

Carol Pinto

From: Allison, Annie
Sent: Tuesday, February 25, 2025 7:03 PM
To: Carol Pinto; Supervisor; Carlo Valente
Subject: Objection to Application for Special Use Permit at 32 Harney Road
Attachments: Great Family Day Care Fire Safety Violation (No caregiver certified in CPR on premises) issued 2022.jpg; Great Family Day Care Violation of # of Children Permitted in Facility - Violation Issued June 3, 2024.jpg; Great Day Violation for Failing to Dispense Medication according to Regs & Failing to properly label - Violation issued 2024.jpg; Great Day Family Childcare Scarsdale Advertisement.jpg; Advertisemnts for Great Day Family Childcare Scarsdale.jpg

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Town of Eastchester Planning Board,

As residents of the Green Knolls Greenvale community, we **strongly** object to the proposed change in use, for 32 Harney Road, as represented by the Application for a Special Use Permit, submitted for review and public comment by *Great Day Family Childcare Scarsdale LLC*. 32 Harney Road is and always has been zoned 1-Family Residential Zoning. So, were the Board to grant the subject application, such government action would constitute a *de facto* and radical change in zoning.

WE OBJECT TO THE GRANTING OF THE SUBJECT SPECIAL USE PERMIT APPLICATION FOR MYRIAD REASONS, INCLUDING THE FACT THAT IT WOULD BE INJURIOUS TO AND NEGATIVELY IMPACT THE CHARACTER OF OUR NEIGHBORHOOD, CREATE A PROHIBITED PUBLIC NUISANCE, ENDANGER THE HEALTH AND SAFETY OF GREEN KNOLLS RESIDENTS IN PARTICULAR, AND POSE A SERIOUS RISK TO PUBLIC HEALTH & SAFETY IN GENERAL, AND BECAUSE, GIVEN THE PROPOSED LOCATION OF THE REQUIRED "OUTDOOR PLAY AREA," THE SHORT FORM ENVIRONMENTAL STATEMENT IS WHOLLY INSUFFICIENT AND, UNDER THE CIRCUMSTANCES OF THIS CASE (WHICH CONTEMPLATES TODDLERS AND SMALL CHILDREN AT PLAY IN THE SUBJECT OUTDOOR AREA), ADDITIONAL STUDIES AND TESTS ARE WARRANTED FOR THE REASONS STATED AT PARAGRAPH 5 BELOW.

Our specific objections include the following facts, evidence and issues that should be considered by the Town Planning Board:

- 1.) **The Busy Harney Road Intersection is Not Suitable for a Daycare for Children, Toddlers & Babies:** 32 Harney Road sits at a busy intersection, with heavy traffic entering and exiting the Bronx River Parkway; Scarsdale Avenue; White Plains Post Road (Route 22); Garth Road and myriad other contributing roadways. The subject property is, therefore, demonstrably *inappropriate* for a daycare facility of any kind. Because of the public safety issues posed by the site itself, it would be reckless and irresponsible to site such a child daycare facility at this specific location.

