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FRANK S. MCCULLOUGH (1905-1998)
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April 25, 2019

Honorable Supervisor/Mayor Ron Belmont
and Members of the Town/Village Board
Town of Harrison
One Heineman Place
Harrison, New York 10528

Re: Special Exception Use Application
Private Parking Garage
104 Corporate Park Drive

Dear Hon. Supervisor/Mayor Belmont and Members of the Board:

This firm represents 104 Corporate Park Realty LLC¹ (the "Applicant"), the owner of the above-referenced property (the "Property") in connection with its Special Exception Use application. The Property is located at the southern side of Corporate Park Drive, in the so-called "teardrop" area of the Platinum Mile along Interstate 287. The 6.53 acre Property is in the SB-0 "Special Business" District and is presently improved with a four-story office building that is has been vacant for several years, and has had difficulty attracting tenants.

To revitalize the Property, the Applicant is proposing to renovate the current building to accommodate new, state of the art medical offices for pediatric ambulatory services, including a cancer center. In order to accommodate this permitted use, the Applicant is also proposing to construct an addition to the first floor of the existing building to house a linear accelerator, as well as a three-story parking garage (grade plus two stories), which will connect to the principal building. The parking garage and building addition will be primarily located over an area that is already developed with surface parking. This work shall hereinafter be collectively referred to as the "Improvements".

¹104 Corporate Park Realty LLC is a single purpose entity controlled by Simone Development Companies.

We are pleased to report that at its April 23, 2019 meeting, the Planning Board, as Lead Agency under SEQRA, adopted a Negative Declaration finding that the proposal would have no significant environmental impacts, and voted to grant Special Exception Use Permit approval for the proposed parking garage component of the Improvements.²

As you know, the Special Exception Use Permit must now be confirmed by the Town Board after holding a public hearing. We are, therefore, writing to request that this matter be placed on your May 2, 2019 agenda in order to schedule the required public hearing for your June 6, 2019 meeting.

As part of an application for Special Exception Use approval, the Applicant must show that the general criteria of Sections 235-14 and 235-16 of the Harrison Zoning Ordinance are satisfied, as well as use-specific criteria in Section 235-17. Section 235-14 sets forth the procedures for the granting of a Special Exception Use and includes in Section 235-14E certain general provisions.

The general provisions of Section 235-14E that must be met and how they are satisfied by the current application are as follows:

- A. *Section 235-14E(1) requires that 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.*

The principal building is currently located on the Property, which is already fully developed for office use. The Improvements are proposed in order to update and rejuvenate the outdated office building. The Property is located amongst a mix of uses, including an adjacent office development, in the “teardrop” area of the “Platinum Mile”, and is wholly in keeping with the surrounding neighborhood. Therefore, the Improvements will not prevent or impair the use or development of other properties in the neighborhood.

- B. *Section 235-14E(2) requires that any disadvantages to the neighborhood are outweighed by the advantages to the neighborhood or to the Town.*

The proposed development will renovate a vacant and underutilized building. The Applicant will lease the building to Montefiore Medical Center (“Montefiore”), a premier care provider in the New York metropolitan region (and parent company of White Plains Hospital). These Improvements will help the continued revitalization of the teardrop area and will provide a great benefit to the neighborhood.

² The Planning Board also voted to grant Amended Site Plan and Slope Permit approvals. In addition, on April 10, 2019, the Zoning Board of Appeals granted area variances for the Improvements.

The principal building will remain in its current location at the center of the Property, and the proposed garage shall be located on the western side of the site, closer to the existing office development at 102 Corporate Park Drive. The garage will be designed to work with the grading on the Property, reducing visual impacts. See enclosed renderings. Additionally, the garage will primarily be located in an area that is already improved with paved parking.

The Property is currently screened with significant buffers, which will largely be preserved. Furthermore, the renovated office will not have any significantly greater impact on residential neighborhoods than the existing office use, were the current building to be occupied. The Applicant provided a traffic study to the Planning Board, which was reviewed by the Town's traffic consultant. Certain mitigation measures were added to the Improvements, and the Planning Board determined these were acceptable for its approvals. Therefore, the benefits to the Town and to the neighborhood outweigh any potential disadvantages.

