

Village of Walden
Zoning Board of Appeals Meeting
February 2, 2017

Chairwoman:	Rebecca Pearson	Present
Members:	Faith Moore	Present
	Carolyn Wesenberg	Present
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
Alternate:	Dan Svarczkopf	Absent
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Tara Bliss	Present

Chairwoman Pearson - Called the Zoning Board meeting to order at 7:30pm and led with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

Member Wesenberg made a motion to approve the January 5, 2017 minutes. Seconded by Member Raymondo. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 160 Old Orange Avenue; Area Variance (Continued from January 5, 2017)

Chairwoman Pearson explained that the applicant, Mr. Oni-Eseleh, let us know that he was planning to go before the Planning Board first so she asked the Board to adjourn the hearing until the next meeting.

Member Raymondo made a motion to adjourn the hearing for 160 Old Orange Avenue; Area Variance until the March 2, 2017 meeting at 7:30pm or as soon thereafter as the matter could be heard. Seconded by Member Matise. All ayes. Motion carried.

A.2 108 Ulster Avenue, Interpretation

Rebecca Valk, Attorney of the law firm Mackey, Butts, & Wise LLP representing the applicant, turned in the mailings and they were reviewed, counted, and confirmed by the Board. 40 were sent out, 29 came back and 1 was returned undeliverable as the property is vacant.

Attorney Dickover asked if we received the affidavit of publication in the file.

Building Inspector Stickles replied that he has it in his office.

Steve Miccio, CEO of People Inc. – NYS Office of Mental Health.

Rebecca Valk explained she is representing the applicant PEOPLE Inc. and the property owner Pathways Inc. Due to her lengthy submission her initial comments will be brief in the beginning. She also has with her this evening the CEO of PEOPLE Inc., Steve Miccio, and representing the property owner, Jacob Reckess, Executive Director of Pathways Community Support Services, the property owner. Darcy Miller is also here this evening representing the Orange County Department of Health as well as some other employees in the event there are questions that she cannot answer regarding the property and the proposed use. As set forth in her cover letter they submit their appeal of the Building Inspector's decision of October 6, 2016. It is their contention that the proposed use of 108 Ulster Avenue as a Rose House which is the term used for this model that PEOPLE Inc. uses qualifies as a single family detached dwelling given the definition of family in the Village code. The definition reads: "A group of related individuals living and cooking together as a single housekeeping unit, or a group of unrelated individuals living and cooking together as a single housekeeping unit in a manner which is the functional equivalent of said related individuals". The Building Inspector denied our request for a number of reasons. One reason was because none of the occupants go to school or work. That is factually inaccurate information

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as many do go to work or school. The goals of the Rose House is to keep these individuals as immersed in their normal day to day activities during the time they are seeking treatment at the Rose House. He also denied our request given that there are going to be employees located at the property and that the individuals residing there will only be there for a short term. She just wanted to note that based on the Oxford Federal Court case cited, that these grounds have been found to be discriminatory and a ground for which this use cannot be denied. He also denied our request as there is no head of household which is a term that is not defined in your Zoning Code and is not a requirement in the code imposed on other single families in the Village of Walden therefore making that also discriminatory to impose that on this group of individuals. Alternatively, we have asked and to date have not received a response to their request for a reasonable accommodation to make a minor modification of its rules or regulations to allow those with disabilities to access the property. It has been established that this proposed model requires a residential environment. The federal cases support that to be successful they need access to residential areas as cited in the Long Island teen challenge case attached to her submission. These federal cases follow what is known as the Olmstead Case which is a Supreme Court case which strives that those with psychiatric, mental, and physical disabilities are all to be integrated into community settings as much as possible. Gone are the days where we place those with disabilities away from the society and the general population. She also attached to her submission a position statement from the Department of Justice and Housing and Urban Development addressing this very type of issue and a lengthy determination as to the obligation to municipalities when faced with this sort of application. First she points out that municipal decisions which appear to acquiesce to community bias reflect and are considered to be intentionally discriminatory under the federal law. The last time we were here we heard some statements regarding a number of police visits for the prior owner of the property. She wishes to reinforce that was the prior owner. Seconded on page 9 on the HUD Justice position statement you will see that you cannot exclude those with disabilities based upon fear, speculation, or stereotype of that particular disability. You will also see that whether or not there is a direct threat is to be accessed on an individual basis. She read a direct quote from the determination, "The fact that one individual may cause a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing." To give an analogy of what that means, if she were to have been robbed by a Red Sox fan that does not mean that everyone who wears a Red Sox hat is going to rob her. Because there is one individual who may or may not have in the past under a prior owner have caused an incident, it is not permissible to then discriminate against the entire population which this property owner wishes to serve.