- 2.) **Due to Green Knolls Unique Topography, the Proposed Unpermitted Use Poses a Serious Safety Hazard:** Because of the topography of Green Knolls - which is, in fact, a *knoll* - our neighborhood is uniquely secluded and protected, by virtue of the fact there are only two entrances to the knoll, one at the base of the hill, where Stratford Road meets Maple Street, and the other at the base of the hill where Downer Avenue meets Scarsdale Avenue and 32 Harney Road. So were the town to grant this application for a Special Use Permit, that is seeking to cite a daycare facility at one of only two entrances to Green Knolls, the town's actions would create a nuisance and a hazardous condition that would not only inevitably impose a significant burden on the residents of Green Knolls, but it would also endanger public safety in general. For example, if an emergency vehicle were attempting to reach a Green Knolls resident in cardiac arrest, while school buses and commuters are heading off to work **at the same time that parents are dropping off babies and toddlers at the proposed daycare facility at 32 Harney Road, one of only two entrances to Green Knolls**, the additional congestion could quite literally cause a fatality. Our residents' health & safety is paramount and should not be compromised by added traffic and parked or idling cars that could cause emergency vehicles to be blocked and prevented from critical prompt response.
- 3.) **The Town Has Had Notice of the Downer Avenue Traffic Safety Issues:** The Planning Board should be aware of the fact that because cars try to avoid the traffic light at the Harney Road Intersection by cutting through Green Knolls via Downer Avenue residents had to install special lighted traffic signs to deter cars from speeding on a road where small children can be at play. Were the town to grant the subject application, this extant safety issue would only be exacerbated. The fact that the small parking driveway (which accommodates 2-3 cars) adjacent to 32 Harney Road is perpendicular (where cars pull in a northbound direction and back out in a southbound direction) to Downer Avenue also increases the potential for automobile accidents and injuries to residents and babies, toddlers, children and their caregivers during drop off and pick up at the proposed daycare facility.
- 4.) **The Town is Already Aware of the Public Safety Issues Specific to the Harney Road Intersection & this proposed change in use would only add to the extant condition:** As Green Knolls residents recently lobbied the town for the installation of additional safety features at the Harney Road intersection, the town is aware of the fact, and has had specific notice of the fact, that the Harney Road Intersection already poses safety hazards for residents and the general public. Were the town to grant the subject application, this extant traffic condition would not only be exacerbated by an increase in traffic from the proposed daycare facility, but the safety issues posed by the busy Harney Road intersection would be compounded by the fact that the applicant proposes to add the issue of babies and toddlers being dropped off and picked up at 32 Harney Road, adding to the already dangerous condition.
- 5.) **The Applicant has Failed to Produce, or Concealed from the Public and the Town, Photographs of the Purported Outdoor Play Area:** Because it has been established that the Harney Road Intersection already poses significant public safety issues, it is incumbent upon the town to closely scrutinize the applicant's claims relevant to public safety and the safety of any children who might be in the care of the proposed commercial facility should the subject Special Permit be granted. For that reason, the town should be particularly suspect that the applicant has failed to include in its application any photographs of the purported outdoor play area. Because the town zoning code's special use standards for an Intermittent Daycare Facility require a sufficiently sizable and safe outdoor play area for children and babies in their care, the applicant should be required to provide sufficient evidence that it meets the legal standards required by the zoning code as a matter of law. Yet, without photographic evidence, or evidence of a thorough independent site inspection, the applicant makes a bald claim that the proposed outdoor play area for babies, toddlers and small children meets the

town's zoning code requirements for a Special Use Permit. For some reason, the applicant has concealed from the Town Planning Board the fact that the purported outdoor play area, for babies, toddlers and small children, is a **deck overlooking the busy Harney Road intersection**. In the event the Board may not be intimately familiar with the subject property, the deck that the applicant proposes to use, in an attempt to satisfy the zoning code requirement for a sufficiently sizable and safe "Outdoor Play Area" for the babies, toddlers and small children the applicant proposes to have in its care, sits above what was the car garage, facing the busy Harney Road Intersection, on the Tudor Lane side of the property, above the driveway. **As the subject application is conspicuously devoid of the relevant evidence regarding an outdoor play area, at the very least, the town should:** a.) Require the applicant to provide the Board & the Public with photographs of the purported outdoor play area, including photographs of the deck's proximity to the dangerous Harney Road intersection and photographs showing the proposed POV of toddlers looking down at the Harney Road intersection; b) Conduct an ambient sound inspection so as to determine whether hearing development could be affected by exposing babies and toddlers to the noise from the Harney Road Intersection; c.) Conduct air quality tests to assess any potential impacts on toddlers and babies of exposure to vehicle exhaust fumes and d.) Conduct a site inspection to determine whether the purported outdoor play area is sufficiently sizable and safe.

- 6.) **The fact that *Great Day Family Child Care Scarsdale LLC* failed its Fire Inspection on January 9, 2025 Should Be Made a Part of the Public Record in this Matter:** While the applicant claims it will comply with all necessary fire code requirements, the Planning Board should be aware of the fact that after the Building Inspector informed the applicant that because 32 Harney Road is zoned for Residential Use, which prohibits the operation of an Intermittent Daycare Facility, if he wanted to pursue such a daycare facility, he would have to apply for a Special Use Permit, the applicant requested a Fire Inspection from the Eastchester Fire Department which took place on January 9, 2025. Once the EFD Inspector realized that *Great Day* intended to have 15+ children in their care, the Fire Inspector knew that would fall under the category of "Intermittent Daycare" which, in the Town of Eastchester, requires a more fulsome level of safety standards, including lit exit signage, etc. which 32 Harney Road does not have. So, because 32 Harney Road was not compliant with the local fire safety code, applicable to an "Intermittent Daycare," ***Great Day Family Child Care Scarsdale LLC* failed its Fire Inspection on January 9, 2025.**