- C. *Section 235-14E(3) requires that the health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected.*

The Property is already developed with the existing office building, and the proposed parking garage will be located in an area that is largely devoted to surface parking presently. As is noted above, the proposal will provide numerous benefits and will have virtually no negative impact on the Town.

- D. *Section 235-14E(4) requires the use to be in harmony with and promote the general purposes and intent of this chapter.*

Since the garage is permitted in this zoning district as special exception use (and the office building is permitted as a principal use), it is consistent with the Zoning Ordinance. Additionally, the proposed Improvements promote the goals of the Comprehensive Plan, which calls for "retaining office complexes and promoting suitable, complementary non-office development" in the teardrop. Harrison Comprehensive Plan p. 73. The proposed building will enhance and improve the Property and the surrounding area.

Section 235-16 of the Ordinance sets forth certain additional factors, which the Board may consider in hearing special permit applications.

- A. *Suitability of location.* As previously noted, the Property has been identified by the Town in its comprehensive planning program as an area where a mixture of land uses, including the retention of office buildings, is desirable. The Property is particularly suitable to the proposed medical office use, as it is a fully developed site, which seeks to adapt the existing office building. The proposed parking garage will be located primarily in an already-disturbed area of the site, which is at a significantly lower elevation than Corporate Park Drive, and will be screened by proposed screening, and existing vegetation and topography.

- B. *Sufficient plot area.* The existing lot area of approximately 6.53 acres is more than sufficient to accommodate the proposed development. The Property exceeds the minimum lot requirement of five (5) acres, and the overall footprint of the principal building will remain largely unchanged, except for the proposed first-floor addition. The parking garage will be located in an area that is already used for surface parking, and there will remain significant landscaping.
- C. *Characteristics of proposed use are not such that its location would be unsuitably near to a church, school, theater, recreational area or other place of assembly.* The Property is quite distant from any of these features, and the existing building will remain an office use. Furthermore, the proposed medical office use provides a community benefit, and its characteristics would not be unsuitably near to a church, other school, theater, recreational area or place of assembly.
- D. *Access facilities are adequate so as to assure public safety and to avoid traffic congestion.* Access to the development will be over the existing internal roadway system, as modified by the proposed plan. Ingress and egress will be provided via the main entrance off Corporate Park Drive. A new, ingress only curb cut from Corporate Park Drive is also proposed for access to the upper level of the parking garage, which will further streamline traffic to and from the site.
- E. *All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.* All proposed curb cuts will be approved by the appropriate agency, as necessary.
- F. *Adequate provisions have been made for emergency conditions.* Emergency access and maintenance vehicles will have access to the building from the existing internal road system, as enhanced, with secondary emergency access provided off Westchester Park Drive. The building will include all required fire protection equipment. The Applicant has met with the Purchase Fire Department, and incorporated the Department's comments into its plans.
- G. *There are adequate parking and truck loading spaces.* There will be an anticipated total of 495 parking spaces on the Property in connection with the Improvements, as set forth on the enclosed plans, which will be adequate for the proposed use.
- H. *Adequate buffering and screening.* All surrounding properties are screened with existing landscaping and/or wooded buffers. All buffers will be maintained to the maximum extent possible and will be enhanced with additional landscaping. Thus, it is not anticipated that the development will have any substantial impact on the community or on surrounding property owners. See enclosed renderings.

