman Avenue which led it to investigate other locations in the Village to which to relocate. At the December 19, 2012 hearing, Mr. McCarthy reported to the Board that the Building Department was aware of only one structural repair made to the building and that it had helped expedite the repair for Open Door. (December 19, 2012 Transcript, pages 28 (l. 21) to 29 (l. 2)). Out of fairness to Open Door, the Board needs to understand that the structural problem with the roof was first discovered in 2009 when Open Door investigated the installation of an elevator in the building at 80 Beekman Avenue to enable it to use the second floor. The contractor and an engineer retained by Open Door advised Open Door of the seriousness of the structural defect and Open Door had to temporarily vacate the building until temporary trusses, in the form of jacks, were installed to support the roof. Ms. Lindsay Farrell and Ms. Anita Wilenkin, Chief Executive Officer and Chief Financial Officer of Open Door, respectively, met with the landlord and Mr. McCarthy at the building in the fall of 2009 to review and discuss the problem and the appropriate repair. Despite numerous efforts by Open Door over several years to get the landlord to make the repair, he was unresponsive. Throughout the period, Open Door and/or its contractor(s) advised the Building Department that the repairs had not been made. The temporary roof supports that were installed by Open Door's contractor in 2009 remained in place until 2012, when the Village Building Department "helped" Open Door and "expedited" the repair of the roof by the landlord. By the time the Building Department intervened, Open Door had determined it had to move from 80 Beekman Avenue, had purchased 300 North Broadway, and had applied to the Village Planning Board for site plan approval to relocate its office. By the time the Building Department intervened, vocal opposition to the relocation of the office, largely by residents in Webber Park, also had developed. A summary of Open Door's roof problems and its efforts to get them resolved, prepared by Ms. Wilenkin, dated February 12, 2013, is annexed hereto as Exhibit 4.

7. *Open Door's Due Diligence.* Open Door has acknowledged that it was aware of the need for a parking variance when it purchased the Property and it did not view that requirement as an impediment to moving its office because Ms. Farrell knew from experience that the parking requirement for medical offices in the Zoning Ordinance was irrelevant to the needs of Open Door's patients the overwhelming majority of whom do not own cars or travel to their appointments in automobiles, she had a plan for off-site staff parking at Phelps Memorial Hospital, she had successfully dealt with parking space deficiencies at each of Open Door's other three sites, and Open Door's operations were so distinctly different from those contemplated for the building by Mr. Grotto that resistance to Mr. Grotto's plan should not transfer to that of Open Door.

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Further, there was no indication in any of Ms. Farrell's discussions with Village Officials that the move to 300 North Broadway would be problematic. Mayor Kenneth Wray and Trustee Karin Wompa have acknowledged having met with Ms. Farrell regarding Open Door's plan to relocate although they have different recollections of the subject and content of their meetings. However, it cannot be disputed that Trustee Wompa was aware of Open Door's plan to relocate to 300 North Broadway (sometimes referred to as 1 New Broadway) and that she did not discourage the move. Annexed hereto as Exhibit 5 is an electronic mail exchange between Ms. Farrell and Ms. Wompa regarding Open Door's plan to enter into a contract to purchase the Property, which under no circumstances can be construed as discouraging Ms. Farrell from moving ahead or indicating that relocating to the Property would be problematic.

Thus, it is not that Open Door failed to conduct due diligence with respect to the parking variance but that no signal emerged from Ms. Farrell's investigation to indicate that the provision of fewer than the required number of parking spaces would be an impediment to Open Door's relocation plans.

Even after closing on the Property, Ms. Wilenkin and Gary Gianfrancesco, AIA, AICP, LEED AP met with Mr. McCarthy to discuss the relocation plan. The need for the variances was also discussed but no indication was given that the applications would be controversial or meet resistance. Indeed, the first indication Open Door received that its plan to move to 300 North Broadway would not be straightforward to implement was in September 2011, after its first appearance before the Planning Board.

While some may not agree with the conclusions Open Door reached after conducting its investigation of the Property, it is not correct to conclude that Open Door showed blithe disregard for the conditions of the Property when deciding to purchase it.