Member Matise made a motion to open the Public Hearing for 108 Ulster Avenue, Interpretation. Seconded by Member Moore. All Ayes. Motion Carried.

Ellis Langlitz, 92 Ulster Avenue, stated that an ever changing cast of people in psychiatric crisis. It seems like the law, the zoning code, is being interpreted to the letter and not in the spirit. In an ever changing cast of people in psychiatric crisis being counselled by people who have been in psychiatric crisis seems that this property is a very inappropriate location for such facility. He has two small children and so do his neighbors and the corner of Ulster Avenue and Albany Avenue is a very busy hub for movement of children through the Village because of its proximity to the Scout cabin; Bradley park with the skate park, ball fields, and playgrounds; and the Martial Arts studio and the Thruway plaza with restaurants; Most Precious Blood School; and the intersection itself serving as a school bus stop. There are constantly kids going up and down the street and while this type of facility may fit the Zoning codes' definition of a family, however far-fetched that seems to him, that particular location with the number of constant youth moving through it is highly inappropriate to him. He has lived there for over 10 years and has lived there including when it was a group home before. It has been stated that we can't discriminate based on what past residents may have done but he thinks it needs to be noted that there was care for psychiatric patients and developmentally disabled people there and it was quite chaotic. He feels it's a very inappropriate location for this type of facility. He does not think that these people should be excluded from the community but to have it going on so close to this hub that moves young people around the Village seems very inappropriate.

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Susan Millsbaugh, 86 Ulster Avenue, agrees with what was just said and she wanted some clarification of what exactly this facility will be.

Steve Miccio, CEO of PEOPLE Inc., explained that he created the model in the state. It's a respite house for people dealing with emotional stress mostly. It's for people that go to the emergency room often and don't need an in-patient stay but need some kind of help. They are not to a level of crisis where they are imminent danger to themselves or others. They are looking for ways to deal with their crisis and his staff is very trained and able to help them deal with this crisis. It is a short stay for people; 5 to 7 days. It is a quite stay and he has been doing this now for 17 years. It has always been a very quiet residence and have helped to open 30 houses like this around the world and there have not been any evidence of violence, or injuries, or kidnapping at any of the 30 houses; things that people are afraid of when you stereotype people that have mental health issues. This is not the case for this house, it is a very comforting house for people. They are not outside running around or looking for things to do or eat children, just looking to recover from what is happening. It's a very personal journey for them when they come to our homes. Not sure what people do expect, but when people have anxiety attacks or hear voices or other challenges like that, they go within, they are not looking to lash out. What you see in the news is not what happens. These are folks that want help and want to feel better.

Ms. Millsbaugh asked if it's a crisis residence.

Mr. Miccio replied it is a short term crisis respite. The way it is coded and funded is that it's a self-help program by definition. Different than a crisis residences run by the state. That is more of a clinical medical acute care of people in a higher need.

Ms. Valk noted that Ms. Miller transmitted information about the self-help program coded as 2770 in the state code. Participants are excluded from this type of program if they are of imminent risk to self or others that require a higher level of care or if they display aggressive or destructive behavior.

Jacob Reckess, Executive Director of Pathways Community Support Services, explained that they are the landlord of 108 Ulster Avenue and are also the landlord of a Rose House in Dutchess County for the past year and half. He wanted to share that this is a unique program that they have. The property in Hyde Park is also a home for 14 units of mostly women and small children. So at any given time we have 14 families and 20-30 kids running around for over a year and a half. It is in residential community. We also have neighbors who also had fears of others nearby and they have had no issues but not only that, it has been a net positive for us. We had an issue where someone was coming to vandalize our property and our next door neighbor came out and told them. The neighbors know and he is very confident to say the same thing here that it is a net positive as the building is cared for on a 24 hours basis by people who are intentionally there. It is a voluntarily admission program but is also a voluntary work program where people who are there working want to work there. We all know places that have people working there that don't really care. So the Rose House is a very mission driven place, it's a very proactively cared for environment. Particularly for kids in the neighborhood, our experience is that it's a real net positive.