- 7.) **The Proposed Change in Use for 32 Harney Road would Negatively and Irreparably Impact the Character of our Neighborhood:** The subject application claims that "[t]he project does not introduce any construction that would alter the footprint or appearance of the building, ensuring minimal impact on the neighborhood." With this claim, the applicant demonstrates both a lack of understanding of the character and history of Green Knolls and a callous disregard for the neighborhood. For, the change in use from R6 1-Family Residential to what is a de facto **commercial facility** - where the applicant intends to run an actual business and where there is no requirement for the daycare operator to reside in the 32 Harney Road home - would significantly impact public safety, traffic and parking. The applicant also claims that, if the town grants the subject application, the applicant will have no more than 15 children (with "final capacity to be determined by the New York State Office of Children and Family Services") in its care at 32 Harney Road. While, in and of itself, this would mark a radical increase for the Green Knolls neighborhood, 15 children also means more cars than ever before at 32 Harney Road. It is particularly significant that this sharp increase in traffic, in and around our neighborhood, would most likely occur during rush hour when residents are heading off to and coming home from work, school, grocery shopping, etc., and when school buses are picking up and dropping off local children, including children with special needs who require additional consideration. So it is incumbent upon the town to

closely scrutinize the applicant's claim here. For, the public record evidences the fact that the NY State Office of Children and Family Services issued *multiple* violations against the applicant at its New Rochelle facility, **which includes a Violation for exceeding the number of children for which Great Day Family Childcare was licensed by the State.** So, if the town were to grant the subject application, the applicant's documented health & safety violation history tells us that the number of children the applicant will actually harbor at 32 Harney Road may vary significantly from the number of babies, toddlers and children that the applicant represents to this board. The attached screenshots represent but a sample of health & safety violations issued against Great Day Family Childcare by the NY State Office of Children and Family Services. Please note that the subject applicant's **Health & Safety Violation History also includes a Fire Code Violation,** for failing to have someone on site who can conduct CPR in an emergency should a child stop breathing or choke. Great Day was also issued a separate violation for failing to properly label children's medicine and failing to properly dispense children's medicine. The applicant's track record of Health & Safety Violations is quite alarming and speaks to a recklessness that should not be ignored by The Town of Eastchester. Moreover, while a contributing factor, neighborhood character is not limited to the footprint or appearance of any particular building. In fact, rather than supporting its application, the applicant's reference here actually undermines its application by underscoring the applicant's lack of understanding of the GKGV neighborhood character. A relatively small collection of residential homes - the majority of which are tudors and colonials built in the 1920s and 30s - Green Knolls is a uniquely secluded and quiet neighborhood defined, not by square footage, but by its community which hosts a Christmas tree lighting every year, along with a Halloween Parade, a Block Party and, among other regularly scheduled events, a Progressive dinner - which could be characterized as a *moveable feast*, where neighbors roam from one house to the next, meeting and greeting each other while enjoying a 3-course meal and a celebration of the neighborhood itself.

- 8.) **The Applicant's Demonstrated Bad Faith Should Alarm the Town Planning Board & Should Not Be Ignored:** When a business makes a Special Use application to the Town Planning Board, it is imperative that all available relevant evidence of the applicant's conduct in relation to the neighborhood and how they go about conducting their business with the general public is considered. So the subject applicant's demonstrated *bad faith* should not be ignored by the Town Planning Board. The Town is aware, from prior correspondence from GKGV residents, and from google searches conducted by town officials confirming, that, for months, the subject applicant has, in *bad faith*, publicly advertised Child Daycare Services at 32 Harney Road, for which daycare services the property is not legally zoned and for which Great Day Family Childcare is not licensed at 32 Harney Road. Despite the fact that the applicant knows, and was on multiple occasions informed by the Building Inspector Carlo Valente, that a Child Daycare Facility is prohibited by law at 32 Harney Road, which property is and always has been zoned for 1-Family Residential Use only, the applicant has willfully persisted in advertising daycare services, thereby, misleading the public into thinking that 32 Harney Road is legally zoned for a daycare business, which it is not, and that Great Day Family Childcare is licensed to operate a Daycare facility at 32 Harney Road which is also false. For this reason, the applicant was repeatedly advised to apply for a Special Use Permit, which application they have only now belatedly filed with the town, after the fact, and after the applicant was made aware of the fact that their conduct triggered an investigation conducted by the NY State Office of Children and Family Services. The Planning Board should also know that Great Day Family Childcare's misleading advertising for 32 Harney Road is what triggered the investigation conducted by the NY State Office of Children and Family Services. Because of Great Day's false advertising, the NY State Office of Children and Family Services has inspected 32 Harney Road, at least twice, to make sure that no Daycare Facility was being operated at this location because, contrary to the implication of its deliberately misleading advertisements, *Great Day Family Childcare*

Scarsdale LLC is not licensed to operate a Daycare business at 32 Harney Road. Given the applicant's deliberate attempts to mislead the general public in regards to the very serious matter of Child Care, neither the town nor GKGV residents can rely upon any representations made by this particular applicant, and the applicant's related attestations should be disregarded in their entirety. For all of the reasons above, and for the reasons articulated by other neighbors as well, incorporated herein by reference, we strongly object to the subject application for a Special Use Permit at 32 Harney Road and we urge the Town Planning Board to reject and deny the subject application.