8. *Open Door's Request in Comparison to Recently Granted Parking Variances.* Within the last ten months, this Board has granted parking variances to the Salvation Army in connection with the "Frank Chevrolet" site and for a market at 95 College Avenue. In the case of the Salvation Army variance, 82 parking spaces were required under the zoning ordinance and a variance was granted to permit 31 to be constructed. In the case of the market at 95 College Avenue, 14 parking spaces were required and a variance to permit only 3 spaces was granted. In both cases, the variances were granted, in significant part, on the grounds that the patrons walked to the sites. However, in neither was off-site parking, such as that arranged for here, offered or provided by the applicant or required by the Board, nor was on-street parking in as great a supply as has been demonstrated to be the case here. The instant application presents no greater magnitude of variance than this Board found acceptable in the Salvation Army and 95 College Avenue applications and, therefore, it must be granted.

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9. *Open Door's Service Area Will Not Expand.* Ferrandino has asked for additional information regarding the "expanded service area" that Open Door will serve from its new, larger medical office. As explained more fully below, Open Door's service area is not expected to expand. New patients who will be served at the new, larger office are expected to come from the same service area from which the overwhelming majority of Open Door's patients are currently derived -- the 10591 zip code area and, in particular, Sleepy Hollow.

One reason is because there is an overabundance of people within the low/moderate income economic bracket that Open Door serves in Sleepy Hollow who Open Door will be available to serve in its new space. According to federal Housing and Urban Development ("HUD") Statistics, there are 9,331 low/moderate income-eligible people in Sleepy Hollow and Tarrytown. (HUD Low and Moderate Income Areas by Census Block Group, 2000, Westchester County Urban County Consortium Uncapped Data). While 10591 covers Tarrytown as well as Sleepy Hollow, statistics also show that the number of low-income people living in Sleepy Hollow outnumbers those in Tarrytown (*ibid.*) and that the Sleepy Hollow residents have lower incomes than their Tarrytown counterparts (United States Census Bureau American Community Survey (ACS) 2005-2009). Sleepy Hollow has twice as many people living below the 100 percent of the federal poverty level (*ibid.*). Similarly, there are considerably more non-English speaking people in Sleepy Hollow than in Tarrytown, a population of which a substantial portion of Open Door's clientele are members. (*ibid.*)

The School District's demographic data demonstrates a rising trend in the number of students receiving reduced-cost or free lunches. In the 2008-2009 school year, 39 percent of students qualified for free or reduced-price lunch; by the 2010-2011 school year that number jumped to 45 percent (the New York State District Report Card, Accountability and Overview Report 2010-2011). All indicators are that the low-income population in Sleepy Hollow is growing and that this trend will continue.

To be added to the group of 9,331 are persons of low and moderate income means who need, and use, Open Door's services but are not reflected in the HUD data. Together, the groups represent a sufficiently large local population from which Open Door's expanded patient base will come. Open Door does not need to go beyond its own "backyard" to find new patients nor will it have to "solicit" patients who can only get to its Sleepy Hollow office by automobile.

There are a couple of reasons Open Door has not already captured all of the existing demand in its existing service area. First, the number of patients Open Door can serve at its existing building at 80 Beekman Avenue is constrained by the size of the building (i.e. number of exam rooms and medical professionals available to render services) *and* the kind of services that are offered. Less physical space means fewer exam rooms and a reduced scope of services that can be provided. For example, the office at 80 Beekman Avenue does not provide maternity or dental services. The new

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office will. Of course, the larger office at 300 North Broadway will also have more exam rooms and other facilities that will enable Open Door to serve more patients than it currently does.

To give the Board a sense of the foregoing condition, approximately 800 of Open Door's *Ossining* office patients are Sleepy Hollow residents who typically travel to Ossining by bus.<sup>6</sup> The services offered in the Ossining office will be available at the new office at 300 North Broadway. Open Door fully expects that those approximately 800 patients will transfer to the new Sleepy Hollow office once the expanded services become available.

There are several other factors that operate to limit the distance from which Open Door's new patients are likely to come and the number of new patients the office reasonably can serve. As has been explained, transportation and transportation costs are barriers to health care for patients which is why family health centers, such as Open Door, are located in the communities in which patients who qualify for their services are located. An overwhelming majority of Open Door's patients do not have the financial resources to own a car. Culturally, their limited financial resources require them to be very careful about spending money on unnecessary expenses like cab rides. Their customary mode of "transportation" for all types of activities (shopping, laundry, doctor visits) is walking. While public transportation expands travel opportunities, it does so only to the degree that the transportation routes take the patients where they need to go.

