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May 24, 2018

Via Hand Delivery

Hon. Ching Wah Chin, Chairman,
and Members of the Town of Ossining Planning Board
John-Paul Rodrigues Operations Center
101 Route 9A - P.O. Box 1166
Ossining, NY 10562

*Re: Application of Briarcliff Manor Partners, LLC, for Site Plan and Architectural Approval and a
Wetlands Permit for The Learning Experience Child-Care Facility
530 North State Road, Section 90.15, Block 2, lot 18*

Dear Chairman Chin and Members of the Board:

We represent Briarcliff Manor Partners, LLC (the "Applicant"), the contract vendee for an approximately one-acre property located at 530 North State Road and identified on the Town of Ossining Tax Map as Section 90.15, Block 2, Lot 18 (the "Property"). The Applicant proposes to redevelop the Property with a 10,000-square-foot Child-Care Facility known as The Learning Experience (the "Center").¹ The Property was formerly used as a garden center, but it is currently largely dormant. Portions of it are used to store equipment for the neighboring Bobcat of Westchester construction equipment sales and rental business. To proceed with the development, the Applicant will need to obtain from your Board site plan approval and architectural review, together with a freshwater wetlands permit.

Enclosed with this letter as the Applicant's application materials are 10 paper copies and one PDF file of the following:

1. The executed Planning Board application form, dated May 22, 2018;
2. The executed authorization from the owner of the Property, NSRR Realty LLC, authorizing the application, dated May 11, 2018;
3. A Full Environmental Assessment Form (Parts 1 and 2), dated May 22, 2018;

¹ The Learning Experience is a national chain of child-care centers headquartered in Boca Raton, Florida. There are more than 200 centers in the United States, with an additional 100 centers currently under development.

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4. The Site Plan, comprised of eleven (11) sheets, prepared by Jarmel Kizel Architects and Engineers, Inc., dated April 27, 2018 (with Sheet 6, The Landscape and Wetland Mitigation Plan, having been prepared by Jay Fain & Associates Environmental Consulting Services, LLC, dated May 22, 2018);
5. A floor plan and elevations for the proposed Child-Care Facility building, prepared by Jarmel Kizel Architects and Engineers, Inc.;
6. The Wetland Biological and Impact Assessment prepared by Jay Fain & Associates Environmental Consulting, LLC, dated May 22, 2018;
7. A Traffic and Parking Analysis, prepared by Stonefield Engineering & Design, dated May 21, 2018; and
8. A Stormwater Pollution Prevention Plan (“SWPPP”), prepared by Jarmel Kizel Architects and Engineers, Inc, dated April 30, 2018.

Also enclosed are checks in the sums of \$1,400.00 for the site plan and application review fee, and \$10,000.00 to fund the escrow account.

The Property and Applicant's Proposal

As noted, the Applicant is seeking authorization to redevelop the Property as a Child-Care Facility, with associated parking, an outdoor playground and landscaping. The existing buildings will be demolished. The Property is located in the GB Zoning District in which Child-Care Facilities and Nursery Schools are permitted as of right. The proposed plan is substantially compliant with the bulk and dimensional regulations of the Zoning Ordinance.² Adjoining the Property on the north and south are commercial uses with such uses being prevalent on North State Road in the Property's vicinity. Development of the Property as proposed will improve it both aesthetically and environmentally.

The Center will be located in a one-story 10,000-square-foot building which will be served by a 36-space parking lot. The Property, which currently has two access drives directly onto North State Road, would be modified to eliminate one of the driveways so that all entry into and egress from the Center would be through a single full movement driveway.³ To the rear (east) of the parking lot will be a play area

² The Applicant is requesting that your Board authorize the use of a 6-foot high solid fence in proximity to the rear lot line to meet the buffering requirement imposed by Section 200-18D(2) of the Zoning Ordinance in instances where neighboring property is used or zoned for residential purposes. The rear 20 feet of the Property will be improved with a play area featuring a pervious surface and landscaping, which, as discussed below, will serve as wetland mitigation and actually improve the Property's ecology. It should be noted that roughly half of the neighboring land which adjoins the Property's rear lot line, including most of that in proximity to the playground, is a paper street known as Pine Street, which while residentially zoned, is unlikely to be improved with a residence. Please note that the proposed wall and monument signs may require area variances.

³ Consolidating the two driveways into a single one would reduce the potential for conflicting turning movements and is consistent with New York State Department of Transportation guidelines.

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together with significant landscaping along the watercourse – a watercourse which runs through land adjacent to the Property's rear boundary before discharging at the extreme southeastern corner of the Lot. As it discharges from the Property the watercourse flows almost directly into two 48-inch diameter drainage pipes by which it is conveyed under the property of the neighboring commercial use, generally to the south.

The surface of the Property is comprised primarily of stone, broken pavement and packed earth, with a minimal fringe of woody vegetation along the Property's rear. Precipitation falling on the Property flows over the pavement and exposed soil before entering the watercourse. No formal landscaping exists on the Property.