Thank you for your consideration of this serious matter.

Respectfully Submitted,

Annie & Darin Allison
16 Rutgers Place
Scarsdale, NY 10583

HAYNES BOONE

Annie Allison

She/Her/Hers
Counsel
annie.allison@haynesboone.com

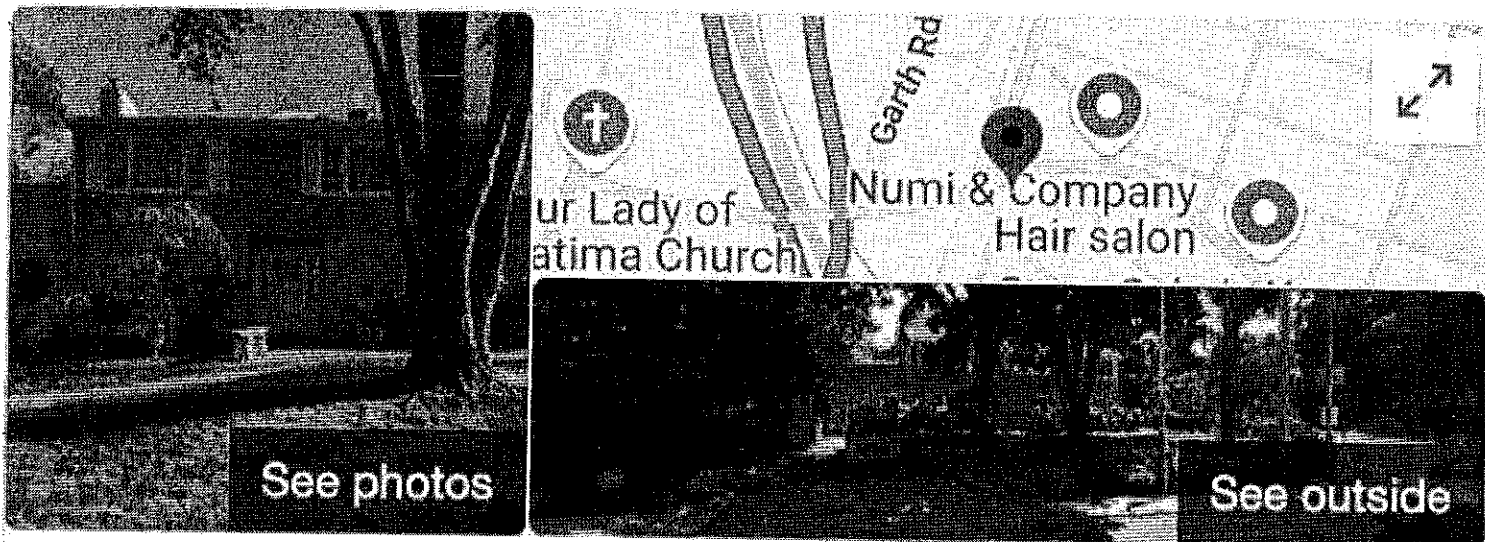
Haynes and Boone, LLP

30 Rockefeller Plaza
26th Floor
New York, NY 10112

(t) +1 212.835.4858
(m) +1 917.946.4880

[vCard](#) | [Bio](#) | [Website](#)

CONFIDENTIALITY NOTICE: This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system.



Great Day Family Child Care Scarsdale

[Website](#)[Directions](#)[Save](#)

