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Construction Services  
3D Visualization  
Laser Scanning

May 6, 2019

Supervisor Ron Belmont and Members of Town Board  
c/o Jackie Greer  
Town/Village of Harrison  
One Heineman Place  
Harrison, NY 10528

RE: JMC Project 19051  
Center for Montessori Education/NY  
220 - 230 Westchester Avenue  
Town/Village of Harrison, NY

RECEIVED  
2019 MAY -6 P 3:20  
TOWN CLERK  
HARRISON, NY

Dear Supervisor Ron Belmont and Members of Town Board:

Our firm represents Center for Montessori Education/NY in connection with its application for a Special Exception Use approval for the Child Day Care Center (herein, "Day Care Center") in the existing building known as 220 - 230 Westchester Avenue in the Harrison Executive Park in the Town of Harrison. The 6.93 acre property is located in an SB-0 District and is classified as a Planned Office Park. Day Care Centers are permitted by Special Exception Use Permit in the SB-0 District pursuant to Section 235-17(F) of the Town/Village of Harrison Zoning Code ("Zoning Code"), which we understand is granted by your Board.

The proposed Day Care Center expansion consists of 3,840 square feet of interior classrooms and an approximately 1,300 square foot outdoor playground area on the upper level of the existing building. As the Board is aware, this applicant processed a similar application on the lower level of this same building which received approval and is in full operation. The expansion of the existing Day Care Center is designed to accommodate up to an additional 43 children ranging in age from 18 months to 6 years old, Monday through Friday from 7:00 am to 7:00 pm. It is anticipated that children will be dropped off on a staggered basis between 7:00 am 10:00 am and children will be picked up between 4:00 pm and 7:00 pm. As detailed on the enclosed site plan, the proposal will result in a net decrease of four (4) parking spaces. However, based upon the current operations which are at full capacity the existing parking is more than sufficient to meet the needs of the proposed facility expansion. The Day Care Center will provide a greatly needed service to the community. Moreover, the strategic location of the facility within an existing building on a large commercial property ensures that it will not have an adverse impact on any neighboring properties.

In support of the application, we are pleased to enclose the following materials:

- I. Site Plans, prepared by JMC, PLLC (7 - Full Size Sets):

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>
C-000	"Cover Sheet"	04/18/2018
C-1	"Key Map With Existing Photos"	04/18/2019
C-100	"Existing Conditions Map"	04/18/2018
C-110	"Demolition and Erosion & Sediment Control Plan"	04/18/2018
C-300	"Layout and Landscaping Plan"	04/18/2018
C-400	"Grading & Drainage Plan"	04/18/2018
C-500	"Utilities Plan"	04/18/2018
C-900	"Construction Details"	04/18/2018
C-901	"Construction Details"	04/18/2018

2. Cardarelli Design & Architecture, P.C. Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>
A0	"Cover Sheet"	
A0.2	"Egress Plan"	
A2	"Construction Plan"	

3. Special Exception Use Permit Application, dated 04/18/2019.
4. Environmental Assessment Form (Short Form), dated 04/18/2019.
5. Property Deed/Description.
6. Letter of Authorization, dated 04/18/2019.

As detailed below, the proposed Day Care Center meets the Special Exception Use requirements set forth in section 235-17(R) and 235-16, respectively.

A. Special Exception Use Permit Standards

Pursuant to Section 235-17(R) of the Zoning Code, a proposed SB-0 Day Care Center conforms to the following requirements:

1. The proposed Day Care Center expansion is located in a Planned Office Park in the SB-0 district and to the best of our knowledge no other day-care centers are existing in such office park other than the current facility operated by this applicant. See Section 235-17(R)(1) and (2).
2. A floor plan is enclosed herewith showing planned occupancy throughout the Day Care Center. See Section 235-17(R)(3). The floor plan indicates that the daycare expansion will occupy 66 percent of the upper level of the subject building.
3. An appropriately sized and fenced outdoor play area is provided. Such area is directly adjacent to the indoor day-care center. A minimum distance of ten (10') feet is provided between the play area and all off-street parking areas and roadways. See Section 235-17(R)(4). See Section 235-17(R)(5).

