

# The Journal News

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MOUNT KISCO

## \$8.4 M lawsuit accuses village of denying assisted living to seniors

Town and Country's owner has been trying to add units for years

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The Journal News

The owner of an assisted living facility, frustrated by years of trying to get approval to expand his building, filed an \$8.4 million federal lawsuit against the village last week.

The lawsuit calls on the U.S. District Court Southern District of New York to make the village grant the necessary approvals for the expansion of Town and Country Adult Living Inc. The litigation accuses Mount Kisco of discriminating against elderly who need assisted living – an arrangement that provides meals, housekeeping, and a variety of other services for seniors who don't need 24-hour skilled medical care.

"The (defendants) did everything in their power to deny elderly in need of assisted living from residing in the community," said Richard Roth, the Manhattan-based attorney for Town and Country owner Robert Mishkin. Roth is not related to the former Mount Kisco mayor who has the same first and last name. "For every step forward, Mount Kisco is forcing Mishkin to take 10 steps backwards."

Mishkin, who operates the 21,000-square-foot for-profit residence at 53 Mountain Ave., has been trying for about four years to expand the 44-resident facility. The latest plan is to expand it to 52,000 square feet and house 90 seniors.

After dozens of planning board meetings and some 1,000 pages of review documents, Mishkin fears the approval process is being intentionally delayed by village officials and could drag on.

Marianne Stecich, the village attorney, dismissed the lawsuit's claims that Mount Kisco officials have deliberately delayed the project and discriminated against seniors who need assisted living. "It's a lot of silly rhetoric and baseless argument," Stecich said yesterday about the litigation. "There's been no denial of anything by any board."

Mishkin has said that if the expansion is built, the new structure will fill with seniors who could live closer to home and their families.

In September 2000, the Mount Kisco Planning Board ruled that market studies provided by Mishkin had not proven sufficient demand for the bigger Town and Country facility. The panel also raised concerns over what would happen to the facility if it couldn't be used.

The board stated the village supports more assisted and independent living housing for

seniors but that the Town and Country project would be too big for the surround area – a neighborhood known as Captain Merritt's Hill where turn-of-the-century Colonial and Victorian homes abound.

A couple of months after the board's decision, the Westchester Hispanic Coalition offered to buy the facility for \$6 million in order to provide housing and services to Hispanic men, according to the lawsuit. The potential sale eventually fell through, according to the lawsuit, which blames Mount Kisco for stopping the transaction. Officials from the Westchester Hispanic Coalition could not be reached for comment yesterday. Stecich dismissed the contention that the village had a part in stopping a potential sale to the coalition as "absolutely not true." The litigation seeks at least \$8.4 million to cover the cost of the potential sale of the property to the coalition, bills for going through the approval process for the expansion as well as other punitive and compensatory damages, Roth said.

"We tried everything, unfortunately they left us with no other recourse," Mishkin said yesterday.

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