Darcy Miller, Commissioner of the Orange County Department of Mental Health & Department of Social Services, explained she has been a government employee for 29 years and in the mental hygiene system for over 25 years. 1 in 4 adults have a mental illness and 1 in 5 children have a mental illness and 1 in 10 of those have functional difficulties that impact 2-3 domains in their life. When we think about those numbers, we all know someone in our lives who has a mental illness, who has struggled with an anxiety disorder psychiatric disability of some sort and we need to remember that when we are talking about those people, that we are talking about our sisters and brothers, our mothers and daughters, and our children, and keep that in the forefront. She thinks that anytime we talk about bringing folks together that's new to a community, there will be fears, so appreciates the courage it takes to come out and ask the questions and she hopes they will be willing to listen to the answers. The DOH receives the state funding for the Rose House, they are proud to be the contract holder for the Rose House and are very proud to have a relationship with Steve Miccio and his team and the incredible work they have done. Because we have moved from a place of darkness for people with mental illness and psychiatric

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disabilities to a place of light where we talk about hope and recovery and anyone who is struggling with a mental health issue the earlier we identify and treat them the quicker we find them returning to previous function and recovery. When they don't is when they have difficulties and they turn to drugs to self-medicate their issue and it goes to crime oftentimes as we know. So when we come together as a communities and invest ourselves in reducing the stigma around mental illness and supporting people who are struggling that's when they experience a difference. A Mayor said to her once, "What am I supposed to do when they come into our community?" and she told her to say hello and say welcome and that you are glad they are here. We stay connected with each other. We have in the County a Welcome Orange initiative which is a comprehensive continuous integrated system of care that brings together all County Departments that provide human services and is championed by our County Executive's Office and it's really saying if you knock on my door you are knocking on all of our doors and we work together. Steve and his team would be the first to reach out if someone was in a home and in need and see what they could manage and move them forward. We are also so pleased that we are able to refer people to the Rose House and have them have a recovery experience to help them on their journey to stabilization, help them to return to work, school, home, and their communities. We have a health care transformation across the country but in NYS in particular we are looking at holistic care and integrated care. Finally bringing the mind and body together so our primary care physicians have become partners like they never were before. She is amazed at the stakeholders that come together to help them. Our Chiefs of police in this county are all do extra training for every cadet going forward. We just secured a \$100,000 for senior officers to get more training who are going out and doing intervention in the community; they are the first responders so often when we have a crisis. They are stabilizing situation and spend more times with an individual and a family than a mobile health team does. The continuum of care that we have here in our county is extensive and we could go through what that continuum is; Rose House, PEOPLE Inc., are part of that continuum of care. We don't leave them hanging to provide a services and they are part of the team that leads people to recovery. She would hope that you would consider them as a good neighbor as she has known them to be. She has spent time at the Rose House in Marlboro and it is a very peaceful experience. As we move through the recovery process there is a very important part for the licensed individuals who provide professional care and the prescribers who provide medication because so many times that is necessary in a person's journey, but what we have learned is that peers have a means of engaging and connecting with a person in a way that professionals haven't been able to. Coupled together we have found greater success in outcomes for people. Having walked a mile in those shoes and being willing to listen to story of someone who has come forward; our children who have been exposed to trauma, sexual abuse, and physical abuse, and community violence, our adults who are struggling with rape or sexual abuse or domestic violence or having a culpability to a mental illness such as schizophrenia or bipolar disorder; having peers how have gone through the recovery process allows them to connect and say I want to hear your story you are important to me; that is the experience you get at the Rose House. They are wrapped around with support and comfort. She hasn't been to the site herself but her staff went and all of them said it is an amazing house and is incredible an amazing experience. Everyone is welcome to go there to see it and experience what has been created as part of the respite experience for people who are struggling.

Chairwoman Pearson asked about the payment they receive from the County and asked what services that supplies for the residents.

Mr. Miccio replied that goes towards staffing and overall operations of the house itself; bills and rent and things like that to operate the house.

Chairwoman Pearson asked what the cost per the average person is roughly.

Mr. Miccio replied \$200 per night.

Chairwoman Pearson read in the last minutes from before, they are NYS licensed, as of July, correct?

Mr. Miccio replied yes, through Medicaid but there hasn't been any Medicaid services, no billing.

Chairwoman Pearson confirmed that there are 2 employees on staff during the day and at night, so 4 different people per day.

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Mr. Miccio confirmed.

Chairwoman Pearson asked if the staff ensures the people are cared for; fed, clothed, sleeping arrangements, is that correct?

Mr. Miccio replied that really everyone is independent enough that they take care of themselves.

Chairwoman Pearson asked if the County supplies their food.

Mr. Miccio replied that we ask them to bring their own food in.

Chairwoman Pearson stated that they know they are coming there, they are not off the street or just showing up.

