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August 16, 2011

VIA FEDERAL EXPRESS

Honorable Thomas Heaslip
Members of the T/V of Harrison Planning Board
Town/Village of Harrison
1 Heineman Place
Harrison, New York 10528

**Re: Purchase Corporate Park Associates IV - Parcel B Office Building
100 Manhattanville Road Purchase, New York**

Dear Chairman Heaslip/Members of the Planning Board:

At the last public hearing on the application of Purchase Corporate Park Associates (the "Applicant") for a second office building on Parcel B (the "Parcel B Application") on May 24, 2011, the Purchase Environmental Protective Association ("PEPA") renewed its request that the Planning Board obtain *specific* information from the Applicant verifying the square footage of the proposed second office building on Parcel B, as well as the actual square footage of the existing office building on Parcel B. This information is critical so the Planning Board (and PEPA) can determine whether the proposed construction of a second office building on Parcel B complies with the 1984 Stipulations (the "Stipulations").

In addition, PEPA alerted the Planning Board to concerns it had regarding potential violations of the Town of Harrison Zoning Code relative to the adjoining parcel, Parcel C, as well as, potential violations of the approvals for the Parcel C development. This information is relevant to the Parcel B Application because the developers of Parcel C are believed to be affiliates of the Applicant.

1. PEPA's Requests for FAR/Square Footage Verification

Throughout the numerous public hearings, PEPA has repeatedly requested that the Applicant produce to the Planning Board and PEPA, Computer Aided Design ("CAD") files so the Town and PEPA's consultants can verify the square footage of the existing and proposed

buildings. Indeed, as you are no doubt are aware, the Applicant is limited to constructing 355,000 square feet of office space on Parcel B and the CAD files will undoubtedly show the compliance or non-compliance with this limitation.

PEPA's requests for this information began no less than ten (10) years ago. At that time, Mr. Warren Schwerin, a representative of the Applicant, offered to provide the Planning Board with the square footage and architectural drawings of the proposed building. One month later, PEPA's prior counsel followed up on Mr. Schwerin's offer for this information, which was never received. In the hope of obtaining some certified information concerning the actual and proposed square footage of the existing and proposed office buildings, PEPA even suggested that the Planning Board request a certified survey *in lieu* of the CAD files. These requests, however, went and continue to go unanswered.

In 2007 and 2008, repeated requests were made by the public for confirmation of the Floor Area Ratio ("FAR") of the actual and proposed buildings on Parcel B. At one point, the Applicant's representatives even agreed to provide the requested information to the Planning Board. However, even in the FSEIS, the Applicant refuses to provide the requested information.

2. CAD Files Provide Accurate and Relevant Information

The information contained in the CAD files is *critical* in order for the Planning Board to determine whether the Parcel B Application violates the Stipulations. As part of the Stipulations, all parties (including the Planning Board) agreed to permit the construction of a single building on Parcel B consisting of 355,000 square feet FAR. The CAD files will show the square footage of the existing building and proposed building which will allow for an accurate determination of the Applicant's compliance or non-compliance with the Stipulations. The Planning Board has to ask itself, why is the Applicant refusing to provide CAD files of the existing and proposed building which will demonstrate the actual square footage of the buildings?

As a result of the Applicant's repeated refusal to submit CAD files of the existing and proposed office building, PEPA retained David Mooney, AICP to manually scale the plans and input this data into a computer to create CAD files. In response to Mr. Mooney's plans that documented the total gross square footage of the lower level at 30,167 square feet, the Applicant dramatically altered the layout and submitted a revision showing the lower level to include parking and storage. See FSEIS Appendix pp.1-2.

Subsequently PEPA retained Louis Berger Group ("LBG") to analyze the FAR of the Applicant's revised plans. Both studies by Mr. Mooney and LBG (complete copies of the reports and Mr. Mooney's CAD files have previously been provided to the Town) determined that the Applicant's measurements are inaccurate and understate the proposed building's FAR. Separate studies reached the same conclusion: The Applicant is undercounting FAR, and PEPA's consultants provided evidence that the proposed building would exceed the maximum FAR permitted by the 1984 stipulations. See FSEIS Appendix pp. 3-5.

Given the realities of the lucrative Westchester real estate market, it seems highly unlikely that the Applicant intends to set aside valuable rentable square footage for cellar storage that is visible to tenants (note the Applicant's plans reveal skylight penetration running from the above levels to the lower level) but otherwise unused. At the very least, the Planning Board should require the CAD information to verify and confirm what is built and what the Applicant is proposing. The only FAR numbers that are supported with any analysis are from PEPA's consultants and these numbers indicate that the Applicant's proposal violates the Stipulations and conflict with what the Applicant has been telling the Planning Board.

Ultimately, if any approvals are granted, the specific amount of square footage and the FAR should be clearly noted as part of any resolution. The specific location, size and FAR of the building on Parcel B has changed over time and must be confirmed.

**3. Possible FAR Violations on Parcel C
Evidence of Why CAD Information Is Critical**

With respect to the issues involving Parcel C¹, PEPA has been able to uncover what appears to be a violation of the site plan approval that was granted for Parcel C, specifically, using the basement level of Building Three and Four on Parcel C as a business that was *not* approved by the Planning Board and/or Town. PEPA filed a Building Complaint on May 15, 2011 to determine if the "Biancia Fitness Studio" that occupies the lower level of the building located on Parcel C was in violation of the approved site plan.

On July 14, 2011, PEPA was informed by the Building Department that the complaint was investigated, and that the owner was issued a violation. At that time, PEPA was informed that in order to remedy the violation, the owner has been referred to the Planning Board. Subsequently, PEPA was able to obtain copies of two Notices of Violation/Compliance Orders. (Copies of the Notices of Violation/Compliance Orders are enclosed.) These violations include, in part, running a business on the lower level without site plan approval and a special permit.

After service of the second Notice of Violation/Compliance Order, the owners of Parcel C had seven (7) days to abate the violation to avoid a summons being issued. It is uncertain as of the date of this letter if a summons returnable in Harrison Justice Court has been issued or whether the matter has been addressed in any manner.

The information above presents a clear picture as to why the Planning Board should require the Applicant to submit the CAD information and detailed uses of the existing and the proposed building on Parcel B. It is beyond comprehension as to why the Applicant is so hesitant to provide this information unless there is something that the Applicant does not want the Planning Board to know. PEPA has presented more than sufficient information from credible experts to alert the Planning Board to the issues surrounding FAR and potential

¹ The developers of Parcel C are the same developers as those who are proposing the construction of a second office building on Parcel B – the Applicant.

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violations of the Stipulations — issues that the Appellate Division, Second Department has indicated must be decided by this board in the first instance.

Please feel free to contact me if you have any questions or comments. Thank you for your time and attention to this matter.

Sincerely,

Kristen Kelley Wilson

Enclosures

cc: Paul D. Sirignano, Esq.
Richard G. Leland, Esq.
Al Pirro, Esq.
Purchase Environmental Protective Association