

JENNIFER LOBATO-CHURCH  
85 New Broadway  
Sleepy Hollow, NY 10591

April 19, 2012

Members of the Planning Board  
via Sean McCarthy, Village Architect  
Village of Sleepy Hollow  
28 Beekman Avenue  
Sleepy Hollow, New York 10591

Dear Sirs:

I apologize for not attending the meeting in person, but I have previously scheduled commitments for this evening. I am, therefore, writing to express my disapproval for Open Door's site plan for 1 New Broadway and request that you refer the matter to the Zoning Board of Appeals with a negative recommendation. I ask that this letter be made part of the public record for this application.

Before I detail my reasons for feeling this way, I would like to commend Open Door. Open Door provides a much needed service to persons in our Community who would not otherwise be able to afford appropriate medical care. Further, I greatly appreciate the training opportunity Open Door wants to provide to medical residents as part of its expansion of program and facility. During these times of economic crisis and health care reform, such opportunities, for both patients and health care providers, are critical.

With that being said, the issue is not whether Open Door should be allowed to operate in Sleepy Hollow. The issue is whether 1 New Broadway is an appropriate location for this facility. Given the change of use, the contemplated use, the size of the proposed facility, the dangerous intersection at which it is located, the fact that the location is a gateway to a residential neighborhood and the tremendous parking variance that needs to be satisfied, I submit that it is not.

#### Usage

As you know, the application is before you, in part, because of the proposed change of use from the commercial business, for which it was previously approved with conditions, to a medical facility. The previous approval for that commercial business was conditional upon there being no more than three (3) tenants in the building and that none of them be a medical or dental facility. (See, Resolution – Negative Declaration and Site Plan Approval 300 North Broadway – Grotto Holding Corp., dated Nov. 20, 2008.)

Looking at the long procedural history of the application for Grotto Holding Corp. (“Grotto”)<sup>1</sup>, the building was not to have more than 13 employees, and, at two (2) separate Zoning Board of Appeals meetings, there were concerns voiced, by both the public and the Chair of the Zoning Board of Appeals, about the number of persons who would use the New Broadway entrance.

Currently, Open Door has proposed to have approximately 40 or more staff and intends to service almost double the 5000 patients they currently serve per year. The entrance on New Broadway is supposed to be for handicapped persons only; however, it is also the only entrance that can be used by persons who are pushing strollers or have small children who will have difficulty climbing the stairs at the North Broadway entrance. Circumstances indicate that there will be heavy pedestrian traffic flow on New Broadway.

### Facility Size

The building is currently one story and non-conforming with Village Code. Significant consideration was given to the building height, mass and layout during the Planning Board and Zoning Board’s review of Grotto’s application, and Grotto needed to make alterations to reduce the footprint and mass of the plan.

Open Door intends to expand this site. The plan calls for enhancements to make an entire second level useable for medical services, as well as to add on to the size. The proposed addition is 10 feet by 31 feet and will be as high as the peaked roof at the corner. This plan is too large, with respect to a gateway location for the Village, but more importantly, as the gateway to a neighborhood.

### Dangerous Intersection and Traffic Concerns for New Broadway

At this Board’s February 2012 meeting, I disseminated two (2) memoranda that I had written to the Board of Trustees regarding errant traffic and speeding traffic on New Broadway. I also handed out a letter that I had drafted on behalf of the Sleepy Hollow Police Advisory Committee (“PAC”) regarding the dangerous intersection at Route 9 / Beekman Avenue / New Broadway. Residents of Sleepy Hollow individually signed copies of this letter, and the PAC mailed several hundred signed copies to the New York State Department of Transportation (“NYS DOT”). I provided to you these documents to demonstrate the community’s concerns about the safety hazards that exist at this intersection and on New Broadway. In fact, as a result of these efforts, the Board of Trustees erected the island and “Webber Park” sign at the entrance of New Broadway, and the NYS DOT has committed to performing a (not yet scheduled) safety review of the intersection.

Clearly this is a dangerous intersection that residents will have to cross to enter the facility. During the Grotto application, this safety issue was noted during a Zoning Board of Appeals

<sup>1</sup> See, Resolution – Negative Declaration and Site Plan Approval 300 North Broadway – Grotto Holding Corp., dated Nov. 20, 2008; Zoning Board of Appeals minutes for: November 14, 2007, January 16, 2008, February 20, 2008, March 19, 2008, July 16, 2008, September 17, 2008, October 15, 2008, and November 19, 2008; and Planning Board Meeting minutes for: June 21, 2007, July 19, 2007, September 20, 2007, October 18, 2007, November 15, 2007, January 17, 2008, February 21, 2008, March 20, 2008, April 17, 2008, May 22, 2008, July 17, 2008, September 18, 2008, and October 16, 2008.

meeting. I understand that Open Door would like to employ a crossing guard, but Route 9 is controlled by NYS DOT, so only NYS DOT can approve that assignment. Further, Open Door would be endangering the crossing guard who has to enter into this intersection to cross pedestrians. Finally, Open Door wants to approximately double its clientele base (which is currently approximately 5,000 people). Of its current clientele base, according to Open Door, approximately 75% of the persons walk (based upon a one-day survey of 237 persons who entered the site)<sup>2</sup>. Using those numbers, over 4,000 persons per year will be crossing that intersection, many of whom will be sick, injured, pushing strollers, holding the hands of toddlers. This is a safety hazard for the Village's citizens and a potential civil liability.

### Parking

The parking variance required is going to be too burdensome to overcome. According to the Zoning Code, Open Door needs 40 spaces, and there are only 10 on site. According to the traffic study that was completed subsequent to the February 2012 Planning Board Meeting, Open Door needs to provide 52 spaces for staff and 18-23 (per hour) for patients.

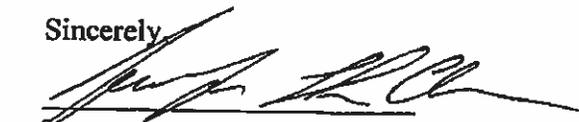
New Broadway and the surrounding side streets are already overwhelmed with parked vehicles. Parking on those streets is subject to alternate side restrictions. Many houses have several cars, particularly those houses that are multi-family, and most of the houses do not have drive ways and/or garages. Further, Webber Park already sees a large number of non-residents who park on the streets for the day, particularly day laborers who park there and then walk to their pick-up point on Route 9. Webber Park cannot accommodate any additional parking.

Open Door has attempted to alleviate this problem by providing a shuttle service for staff and free off-site parking on Pocantico Street and by stating that most of their clients walk. Further, Open Door is relying on public parking in the immediate area for clients.

The reality is that, by moving off Beekman Avenue to 1 New Broadway, Open Door is moving further away from the majority of the clients it serves. The proposed site is located further away from public parking areas and Pocantico Street parking than the current site is located. These are incentives for more people to consider driving and to park on Webber Park's streets. Additionally, by increasing the number of persons it serves, even if the percentage of walkers remains the same, it increases the number of persons who will drive. Finally, I fail to see how the shuttle system and Pocantico Street parking will be enforceable from a Code Enforcement perspective. Should Open Door employees violate policy, the Village will have to rely upon Open Door to reprimand the violator and self-report the violation. The Village will have no way of knowing of and remediating the violation. The shuttle condition, therefore, is unenforceable.

In conclusion, I reiterate my request that you look at the application before you, consider the issues I have raised and make a negative recommendation to the Zoning Board. I thank you for your time and consideration.

Sincerely



See Adler Consulting Letter, April 4, 2012