The Center's Characteristics, Traffic and Parking

The Center itself is designed in accordance with day care facility standards of the State Office of Children and Family Services to qualify as a New York State licensed day care center upon completion. It is estimated that the Center will accommodate 146 children and require 24 staff members to maintain the staff-to-child ratios required by New York State. Children from approximately six weeks to six years old would be cared for at the Center.

The Center's hours of operation would be Monday through Friday, from 6:30 a.m. to 6:30 p.m. Unlike traditional schools, the Center is designed for working families and parents so that they can drop off and pick up their children on their own schedule; full-day, half-day and three-quarter day schedules are available. In light of the staggered lengths of the programs, parents pick up children at various times in the afternoon. Typically children are dropped off between 6:30 a.m. and 9:00 a.m. Drop offs and pickups take less than ten minutes each.⁴

Fourteen parking spaces will be located immediately adjacent to the building. They would be available to parents for drop off and pickup. The location and quantity of these spaces provide ample capacity for such activities and minimizes, if not eliminates, instances when parents and their children have to walk across the drive aisles to access the building.

As set forth in the Traffic Report, the parking proposed is adequate to handle the demand created by the Center and peak hour traffic would not have significant adverse impacts on the adjacent roadway network.⁵ An analysis of the parking needs of the Center, based on the experience at other The Learning Experience locations and the standards of the Institute of Transportation of Engineers, establishes that the peak hour parking demand would be 26 vehicles. Consequently, the Center would have excess capacity of at least 10 spaces even during its busiest periods.

⁴ The Traffic and Parking Analysis of Stonefield Engineering & Design, dated May 21, 2018 (the "Traffic Report"), notes that the drop off and pickup patterns at other The Learning Experience facilities in the metropolitan area show that such activity was evenly distributed throughout the peak periods and that the observed traffic operation pattern established that "peak parking demand is dispersed during the peak periods rather than concentrating the parking utilization."

⁵ As the Center is not open on Saturdays or Sundays, it creates little demand for parking and generates insignificant traffic on weekends.

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The Traffic Report concludes as follows:

The analysis findings, which have been based on industry-standard guidelines, indicate that the proposed development would not have a significant adverse impact on the adjacent roadway network. Sufficient parking would be provided on site to support the proposed development

Stormwater Management

The Applicant has submitted a SWPPP, pursuant to which stormwater will be treated through an underground detention system equipped with an outlet control structure and water quality treatment device, including an oil and grit separator. No untreated stormwater will leave the Property. The sediment and erosion control measures proposed during construction will fulfil all applicable regulations to insure no degradation in the quality of the runoff leaving the Property.

The proposed stormwater management system will meet the requirements of the New York State Department of Environmental Conservation's and the Town of Ossining's stormwater management regulations, both with respect to water quality and quantity. For example, it will reduce the peak rate of runoff from the Property for the 2, 10, and 100 year storms. Its treatment measures will actually improve the quality of the stormwater leaving the Property and entering the watercourse.

Wetlands

The Landscape and Wetland Mitigation Plan (the "Wetland Mitigation Plan") and the Wetland Biological Evaluation and Impact Assessment (the "Wetland Narrative") establish that the proposed redevelopment of the Property will enhance, rather than degrade, the ecology of the locally-regulated watercourse along the Property's eastern boundary. Upstream (in part) and downstream of the Property the watercourse is piped so that flow following a storm quickly washes through it, resulting in greater velocity, volume and peaks, than would otherwise be the case, which, in turn, has resulted in erosion and sedimentation in the watercourse's bed and along its banks.

Vegetation in proximity to the watercourse is primarily invasive. The watercourse's predominate function is conveyance of stormwater. It and the related buffer area do not function to any significant degree to provide other benefits associated with wetlands, such as water quality treatment, flood storage, aesthetic value, recreational utility or wildlife habitat. As noted above, the surface of the Property over which stormwater currently flows is mostly exposed fill material with little vegetative cover (other than a limited amount of largely invasive species near the watercourse).

The proposed development of the Property both minimizes potential disturbance of and implements measures to protect the regulated resource. In particular, the Wetland Mitigation Plan includes replacement in the buffer of the existing invasive species in proximity to the watercourse (which currently occupy an area that is only a few feet wide) with native plantings. The new landscaping will serve as a vegetated buffer strip. In addition, the use of a pervious surface for the playground is

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designed to allow infiltration of stormwater into the ground. Such measures will provide water quality enhancement and at least some wildlife habitat. Further, development of The Learning Experience will stabilize the exposed surface of the Property, which is currently a potential source of erosion and sedimentation.

When combined with the stormwater management measures and treatment techniques specified in the SWPPP, the Wetland Mitigation Plan will facilitate redevelopment of the Property that actually improves the environmental conditions of both the watercourse and the associated buffer area. In fact, the Wetland Narrative concludes as follows: "the Applicant has provided mitigation plans that provides for on-site mitigation and substantially improves the functioning both of the existing riparian buffer and the protection of the Town regulated watercourse"

Conclusion

We respectfully request that your Board schedule this application on your next available agenda, make all of the necessary referrals and begin the review process under the State Environmental Quality Review Act. Thank you in advance for your courtesy.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:


Adam L. Wekstein

ALW:hc

Enclosures

cc: *Via Electronic Mail with Enclosures*
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