Mr. Miccio replied yes, they must do a pre-registration no one can just show up at the door, so you have to call us first because we want you to know what we are and what we are all about so that they are coming voluntarily.

Chairwoman Pearson reiterated that they bring their own food or go buy it from the store.

Mr. Miccio confirmed.

Chairwoman Pearson stated that in the county letter it talks about 1 week per episode not to exceed 21 days per year but also then states they may be approved for a longer stay. How does that work?

Mr. Miccio replied that it is 5-7 days which is the longer stay.

Ms. Valk commented that she may be referring to a state regulation that may not be how he specifically runs this home. A self-help program from the state has this particular limitation that you are quoting but he may not run the Rose House by allowing more than the one week period.

Chairwoman Pearson confirmed that they will not be there longer than a week and they can't stay longer than that if they say they wanted to stay there another week. She read that wrong, sorry.

Mr. Miccio replied that is correct.

Ms. Valk reference Sandra Adkins email that says that if you look under self-help program this is the definition of self-help. That is the characteristics of self-help but it does not mean that every single self-help is run by all these standards. He can put a more onus standard that what is permitted under the recommendation.

Member Moore asked if people are permitted to come back a second time.

Mr. Miccio replied yes as long as there are 30 days in between stays.

Member Raymondo asked if they can have visitors.

Mr. Miccio replied yes

Member Raymondo asked if there was a limit to the amount of visitors.

Mr. Miccio replied that they generally don't get visitors, they are pretty isolated themselves so it's rare.

Chairwoman Pearson asked about the percentage of people that come to you because of substance abuse issues.

Mr. Miccio replied none. They are there for emotional distress. They may have substance abuse issues but that is an underlying issue.

Member Moore asked him to walk her through the process of how they get to you. She understands there is a process where they call first to go through the intake, but how do they know about you?

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Mr. Miccio replied we have brochures and marketing and staff are out at clinics and agencies and things that people know. Many people just know us and word gets out pretty fast when there is a place that helps them.

Member Moore asked if he meant counseling clinics or mobile mental health.

Mr. Miccio replied both. Every mental health provider knows about us and many of their staff know about us and will have them call us. Some of them come on their own, via case manager, mobile team, we can go pick them up or they can come by taxi, there are many ways to get there.

Chairwoman Pearson asked if they could have one person there and then up to 4 people there.

Mr. Miccio replied yes.

Chairwoman Pearson asked when you are talking about the disabled, who labels them disabled and how does that happen. Is it a legal disability?

Mr. Miccio replied that most of them that come to the house are on Social Security Disability.

Ms. Miller stated that a diagnosis of mental illness usually comes from a psychiatrist, or prescriber nurse practitioner, or licensed health counselor or licensed critical social worker would make a diagnosis.

Chairwoman Pearson asked if they would carry that diagnosis forever.

Ms. Miller replied no. It depends. Typically someone who has a serious mental illness that would be a certain specific diagnosis such as schizophrenia or bipolar disorder. They may have qualified for Social Security Disability for functioning reasons that causes them not to be gainfully employed. Not everyone with a mental illness or someone who uses the Rose House meets that criteria. Typically someone with a need for a crisis respite is going to have higher symptomology and may have a serious mental illness. When people get diagnosed with a mental illness, it gets resolved, it's not necessarily a lifelong diagnosis. There are others who have chronic mental illness who manage it through medication or through treatment or some who have gone through that process and then manage it through exercise and nutrition. So it's unique for each individual.

Chairwoman Pearson understands that but you talk about a lot of people coming to you as being disabled. She isn't understanding that she may not want to be labeled disabled, but if I come to you am I going to be labeled disabled?

Ms. Valk replied that those that suffer from mental diagnosis are considered disabled under the American disabilities act.

Member Wesenberg asked if every person that comes to the Rose House has a diagnosis.

Mr. Miccio replied yes.

Attorney Dickover said that one of the exhibits in the application was the resident application form and one of the questions asks "have you been diagnosed with a mental illness". Who makes that diagnosis as it appears they may self-diagnose.

Mr. Miccio said that there are no self-diagnosis. The diagnosis comes from a mental health practitioner or doctor.

Ms. Valk stated that those given a mental health diagnosis for those processing they are looking information for when that particular person was given the term with their symptomology. She could see if it were to say do you have a mental illness, but the question is were you given a diagnosis, in other words assigned a diagnosis.

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Attorney Dickover commented that just to follow up then, you are asking for a reasonable accommodation or interpretation of the family definition, it is important for this board to know who makes that diagnosis; is it a professional diagnosis or are they self-diagnosed and just showing up at the door. That is a concern the board has.

