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July 2, 2015

Via Overnight Mail and Electronic Mail

Hon. Brian Smith, Mayor of the
Village of Irvington
and Members of the Board of Trustees
85 Main Street
Irvington, New York 10533

**Re: *Monte Nido & Affiliates*
Notice Pursuant to New York State Mental Hygiene Law Section
41.34 (the "Padavan Law")
*65 West Clinton Avenue, Irvington, New York (the "Site")***

Dear Mayor Smith and Members of the Board of Trustees:

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

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

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

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

- Monte Nido's usage of municipal services, such as police, fire and paramedics should be no greater than any other residence in the community.
- Monte Nido intends to have its residents frequent local restaurants, retailers and stores, some of which may be located within the Village.

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

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

- The Children's Village- Dobbs Ferry (at-risk youth)
- Institute of Applied Human Dynamics- Elmsford (developmental disabilities)
- St. Christopher's- Dobbs Ferry (emotional, behavioral and learning disabled teens)
- Search for Change (Wyndover Woods)- Greenburgh (transition housing for men with mental health/substance abuse issues)
- Monte Nido – Irvington (eating disorder facility for adults)

It is Monte Nido's position that locating this residential facility within the Village of Irvington is lawful, appropriate, will not create an overconcentration of similar facilities such that the nature and character of the areas within the municipality would be altered, and actually will be of benefit to the Village and the surrounding area. Indeed, Monte Nido has already received a letter of support from the Commissioner of the Westchester County Department of Community Mental Health, dated June 29, 2015 (a copy of which is attached hereto).

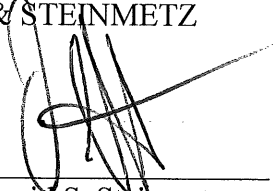
Monte Nido looks forward to working together with the Village in a cooperative fashion with respect to the siting of this proposed community residence at the Site under the Padavan Law. Please let us know if your Board wishes to conduct either an informational meeting with the our client or a public hearing. Additionally, if any escrow pursuant to Chapter 160 (Professional Fees) of the Village Code is required, please just let me know.

Please do not hesitate to contact us, or have the Village Attorney contact us, to discuss this matter. Thank you for your attention.

Hon. Brian Smith
July 2, 2015
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Respectfully Submitted,

ZARIN & STEINMETZ

By: 

David S. Steinmetz

cc: Bruce Martin and Carolyn Costin, Monte Nido
Vicki Kroviak, Monte Nido
Marianne Stecich, Esq., Village Attorney
Larry Schopfer, Village Manager
Edward Marron, Village Building Inspector



Robert P. Astorino
County Executive

Department of Community Mental Health
Mark Herceg, Ph.D.
Commissioner

June 29, 2015

Keith J. McCarthy
Director
Bureau of Inspection and Certification
New York State Office of Mental Health
44 Holland Avenue
Albany, New York 12229

Re: Letter of Support: Monte Nido and Affiliates

Dear Mr. McCarthy:

This letter is to confirm that the Westchester County Department of Community Mental Health (DCMH) supports Monte Nido & Affiliates' E-Z PAR application for a licensed adolescent residential program for the treatment of eating disorders proposed to be located at 65 West Clinton Avenue, Irvington, New York 10533.

The establishment of this program would accommodate the needs of adolescents in Westchester County and surrounding areas requiring eating disorder treatment (who would not otherwise be eligible for treatment in an adult residential program), and would alleviate the burden of traveling to other areas for treatment. The location of an Irvington-based program would also offer convenience to residents and their families in facilitating their reintegration back into the community following completion of the program.

The proposed applicant has represented that all program services will be reimbursed from patient self-pay funds and/or private health insurance, and that the applicant will not seek reimbursement from Medicaid or any other governmental funding source.

Should you have any questions, please feel free to contact me at (914) 995-5220.

Sincerely,

Mark Herceg, Ph.D.
Commissioner