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June 25, 2015

*Via Hand Delivery*

Hon. Ron Belmont, Mayor,  
and Members Town/Village of Harrison  
Town Board  
1 Heineman Place  
Harrison, New York 10528

*Re: Application of Keio Academy of New York for Confirmation of Amendment of  
Special Exception Use Permit for Property Located at 3 College Road, Purchase  
– Block 0631, Lot 26*

Dear Mayor Belmont and Members of the Board:

We represent Keio Academy of New York (“Keio”), which operates a private high school located on an approximately 27-acre property at 3 College Road in the Town/Village of Harrison (the “Property”). This letter is submitted in support of Keio’s request that you confirm the June 23, 2015 resolution of the Town/Village of Harrison Planning Board (the “Planning Board”), which amended Keio’s existing special exception use permit to authorize construction of an approximately 22,000 square foot student center (the “Student Center”) and the associated relocation of three tennis courts to a different site on its campus. Both the Student Center and the tennis courts will be used by the school itself and will not be open to the general public or made available for use by outside organizations. Accordingly, the proposed improvements will neither increase the intensity of use of the Property, nor have any impact on the environment or surrounding areas. We ask that your Board place the application on the agenda of its next meeting in order to schedule the public hearing required by Sections 235-14G and H of the Town/Village of Harrison Zoning Ordinance (the “Zoning Ordinance”).

On June 23, 2015 the Planning Board, acting as lead agency in a coordinated review under the State Environmental Quality Review Act (SEQRA; collectively referring to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617), issued a negative declaration with respect to Keio’s proposal. By three other resolutions of the same date, the Planning Board approved an amended special exception use permit and an amended site plan authorizing the proposed improvements of and modifications to the Property, and granted a steep slopes permit in connection therewith. Previously, on June 11, 2015, the Town/Village of

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Harrison Zoning Board of Appeals (the "Zoning Board"), granted the area variances necessary to authorize the proposal.<sup>1</sup>

Enclosed herewith are copies of the following materials:

1. The resolution dated June 23, 2015, by which the Planning Board granted Keio an amended special exception use permit to authorize the proposed improvements;
2. The resolution dated June 23, 2015, by which the Planning Board granted Keio amended site plan approval;
3. The resolution dated June 23, 2015, by which the Planning Board granted Keio a steep slopes permit;
4. The resolution dated June 23, 2015, by which the Planning Board issued a negative declaration under SEQRA;
5. The resolution dated June 11, 2015, by which the Zoning Board granted the requisite area variances;
6. A copy of the executed application for amendment to the special exception use permit and associated checklist, which were submitted to the Planning Board;
7. The full set of plans, elevations and renderings, prepared, signed and sealed by Neglia Engineering and Associates and Arcari & Iovino Architects, P.C., which received the above-mentioned approvals from the Planning Board and Zoning Board; and
8. A letter dated April 1, 2015 from Manhattanville College to the Zoning Board, in which Manhattanville expressed its support for Keio's land use applications.

*Background and Proposed Improvements*

The high school was established by Keio in 1990 to provide bilingual and bi-cultural

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<sup>1</sup> The relief granted by the Zoning Board includes: (1) a variance from the off-street parking requirements set forth in Section 235-37 of the Zoning Ordinance to permit 125 parking spaces where 227 are required; and (2) variances from the rear-yard requirements of Zoning Ordinance §235-9B, Table of Dimensional Requirements, to allow the proposed tennis courts and associated fencing to be located four feet, six inches (4'6") from the common boundary with Manhattanville College, where 50 feet is required.

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education to students in 9<sup>th</sup> through 12<sup>th</sup> grade. Among other things, its mission is to prepare students, who are primarily Japanese or of Japanese descent, to continue their education at Keio University in Japan or at other prestigious institutions of higher learning. It was developed and is operating in accordance with a special exception use permit and site plan approval (which have been amended in limited respects over the years). In the applicable R-2 zoning district the high school is a use permitted by special exception use permit.

As the high school's 25<sup>th</sup> anniversary approaches, one of Keio's goals is to create the Student Center, which will provide a 609-seat auditorium/lecture hall for cultural, musical and scholastic events, lectures and extracurricular activities and serve as a gathering place for students outside of the academic buildings and gymnasium. No auditorium presently exists on the Keio campus. As shown on the floor plans, in addition to the auditorium the Student Center will include studios for band, orchestra, rock music, dance and chorus practice. Rooms are designed and will be designated for student activities such as debate practice, student government, the year book, student magazine, school newspaper and poetry. Many of the activities, which currently occur in the gymnasium and employ roll-out bleachers and/or chairs temporarily placed on the gym floor, or in the academic buildings - - essentially in make-shift facilities - - will be relocated to the Student Center. All spaces in the Student Center will share use of the auditorium for school-wide functions, including, but not limited to, school-year opening and closing ceremonies, dance and musical productions and graduation. The entire facility will be served by the required utility and storage rooms, offices, security, restrooms and a pantry. It will comply in all respects with the dimensional and bulk regulations of the Zoning Ordinance.