- I. *Appropriate setbacks, yards, coverage requirements, etc. have been provided.* The existing office building meets all required height and setback requirements. The proposed garage has received variances from the Zoning Board of Appeals for setbacks as well as a 1% lot coverage variance. Nevertheless, it is respectfully submitted that, due to the existing screening and unique design to incorporate the topography of the Property, the garage has been designed to appropriate standards, and that the Zoning Board of Appeals was correct in its finding that the variances granted will not have any adverse impact on the physical or environmental conditions of the neighborhood.
- J. *Appropriate public or semipublic plaza, recreational or other public areas.* A public or semipublic plaza or recreational area on the Property would be inappropriate for the office and parking garage proposed.
- K. *Stormwater runoff, sanitary sewage, refuse and other waste have been provided for.* The site is served by public stormwater and sewer systems, as well as public utilities. Additionally, the plans approved by the Planning Board (subject to final Town Engineer approval) show the proposed on-site stormwater management measures that have been designed to meet all applicable current standards.
- L. *Existing municipal services or facilities are anticipated to be adequate to provide for the needs of the use.* The existing municipal services and facilities are adequate to support the proposed Improvements. Additionally, a private waste hauler will be used to collect garbage and recyclables.
- M. *The use will not generate environmental pollution.* The proposed building will not generate any significant environmental pollution. It is reiterated that this is already a fully-developed site, and the principal office building is to be adaptively reused. Moreover, the proposed stormwater measures are a significant upgrade to current site conditions and will improve the environmental condition of the Property.
- N. *Regulation of hours, days and similar aspects of the activity.* The medical offices will be open six (6) days per week (Monday through Saturday). No overnight facilities will be provided. It is anticipated that all proposed medical office services will occur during between approximately 7:00 a.m. and 9:00 p.m.

Finally, Section 235-17(I) of the Zoning Ordinance lays out specific criteria for private parking garages, as follows:

- 1. *A parking garage may be a separate structure or combined with other uses in one structure.* The proposed garage complies with this requirement.
- 2. *Such a structure shall not have more than two stories above the ground.* The proposed garage will be three levels (grade plus two stories), and received the necessary variance from the Zoning Board of Appeals.

3. *Parking shall not be permitted on the roof of a parking garage in the [SB-0 District], except one that is completely below the first floor elevation of the principal building on the lot* The proposed garage complies with this requirement.
4. *The location of such a structure shall not interfere with the provision of required landscape or other screening, nor shall it be permitted within a required buffer strip.* The proposed garage will be located in the required side yard buffer, and received a variance from the ZBA. However, it is not anticipated that this will result in any significant visual impacts, since the Property is already fully developed, and the garage will not greatly impact existing landscaping.
5. *Any part of a parking garage which is above ground shall be subject to the dimensional regulations set forth in this chapter.* The proposed garage generally meets required dimensional requirements, though certain area variances were granted for front, rear, and side yard/buffer requirements, as well as a variance for total building coverage.
6. *Parking garages shall conform to all other applicable codes, regulations or ordinances with respect to their construction, operation, maintenance and safety features.* The proposed garage complies with this requirement.

For all of the foregoing reasons, it is submitted that this application meets the requirements of the Zoning Ordinance for a Special Exception Use permit. In support of this application, please find enclosed seven (7) copies of the following materials:

1. Completed and signed Special Exception Use Application Form;
2. Letter In Support from the owner of the most impacted neighboring property at 102 Corporate Park Drive, dated November 27, 2018; and
3. Architectural renderings and Site Plan prepared by Perkins Eastman, last revised April 2, 2019.

In addition to the foregoing, copies of the Planning Board's Negative Declaration and Special Exception Use Permit approval resolution will be provided to the Town Board once they are signed by the Planning Board Chairman.

We look forward to discussing this important project with you at the May 2nd Town Board meeting, at which time we respectfully request that the Board schedule a public hearing for June 6th. If you have any questions, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Seth M. Mandelbaum", with a long, sweeping horizontal line extending to the right.

Seth M. Mandelbaum

SMM:sw

Enc.

cc: 104 Corporate Park Realty LLC
Perkins Eastman
JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
Patrick Cleary, AICP