4. As shown on the enclosed drawings, no portion of the day-care center is located in a cellar. See Section 235-17(R)(6).
5. As shown on the enclosed drawings, adequate windows, light and air are provided. See Section 235-17(R)(7).
6. The existing day-care building does not exceed two (2) stories or twenty-five (25 ') feet in height. The facility is designed with a minimum floor area of thirty-five (35) square feet per child for the maximum number of children to be enrolled. The calculated outdoor play area per child is 117 square feet. The expansion area of the day-care center is located on the second floor of the building and is 3,840 square feet which exceeds the maximum permitted square footage of 60% of the first floor of the building. The calculated percentage of second floor occupied by the daycare use is 66%. See Section 235-17(R)(8). However, the Applicant will be seeking a variance from this requirement through the Town/Village Zoning Board of Appeals.
7. The area to be occupied by the day-care center (excluding parking and dropoff areas) does not exceed the lesser of 15% of the lot area of the SB-0 Office Park or 27,500 square feet. See Section 235-17(R)(9).
8. The proposed Day Care Center is located within an existing building and meets the minimum setbacks set forth in Section 235-17(R)(10).
9. The proposed Day Care Center is located within an existing building in an existing Planned Office Park which meets the buffer strip requirements set forth in Section 235-17(R)(11) of the Zoning Code.
10. The proposed Day Care Center will not have an adverse municipal fiscal impact. Rather, the Day Care Center will provide a valuable service to the community. See Section 235-17(R)(12).
11. Based on the information provided above, the proposal satisfies the requirements set forth in Section 235-17(R)(12) of the Zoning Code as follows:
  - a. The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.
  - b. The disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained by either the neighborhood or the town by authorizing the special exception use permit.
  - c. The health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use.
  - d. Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in § 235-2.

Based on the foregoing, the proposed Day Care Center meets the conditions of the Special Exception Use Permit. As the Board is aware, we are processing our Site Plan Approval with

the Planning Board concurrent with your Boards review and approval. We have provided below, how the application is consistent with the Zoning Code Site Plan Approval Standards.

B. Site Plan Approval Standards.

The proposed Day Care Center meets the site plan requirements as follows:

1. Due to its location in an existing building in an existing Planned Office Park, the site is particularly suitable for the location of such use in the community. Moreover, the Town/Village of Harrison Board of Trustees, by permitting day care centers in the SB-0 District by special exception use permit, has already determined that this location is appropriate for the proposed use.
2. The plot area is sufficient, appropriate and adequate for the use. As detailed above, the Day Care Center has been designed with enough floor area to accommodate the maximum number of children.
3. Due to its location in an existing building in an existing Planned Office Park, the characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of assembly. The Town/Village of Harrison Board of Trustees, by permitting day care centers in the SB-0 District, has already determined the location is a suitable location for the proposed use. In any event, the characteristics of the proposed use are consistent with a Planned Office Park and will not adversely impact a church, school, theatre, recreational area or other place of assembly.
4. Due to its location in an existing building in an existing Planned Office Park, access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety in relation to the general character of the neighborhood and other existing or permitted uses within it and to avoid traffic congestion and, further, that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
5. Due to its location in an existing building in an existing Planned Office Park, no new curb cuts are necessary. All existing curb cuts have been approved by the street or highway agency which has jurisdiction.
6. Adequate provisions have been made for emergency conditions. Due to its location in an existing building in an existing Planned Office Park, the site has full access for emergency vehicles.
7. Due to its location in an existing building in an existing Planned Office Park, there are adequate existing off-street parking spaces for the anticipated number of occupants, both employees and patrons or visitors. Further, the layout of the spaces and driveways is convenient and conducive to safe operation.

8. Due to its location in an existing building in an existing Planned Office Park, adequate buffer yards, landscaping, fences and screening are provided where necessary to protect adjacent properties and land uses.
9. As detailed above, special setback, yard, height and building area coverage requirements applicable to the Day Care Center have been provided.
10. Due to its location in an existing building in an existing Planned Office Park and the nature of the proposed use, a public or semipublic plaza or recreational or other public areas are neither necessary nor appropriate.
11. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character. As noted on the enclosed site plan, a Sediment and Erosion Control Plan will be implemented during construction. It should be further noted that the proposal will result in a net decrease in the total amount of impervious surface on the site.
12. As noted on the enclosed site plan, existing municipal services and facilities are adequate to provide for the needs of the proposed use.
13. The use will not generate or accumulate dirt or refuse or tend to create any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke or irritants.
14. Due to the nature of the proposed use and its location in an existing building in an existing Planned Office Park, the construction, installation and operation of the Day Care Center is such that there is no need for further regulating the hours, days or similar aspects of its activity.

We respectfully request that this matter be placed on the agenda for May 16, 2019 and schedule a Public Hearing for June 6, 2019. We look forward to meeting with you and discussing this application further.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC



James A. Ryan, RLA  
Principal

Cc: Ms. K.T. Korngold  
Mr. Noah Meyer