



Gedney Association

P.O. Box 134 • Gedney Station • White Plains, NY 10605

September 13, 2013

Legal Memo regarding FASNY

Dear Neighbors—

Many issues have confronted us in connection with the FASNY application for a special permit to construct and operate a multiple building campus on the former Ridgeway Country Club property. Traffic volume and traffic safety, hydrology and storm water containment, noise and air pollution are some of the most obvious issues and causes for concern.

Unfortunately, there are legal issues that also need to be addressed. One legal issue that has been presented by FASNY's attorneys and repeated by some of their supporters is that the city cannot deny FASNY's application because it is a school. The position supposes NYS case law (law created from court decisions as opposed to statutory law which is created by the legislature) grants schools a preference that other non-educational uses do not enjoy.

This view of the law is incorrect and misleading. There is no statutory preference and the case law certainly allows a municipality to deny a special permit to a school development such as FASNY's. [Attached is a letter from Dennis Lynch, Esq. of Feerick Lynch & MacCartney](#) which states the law in a strong and cogent manner. This letter has been sent to the Mayor and Common Council.

In the coming days, we will be sharing with you the reports of the experts we have hired in the other areas mentioned above.

We are looking forward to seeing you at our Annual Picnic on Sunday, September 15 at Burke Foundation and at the **Common Council meeting on Monday evening, September 16 at 7PM at City Hall (please join us at 6PM on City Hall steps).**

And, please do not hesitate to contact our Mayor and Council Members to express your views.

Thank you.

*Terence Guerriere
President, Gedney Association*

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