In addition, the proximity of other family health centers has a limiting effect on the distance from which new patients will be drawn. Open Door's Ossining office (approximately 4 miles away) serves more than 13,000 patients, the new Greenburgh Family Health Center on Route 100 in Greenburgh (approximately 5 miles away) will serve more than 35,000 patients. There are other neighborhood health centers in Peekskill, Yonkers, Port Chester, Mount Kisco and Mount Vernon. Thus, the area from which Open Door can reasonably expect to draw patients is limited by the proximity of its "competitors."

Even though there is an extraordinary demand in Open Door's existing service area for the services of its new office, its ability to expand its patient base is not limitless. Besides the fact that there are just so many exam rooms and so much space for medical professionals at 300 North Broadway, the Residency Program affects the number of patients who can (and will) be treated on a daily, monthly, or annual basis. As has been explained, the Residency Program is an inefficient model for a medical office. On average, Residents see one patient per hour versus approximately 3 patients per hour that could be seen by an experienced doctor. In fact, 6 Residents and their supervising doctors at Open Door are equivalent to one full-time physician. Thus, the proposed office has physical and professional capacity limitations that will regulate the number of patients that can be served.

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<sup>6</sup> Open Door's Ossining office is on the Bee Line Bus route that travels from Sleepy Hollow to Ossining.

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Open Door has made projections of how its patient numbers will grow upon moving to the new office and it remains to be seen whether those projections ever will be reached. The important fact for the Board to understand is that Open Door is not under legal or economic pressure to reach those projections and, therefore, it is not under pressure to expand its service area and actively “solicit” patients from distances that require they drive to their appointments. Open Door is a participant in a managed care group that promotes results over number of visits. Open Door receives a set monthly payment per “member” (i.e. patient) in the group. Its “productivity” and participation in the group is rated on the basis of whether it successfully manages the health of the group’s members, not on the number of new patients it “signs up” or the number of visits its doctors conduct each year. This system (which I understand from Ms. Farrell is the future health care model under the Affordable Care Act) requires the provider to devote to patients sufficient time for screening, education, and care in order to prevent the development of chronic illnesses (e.g. diabetes, asthma) or, should they develop, effectively manage the illnesses, reduce complications associated with them, and achieve a healthier population. Consequently, the number of patient visits that can be accommodated each day and the capacity of the office are limited.

In sum, there is a sufficiently large population of eligible people in Open Door’s existing service area, the largest segment of which lies in Sleepy Hollow, who Open Door will be able to serve at 300 North Broadway, that Open Door will not have to expand its patient base by “soliciting” patients living too far to walk. Thus, 25 to 27 percent is an accurate figure to use to calculate the demand for parking at its new office from its expanded patient base.

10. *Village Board of Trustees – Crossing Guard, Parking Permits and Shuttle Drop Off.* As the Board knows, we recently appeared before the Board of Trustees to discuss Open Door’s offer to fund a crossing guard at the North Broadway crosswalk outside its proposed office, Open Door’s request that the Village Board allow Open Door to purchase the right to use parking spaces in the Beekman Avenue and/or Elm Street Parking Lots, and Open Door’s request for permission to have its shuttle drop-off occur in the Beekman Avenue lot. As of the date of this letter, the Village Board has not yet responded to our requests. We hope to have more to report at the continuation of the public hearing on March 20, 2013.

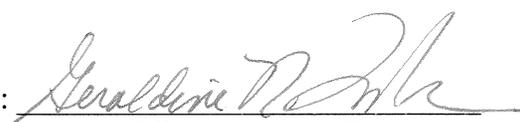
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We will be pleased to answer any questions your Members may have at the continuation of the public hearing.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:mc  
Enclosures

cc: *(via electronic mail with enclosures)*

Janet Gandolfo, Esq.  
Mr. Sean McCarthy  
Vince Ferrandino, AICP  
Stephan A. Maffia, P.E.  
Mr. Keith Safian  
Ms. Lindsay Farrell  
Ms. Anita Wilenkin  
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