The Student Center will be located at the site of, and displace, the school's existing tennis courts, which necessitated acquisition from the Zoning Board of variances to facilitate creation of three new tennis courts between Keio's athletic field and the boundary with neighboring Manhattanville College ("Manhattanville"). The courts will be unlighted and enclosed by a 10-foot-high fence.

*The Proposed Improvements Will Not Have Negative Impacts*

At the risk of belaboring the point, it must be recognized that the proposed improvements will serve the existing Keio community. Neither the number of employees nor the level of enrollment is expected to change as a result of the proposed improvements. Of note is that the environmental review process culminated in the Planning Board's issuance of a negative declaration under SEQRA - a conclusion that Keio's proposal will not generate any significant environmental impacts.

The Student Center will be situated in the corner of the Property that is bounded by Manhattanville. It is significantly farther from any residences on properties to the west than the

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existing academic, gymnasium and dormitory buildings on the Property. Specifically, it is located approximately 500 feet from the nearest residence while the linked administrative and classroom buildings are separated by approximately 290 feet from the closest residence. Additionally, the Student Center will be 38 feet tall, while the peak height of the roofs of the existing administrative building and classroom building at Keio are 48 feet, 9 inches, and 58 feet, 6 inches, respectively. The only additional lighting proposed on the campus will be a limited number of fixtures on the exterior of the Student Center. No further freestanding lighting is planned.

Although close to the lot lines with Manhattanville, the tennis courts and fencing will integrate seamlessly into the existing athletic facilities on both the Manhattanville and Keio campuses. In fact, Manhattanville's playing field abuts the property line to the immediate north of the proposed location for the tennis courts. Additionally, the proposed courts are located in excess of 650 feet from the nearest property line of a residential parcel. Therefore, the tennis courts and fencing are consistent with their surroundings and will have no visual or other discernable impacts.

The submitted plans include a comprehensive stormwater management program which will comply with the Town's regulations and insure that there will be no increase in the peak rate of runoff in the post development condition.

Critically, the Student Center and relocation (but not increase in number) of the tennis courts is not anticipated to create any additional parking demand or traffic, because the proposal merely allows relocation of activities which are currently taking place and have historically occurred on the campus. Consequently, the nature and intensity of activities occurring on the Property is anticipated to be unchanged by the proposed improvements. Notably, during its almost quarter century of operations Keio has been able to meet its parking needs on campus and experienced no parking problems even during the limited number of school-wide events held on campus each year.<sup>2</sup>

*Keio's Application Complies With the Special Permit Criteria in the Zoning Ordinance*

The discussion above should make clear that, as was determined by the Planning Board, the proposed amendments to the special exception use permit fulfill both the general and use-

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<sup>2</sup> Major factors insuring that neither traffic nor on-campus parking generates problems are that students are proscribed from having cars on or driving to or from the Property and a substantial majority of students reside on the campus.



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specific criteria in the Zoning Ordinance.<sup>3</sup> Keio's use, which will continue unchanged, will not, despite the proposed improvements, impair or otherwise impact the reasonable and orderly use or development of other properties in the neighborhood (Zoning Ordinance §235-14E(1)), will impose no disadvantage to the neighborhood or impair the health, safety, welfare, comfort or convenience of the Town (Zoning Ordinance §235-14E(2) & (3)) and will be in harmony with and promote the general purposes of the Zoning Ordinance. Zoning Ordinance §235-14E(4)<sup>4</sup>. Among other things, the proposed use of and improvements on the Property are located on a suitable site, being adjacent to a college, and the Property is of sufficient size – 27.02 acres – to accommodate the use, which, in turn, will not interfere with any nearby quasi-public uses such as schools, churches or recreational areas. *See* Zoning Ordinance §235-16A, B and C. As noted above, the tennis courts integrate well with the existing recreational facilities both on the Property and on the Manhattanville campus. As also mentioned, Manhattanville submitted a letter in support of approval of Keio's proposed improvements, a copy of which is included with this letter. Moreover, Keio's campus and activities, in general, and the proposed new improvements, in particular, are to a large degree physically and functionally insulated from surrounding neighborhoods.