Mr. Miccio stated that the diagnosis is made through a psychiatrist or doctor.

Attorney Dickover asked if that was a requirement to enter the Rose House.

Mr. Miccio replied yes by nodding his head.

Chairwoman Pearson asked about a person that is there all the time and in charge of the house including maintenance and the sidewalks are shoveled and if it needs to get painted. Is that person there all the time?

Mr. Miccio replied no, that is a site director that works 40 hours per week, shifts can vary.

Chairwoman Pearson asked if the guests come and do some of that work, do they shovel or paint and do all of that.

Mr. Miccio replied yes, they can. It is not expected but if it promotes wellness we allow that to happen.

Member Moore asked about someone who called to be admitted and were not given a diagnosis as of yet but were still seeking treatment, would they be turned away.

Mr. Miccio replied that they may come in but we'll bring the mobile team in to diagnose them.

Member Raymondo reiterated that they are not there for more than 5-7 days.

Mr. Miccio replied that is correct.

Member Raymondo asked if they would be considered a transient individual.

Mr. Miccio replied no, they are not homeless and they have a place to go home to.

Member Raymondo reiterated that this would not be their home, just a place for treatment.

Mr. Miccio stated that is correct.

Chairwoman Pearson asked if they share together food or money. If she shows up and doesn't have money or food what happens?

Mr. Miccio replied that they really do become a family environment. They share, they help each other out. We can help buy food if they need it we have unrestricted funds. Not one will go hungry. Very family style as they eat together and do activities together.

Chairwoman Pearson asked if they can come and go any time they please or are their processes they have to go through during the day.

Mr. Miccio replied that some people have to go to services, some go to work or school, depends on what their life is and how they are feeling and what they want to do. Some stay there just get more self-help while they are there. We generally want everyone in by 11pm as that is a decent hour to get good sleep to promote wellness.

Member Moore asked the age range and if there was a cap on the age.

Mr. Miccio replied 18 years and older with no cap.

Member Matisse is kind of thinking that someone comes there they are in distress or under stress and they have to agree to how the house operates. How do they get integrated to that so quickly only being there only 3-7 days and coalesce as a group.

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Mr. Miccio isn't sure he understands but it's like going to a bed and breakfast, that's the best way to put it. If you have every gone, you make friends with the people in the house quickly as you are in a close environment. It's a very natural social process which is something that promotes peoples wellness to build relationships.

Ms. Valk said if you've ever been invited to a party and you only know a few people but you get to meet others while there. May be a bad analogy but people tend to...

Member Matise interjected that you are going to a situation where you are not under stress at a party, not the same at all.

Ms. Valk said you are under a little stress as you don't know anyone.

Member Matise said that is a stretch.

Ms. Valk is the point is you are bringing in some of the...

Mr. Miccio interjected that he could bring a fact to this as we are an organization is we all have diagnosis and have been through our own personal traumas or situations. People know that there is an instant mutuality and calmness that comes to them because they find out they are not alone, that recover is possible and that they can find a better quality of life and they can think differently for themselves now because they have aspirations of someone who has a mutual experience that gives them the inspiration and determination and empowers them to say I can do this for myself.

Member Matise asked if they can do that in 3 days.

Mr. Reckess interjected that he is amazed at the same thing but his visual observation is that the House has emotion to it. It's a household where you visit and they are all going to sit down for dinner you also sit down for dinner. He can sense that there is this emotion, just looks like you joined that crowd.

Mr. Valk added that Mr. Miccio has opened 30 homes throughout the world and actually if you do some research online you will see that this has become a model that the NYS DOH is looking to follow. Even though you might have some perceptions that this doesn't work you are being given information from the experts here who open these homes that it does work.

Member Wesenberg asked if there were any disabilities that they do not allow as she knows certain disabilities will not automatically engage.

Mr. Miccio replied that the Rose House is designed for people who are willing and able to engage so there are folks that would never even call us.

Member Wesenberg asked what if they did call.

Mr. Miccio replied that they have had people who have been diagnosed and are on the spectrum and disabilities with addiction but there are primarily mental health issues that they are coming for but they have co-occurring disabilities.

Member Wesenberg asked if they would then not come in.

Mr. Miccio replied if someone wanted to and they understood what we were then they would come in.

Have a Diagnosis that wouldn't necessarily doesn't join the table; she has experience with autism.

Mr. Miccio replied that they understand and know that they may want to isolate a little differently or do things differently and we are very flexible like that.

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Member Wesenberg confirmed that they would still be invited into the house.