TOWN OF HARRISON SPECIAL EXCEPTION USE APPLICATION



SITE IDENTIFICATION INFORMATION		
Application Name: Renovation of Office at 104 Corporate Park Drive	Application #	Date Submitted:
Site Address: No. 104 Street: Corporate Park Drive Hamlet:		
Property Location: (Identify landmarks, distance from intersections, etc.) Along the south side of Corporate Park Drive, east of Westchester Ave. and south of Westchester Park Drive.		
Town of Harrison Tax Map Designation: Section Block 0621 Lot(s) 12		Zoning Designation of Site: SB-0
APPLICANT/OWNER INFORMATION		
Property Owner: Cerlee LLC	Phone #: 914-924-2504 Fax#:	Email: jlee@histogenetics.com
Owners Address: No. 300 Street: Executive Boulevard Town: Ossining State: NY Zip: 10562		
Applicant (If different than owner): 104 Corporate Park Realty LLC	Phone #: 718-215-3000 Fax#: 718-794-7962	Email: gleibler@simdev.com
Applicant Address (If different than owner): No. 1250 Street: Waters Place, PH 1 Town: Bronx State: NY Zip: 10461		
Individual/ Firm Responsible for Preparing Site Plan: JMC Planning, Engineering, Landscape Architecture & Land Surveying	Phone #: 914-273-5225 Fax#: 914-273-2102	Email: rpearson@jmcpllc.com
Address: No. 120 Street: Bedford Road Town: Armonk State: NY Zip: 10504		
Other Representatives: McCullough, Goldberger & Staudt, LLP	Phone #: 914-949-6400 Fax#: 914-949-2510	Email: smandelbaum@mgslawyers.com
Owners Address: No. 1311 Street: Mamaroneck Avenue, Suite 340 Town: White Plains State: NY Zip: 10605		
SPECIAL EXCEPTION USE INFORMATION		
Proposed Special Exception Use:		
Will the use prevent or substantially impair either the reasonable or orderly use or the reasonable and orderly development of other properties in the neighborhood?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
Are 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 of the town by authorizing the special exception use permit?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
Will the health, safety, welfare, comfort, convenience and order of the town be adversely affected by the authorized use?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
Will the special exception use be in harmony with and promote the general purposes and intent of the town's zoning ordinance?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
On a separate sheet, describe how the proposed special exception use complies with the General Conditions set forth in §235-16 See Memo In Support		
On a separate sheet, describe how the proposed special exception use complies with the Special Conditions and Safeguards for Specific Uses set forth in §235-17 See Memo In Support		
APPLICANTS ACKNOWLEDGEMENT		
I hereby depose and certify that all the above statements and information, and all statements and information contained in the supporting documents and drawings attached hereto are true and correct.		
104 Corporate Park Realty LLC Applicants Name	 Applicants Signature	
Sworn before me this 6th day of November 2018		
 Notary Public	MARIANNE MARRONE NOTARY PUBLIC - STATE OF NEW YORK NO. 01MA5043674 QUALIFIED IN BRONX COUNTY COMMISSION EXPIRES AUGUST 28, 2021	

*Additional plans, elevations, and renderings prepared by Perkins Eastman.
Address: 677 Washington Boulevard, Suite 101 Stamford, CT 06901
Telephone: 203-251-7400, Email: m.creedon@perkinseastman.com

Histo99 LLC
300 Executive Boulevard
Ossining, New York 10562

November 27, 2018

Honorable Chairman Tom Heaslip & Members of the Planning Board
Honorable Chairman Mark Fisher & Members of the Zoning Board of Appeals
Honorable Supervisor/Mayor Ron Belmont & Members of the Town/Village Board
One Heineman Place
Harrison, New York 10528

Re: 104 Corporate Park Drive, Harrison, New York

Dear Sirs or Madams,

Histo99 LLC is the owner of the property located at 102 Corporate Park Drive. We are writing to you regarding the proposed renovation of the existing vacant office building at 104 Corporate Park Drive, Harrison NY ("Proposed Project") (which property is owned by 104 Corporate Park Realty LLC, which we understand is a single use entity controlled by Simone Development), which Proposed Project is directly adjacent to our property at 102 Corporate Park Drive.

We have had the opportunity to review the plans for the Proposed Project. By revitalizing the underutilized property and renovating the existing vacant building for a much needed medical use, including a new three-story parking garage with a connection to the principal building, we believe the Proposed Project is synergistic with the neighborhood, as well as the other surrounding existing and approved uses in the area. We would like to offer our full support for the Proposed Project.

Thank you in advance for your time and attention to this matter. If you have any questions, please do not hesitate to contact me at 914-762-0300.

Sincerely,


NEZIH CEREB

cc: Guy Leibler, Simone Development