As the intensity of the use and associated traffic are anticipated to be unchanged, facilities for access to the Property will remain adequate and not affect the operating conditions or safety of streets and sidewalks so as to impact neighborhood character. *See* Zoning Ordinance §235-16D. The proposal includes no new curb cuts and will have no implications with respect to the adequacy of provisions for emergencies and, although a variance has been granted for the number of parking spaces, in light of the fact that the proposal will not modify or intensify the use of the Property, the parking facilities will amply continue to meet the school's needs. *See* Zoning Ordinance §235-16E, F and G. Even with the proposed improvements in place, the buffering,

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<sup>3</sup> Of course, “[i]t is established law that educational institutions, like religious institutions, enjoy special treatment with respect to residential zoning ordinances because these institutions presumptively serve the public's welfare and morals” *Lawrence School Corporation v. Lewis*, 174 A.D.2d 42, 46, 578 N.Y.S.2d 627, 630 (2d Dep't 1992) (holding that denial of the variance necessary to authorize a private school to construct two swimming pools was arbitrary and capricious, where the zoning board failed to recognize the school's “special status”); *see Town of Islip v. Dowling College*, 275 A.D.2d 366, 367, 712 N.Y.S.2d 160, 161 (2d Dep't 2000) (recognizing the special zoning treatment afforded schools and that: “[e]ducational institutions are generally permitted to engage in activities and locate on their property facilities for such social, recreational, athletic, and other necessary uses as are reasonably associated with their educational purpose”). Greater flexibility is required in evaluating a land use application for such a use than in reviewing applications for other uses and every effort must be made to accommodate the use. *Gospel Faith Mission International, Inc., v. Weiss*, 112 A.D.2d 824, 826, 977 N.Y.S.2d 333, 335 (2d Dep't 2013), *lv. denied*, 23 N.Y.3d 997, 992 N.Y.S.2d 763 (2014); *see Lawrence School Corporation*, 174 A.D.2d at 46, 578 N.Y.S.2d at 630.

<sup>4</sup> Significantly, there was no opposition to Keio's project before either the Planning Board or the Zoning Board.

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screening and fencing are such that the use of the Property will not adversely impact adjacent properties and land uses.<sup>5</sup> *See* Zoning Ordinance §235-16H.

As should be evident from the discussion above, the Planning Board's Negative Declaration and the plans submitted as part of Keio's application, items such as stormwater management, disposal of refuse and other waste will be thoroughly addressed, the existing municipal services will remain sufficient to serve the school and there will be no new impacts on neighbors or boundary streets with respect to vibration, noise, light, dust, odors or smoke (although there will, of course, be some minor on-site temporary impacts associated with construction during a limited period, which will be confined to those hours permitted under the Town Code.<sup>6</sup>) *See* Zoning Ordinance §235-16M and N.

Likewise, Keio's proposed improvements on the Property will conform to the use-specific criteria set forth in Zoning Ordinance §235-17N for not-for-profit schools. Keio is, in fact, a nonprofit organization, operating a chartered school which provides general education. *See* Zoning Ordinance §235-17 N(1) and (2). It is located on a site that is in excess of 25 acres and the proposed changes have no impact on the requirements concerning uses along the Property's perimeter. *See* Zoning Ordinance §235-17 N(3) and (7)(a) & (c). The playing field on the Property, which will remain unchanged at its approved location, is adequately screened from public view. *See* Zoning Ordinance §235-17 N(4). The ingress and egress roads, which will also not be modified, will continue to present no unusual traffic hazards or congestion. *See* Zoning Ordinance §235-17 N(5). Further, the height and setbacks of the Student Center will meet the requirements of Section 235-17N(7)(b) of the Zoning Ordinance. Finally, because of the Student Center's location and its distance from surrounding land uses and the existing vegetation on and topography of the relevant areas of the Property, no new buffering is required to screen adjoining residential property. *See* Zoning Ordinance §235-17N(7)(d).

#### *Conclusion*

We respectfully request that your Board schedule Keio's application for consideration at its next meeting and schedule the public hearing thereon as quickly as possible. We submit that

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<sup>5</sup> A 300-foot-wide conservation easement is located on the Property along Anderson Hill Road. *See* Zoning Ordinance §235-16I.

<sup>6</sup> Under Town Code §177-2F, no outdoor construction or grading is permitted after 8:00 p.m. or before 7:30 a.m. on weekdays or before 10:00 a.m. both on weekends and national and state holidays.

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following the hearing, your Board should confirm the Planning Board's amendment of the special exception use permit.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:   
Adam L. Wekstein

ALW:hc  
Enclosures

(via electronic mail)  
cc: Mr. Hitoshi Kamura  
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