Mr. Miccio replied yes.

Chairwoman Pearson asked if one person cooks all the meals.

Mr. Miccio replied that they all like to show off what they can make and it becomes a family meal because they want to show off what they can cook and they do that for each other.

Chairwoman Pearson asked about payment.

Mr. Miccio replied that they can't just show up and they have to call and follow the process but there is no payment.

Chairwoman Pearson asked about a contract that has to be signed.

Mr. Miccio replied that there is a guest agreement, yes.

Chairman Pearson stated that is not much different than a contract.

Serra O'Donnell, 2 Northern Avenue, asked what is the success rate on the past properties. How many people come back a second or third time? And what's the follow up once they leave after 3-7 days? What happens? Do they just go home if they aren't better? Do they get referred to a different agency? Do they go to another place? Not sure how to say that correctly.

Mr. Miccio replied that we do follow up, we are a larger company than just the houses, we have mobile peer companions, we have advocates, we have recovery specialists that do follow up so we ask them if we can follow up so they give us that permission so they don't just go away. If they need other services we advocate to get those other services as well that's why we work so closely with the Orange County Department of Mental health and the other services in Orange County. He wanted to design a something that would help people to not have that feeling. Oftentimes people will be discharged from the hospital and have nothing so we want to make sure they have something to go back to and have resources to use so they can get help so they don't have to continue to go through that cycle of home to crisis to hospital. We break that cycle. The success rate we serve thousands of people over the 17 years and they can come back 2 maybe 3 times but the goal is not to have them come back as a norm.

Ms. O'Donnell asked if that is the goal, what is the actual number. How many people come back 2-3 times, a round about? How often does this work?

Mr. Miccio said it is hard to say but he would say that about 30 people come back out of thousands.

Ms. Valk wanted to follow up on Member Wesenberg's question about autism and that she has been so excited to advocate for this group because she has her own experience and has a been a member for the Andersen Center for Autism for over 10 years and she grew up with a brother with autism and she feels very strongly about the need to have services in the community. Going to your point is that this home is not necessary for everyone and they recognize that. There are going to be some people who fit and some who in this string of services Mr. Miccio described and what Darcy has referred to as well there is going to be perhaps some that this might not be the right model for their wellness and would be referred to another facility.

Chairwoman Pearson asked when someone is in the house they are there basically to stay at night and go to work or school or do they stay in the home for 7 days as they don't want to be out. What is the number of how many go to work and come back and forth vs how many stay for 3-7 days and take their vacation from work and be there? Maybe they don't get vacation, she doesn't know.

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Mr. Miccio stated that some people are not employed at all so they stay there.

Chairwoman Pearson asked if during that time that they are there and are there all day long is there an activity schedule or do they do whatever they want at any time during the day.

Mr. Miccio replied that when people come in they get a menu of services so that they can design their own structure with the support of his staff. They might want to do some peer support, then they might want to go to a 12 step or a support group, or might want to go to their program or go yardsaling. We try to use natural supports for their wellness as well so they can do a whole host of things. He can tell you that the house in Dutchess they use the Walkway over the Hudson as a very healing place for people to go and they use it quite a bit for a lot of their strategies to try to maintain their wellness and feel better in Dutchess. Another thing to when they come, one of the most important things that they get is good sleep. They feel safe in a very trauma informed environment and when people get good sleep they can make better decisions for themselves. We have a better way of developing a wellness plan with them when they have had that good rest and they can think more clearly.

Ms. O'Donnell commented that she looked it up on her phone and according to the PEOPLE Inc. website 88% of people who go to the Rose House stay out of the hospital after their stay and 98% attribute that success to the Rose House.

Attorney Dickover wanted to go backwards for a second; you do have a license from Medicaid. Are there other licenses from either state, federal, or local?

Mr. Miccio replied no.

Attorney Dickover asked Ms. Miller is they are required to have any licenses to operate this type of facility.

Ms. Miller replied no they are not. She sent him language from the NYS Office of Mental Health code under which these facilities are operated for self-help and a license is not required to operate. She said that the Medicaid licensing had to do with the transformation of healthcare and the acknowledgement that peer supports are and should be and will be a billable service under Medicaid and managed care. So really it is an acknowledgement of what peer supports have on recover. No, licenses are not required.

Attorney Dickover asked if a person calls and they are experiencing a mental crisis and you felt that they were not an appropriate fit for your residence would you take them in an emergency situation sort of in a pinch.

Mr. Miccio replied no we have other services that can take them in those pinches.

Attorney Dickover stated that one of the unspoken concerns is that potential residents come to you because of family violence, that the violence may follow them to the Rose House and bring them to the community. In your experience in your other houses can you speak to that concern, whether or not it is valid or invalid; what has your experience been.

Mr. Miccio replied he doesn't think it is valid or invalid but he can say that it has never happened. People that have come in and talked about domestic issues we have implemented the proper supports for them prior to it getting to that level. So no one has ever been followed to the house to do anything violent or pull them out.

Member Matise asked about suicide.

Mr. Miccio replied there has never been one in any of their 30 houses in the world. It's a prevention as our staff are trained in under implied strategies training. If anyone were to mention to us they were thinking about suicide we go into intervention mode and we make the right decision.

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Member Matisse clarified about whether they stay or if you bring them to another service

Mr. Miccio replied absolutely we have to make sure it's a safe situation for all.

Chairman Pearson clarified there has never been a suicide but has there been an attempt.

Mr. Miccio replied there has never been an attempt.

Josh Graham, COO of PEOPLE Inc., reiterated there never been attempt

Member Raymondo asked what other countries the houses are in.

Mr. Miccio replied the Netherlands has 3 houses now and we are working with Germany, Belgium, and a few South American countries that are interested.

Chairwoman Pearson asked if they are paid through their government or their individual insurances.

Mr. Miccio replied the Netherlands is government funded.

Attorney Dickover stated to Ms. Valk that she made a presentation to this Board in June of last year. It would seem that the presentation facts if you will, and the testimony given that evening would be considered this evening. Do you have any objection to that and if so why?

Ms. Valk replied she has no objection as far as what is reflected in the minutes other than to just note that there were people who spoke from the public that didn't return this evening. The other comment is that there was some discussion about Padavan and whether or not we would exercise that. She had some discussions with the NYS Department of Health with their counsel and they told her much to their chagrin that Padavan has not kept up with the changes in the models of respite and group homes and that we don't particularly fall under the protection of Padavan though we would very much hope so in the future so that this process can be streamlined for purposes of her client. For purposes of mental hygiene and the citation to 4134 we would just note that we do not fall under that provision.

Attorney Dickover stated that she had made reference to reserving the rights to bring an application under that provision. In that meeting in June there was some comment about the physical layout of the building having 5 bedrooms and that each resident gets their own space. Is that space reserved to them and closed to other residents?

Mr. Miccio replied yes.

Attorney Dickover commented that it is exclusively theirs.

Mr. Miccio replied yes.

Attorney Dickover asked if there are other areas closed off to them, such as an attic or cellar or perhaps a staff room.

Mr. Miccio replied no.

Attorney Dickover clarified that the only space reserved for them would be their room. Is that a lockable space?

Mr. Miccio replied that a few of them lock but not all of them.

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Chairwoman Pearson asked about handicap accessibility. Do you have to be accessible there as you are serving those with disabilities?

Mr. Miccio replied that they were just given a grant to make the house completely accessible and we have several houses that we receive through Dormitory Authority grants for this.

Member Matise asked if that included electric stairs or an elevator.

Mr. Miccio replied the lower floor and the ramp that goes in and the whole lower floor and downstairs is accessible for folks in wheel chairs and would be modified to make sure they can do anything that we can do in any other part of the house.

Member Matise stated that the 2nd and 3rd floor would not be accessible.

Mr. Miccio replied that is correct.

Attorney Dickover stated that to counsel that she really bought forth a 1 step, 2 step application and the way that he sees it in the first step in the application is to interpret our code to let your proposed use fit into our definition of family. If the Board did agree with that position we would not have to get to the 2nd step which is to look at your request for a reasonable accommodation. If this Board were to find that they did not agree that the proposed use meets the definition of family then the 2nd step would be to look at your request for a reasonable accommodation. In that request, can you describe what the accommodation is in particular that you are looking for from this Board and if they were inclined to grant a reasonable accommodation would the applicant be willing to operate this home in the manner that has been described to this Board in the application process.

Ms. Valk replied that the first part of your question is yes, it is a 2 step question. If this Board were to say that we fit within the definition of family the second part of her request would then become moot because there would be nothing to be accommodated. The request for a reasonable accommodation is to ask if you find we do not fit the definition of family that we are a functional equivalent of family a slight modification of that definition to allow this proposed use to go forward based upon all the citations and authority she provided. As far as the last portion of that she does not feel they have an objection to laying out terms, she would just want to be part of the description as far as how that was described this evening making sure that how you view and how we view the description and that both parties view it the same manner. Does not feel we would have any objections to any reasonable conditions to this Board's approval.

Attorney Dickover stated that not in this application, in other situations, typically that is handled in the form of a narrative where you describe that which you already described to this Board and if this Board agrees then that would become the terms and conditions of accommodation. Is there a different view point on that counsel or is that fair.

Ms. Valk replied yes, that is fair, but she feels it depends on how specific we are going to get as to whether or not...don't want to compromise their business model. She is not saying she is not willing to have that discussion and she thinks it is a reasonable way to proceed but we would need to have a discussion as to what that narrative is.

Attorney Dickover replied that the concern going forward; again he has no idea what way this Board is going, they have not counselled this in any kind of executive session and he has no idea which way this Board is going, but the concern typically is that an establishment like this gets in place, is operating, and then it expands beyond the original description that is different than what was described to the Board. For example the stays become longer from 5-7 days now become 10-14 days or longer. The number of people that are served, and they are constrained certainly by the size of the structure to some extent, but the number it can accommodate increases, he's not sure how many that is or if it could be

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used by another agency. That would be the concern. In a reasonable accommodation you are asking us to modify the term family to meet your model and if the Board were to do that they would be taking the description that was given to them in these presentations.

Ms. Valk referred back to the criteria set forth in the description that Ms. Miller provided of the self-help program from the state. That in and of itself includes the time limitations and as she stated her client is being more onus and would want to reference that they are following this state model and that it is a self-help program within the state model. This allows no more than 1 week per episode and her client has stated that they are there no longer than one week and in fact in many situations it is shorter.

Attorney Dickover asked about the number of potential residents in the facility.

Ms. Valk replied she thought that is limited by the home. They would need to get a building permit and expand to have more than the number that they are proposing.

Mr. Miccio added that they don't want to go more than what they are servicing because that takes away from the individual personal attention. He's helped other homes that thought they could do 8-10 people and have had to down size. It is intentionally kept small.

Member Matisse asked if they had other plans to open in Orange County.

Mr. Miccio replied that he would love to open 20 more, the hospitals are quite busy but honestly he'd like to as he feels 1 in the County is not enough for this or any County but we will see.

Ms. O'Donnell asked if there was a wait list to get in. What happens to people who want to come but there is no space for them what happens those people.

Mr. Miccio replied that they are fortunate to have more than one house in the region and people could go to their Garrison or Dutchess houses if they have no space. If they don't have space we have mobile staff that could visit them in the community. If their level of emotional distress is higher than that they can use the mobile team or traditional services.

Ms. Miller added that we also have crisis respite houses for those individuals that need that type of intervention. If there is anyone that crosses over the level for the Rose House we have the hospital and inpatient evaluation.

Member Moore made a motion to close the Public Hearing for 108 Ulster Avenue, Interpretation. Seconded by Member Raymondo. All Ayes. Motion Carried.

B. FORMAL APPLICATIONS:

B.1 160 Old Orange Avenue, Area Variance

Adjourned until the next meeting.

B.2 108 Ulster Avenue, Interpretation

Member Raymondo made a motion to declare the Village of Walden Zoning Board of Appeals as lead agency for purposes of a SEQRA review and to type the application as a Type II action for the 108 Ulster Avenue, Interpretation. Seconded by Member Moore. All ayes. Motion carried.

Attorney Dickover explained the Board can deliberate this evening and render a decision or the Board can choose to continue the application as you have 62 days to make a decision.

Chairman Pearson stated she has some questions for the attorney.

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Member Raymondo made a motion to enter into executive session for attorney client privilege to discuss 108 Ulster Avenue, Interpretation. Seconded by Member Matisse. All ayes. Motion carried.

Member Matisse made a motion to reconvene the regular meeting. Seconded by member Raymondo. All ayes. Motion carried.

Chairman Pearson stated we have decided not to make a decision this evening. We would like to carry this over until next Thursday, February 9th at 7:30pm and have counsel get together in the meantime.

Member Moore made a motion to adjourn the hearing for 108 Ulster Avenue, Interpretation until Thursday, February 9, 2017 for a Special Meeting at 7:30pm or as soon thereafter as the matter could be heard. Seconded by Member Wesenberg. All ayes. Motion carried.

C. **DISCUSSION ITEMS:** None

D. **INFORMATION ITEMS:** None

E. **CORRESPONDENCE:** None

3. **COMMUNICATIONS:** None

4. **EXECUTIVE SESSION:** None

MEETING ADJOURNED: 9:02 pm

RESPECTFULLY SUBMITTED
February 2, 2017
Tara Bliss
Zoning Board Secretary