Day care center in Eastchester, New York

Address: 32 Harney Rd, Scarsdale, NY 10583

Hours: Open · Closes 6:30 PM ▼

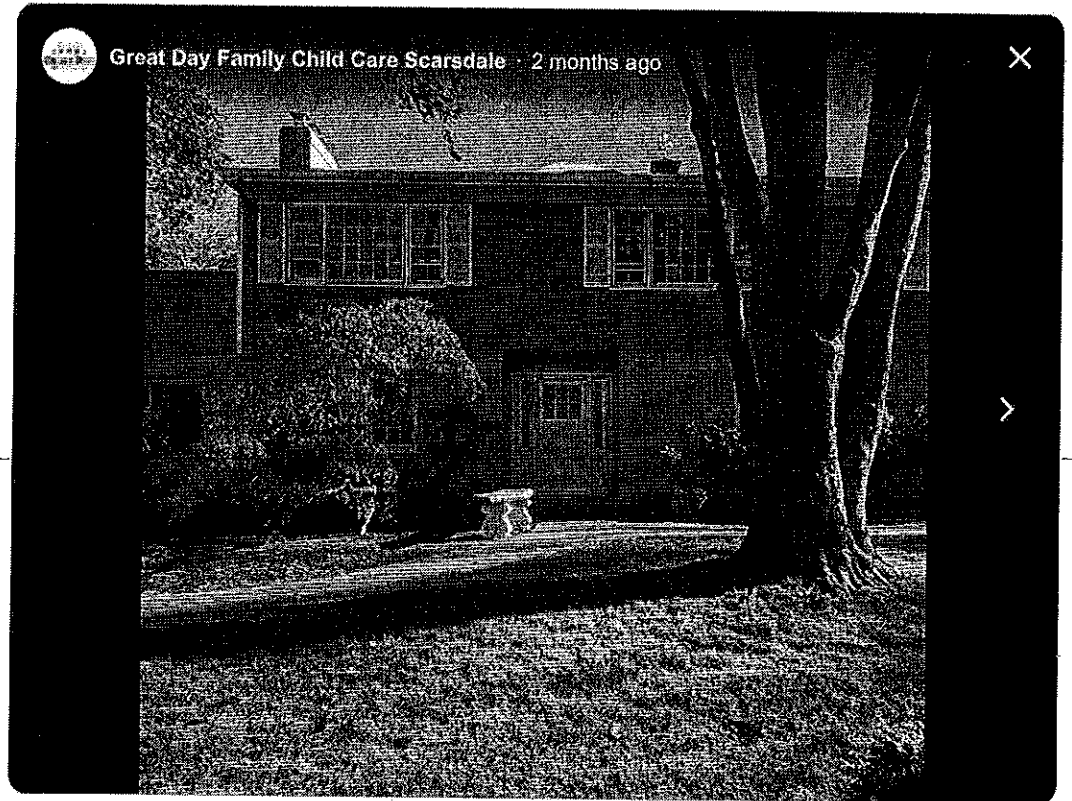
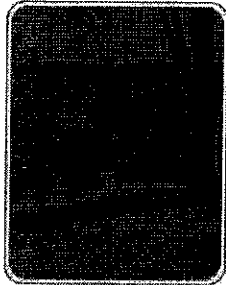
Phone: (914) 712-5566

[Suggest an edit](#) · [Own this business?](#)

Great Day Family Child Care Scarsdale



-  All  By owner  Street View & 360°



Inspection Checklist

| | | |
|--|------------------|---|
| Childrens immunizations are current | 416.11(a)(3) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Diapering area disinfected after each use | 416.11(i)(10) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Dishes and utensils washed with hot water after use | 416.11(i)(30) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Equipment used by children is cleaned when soiled or at least weekly | 416.11(i)(24) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Individual drinking cups are provided and not shared | 416.11(i)(29) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Individual, sanitary bed coverings must be cleaned as specified | 416.11(i)(31) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Medical statement has been submitted before a caregiver has any involvement in child care work | 416.11(b)(1)(ii) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Medication administered according to regulation | 416.11(f)(1)(i) | <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input checked="" type="radio"/> N/A <input type="radio"/> P/V |
| Medication administration log completed documenting time & dosage | 416.11(f)(9)(i) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Medication containers, both prescription and OTC, labeled as specified in regulation | 416.11(f)(16) | <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input checked="" type="radio"/> N/A <input type="radio"/> P/V |
| Smoking is prohibited in areas in use by children or in vehicles when children are being transported | 416.11(b)(11) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |

Inspection Checklist

located on or adjacent to the program property; or if present, barriers exist to prevent access

416.8 Supervision of Children

*Assistant is present whenever the numbers & ages of children require

416.8(f)

☒ Yes ☐ No ☐ N/O ☐ N/A ☐ P/V

*Competent supervision is maintained at all times with exceptions only as specified in regulation

416.8(a)

☒ Yes ☐ No ☐ N/O ☐ N/A ☐ P/V

*One caregiver observed for either 6 children not yet in school or 8 when at least 2 are school age

416.8(j)(1)

☒ Yes ☐ No ☐ N/O ☐ N/A ☐ P/V

*One caregiver present for every 2 children under 2 years in attendance

416.8(j)(3)

☒ Yes ☐ No ☐ N/O ☐ N/A ☐ P/V

416.14 Training

*A caregiver certified in First Aid and CPR is present at all times children are in care

416.14(m)

☐ Yes ☒ No ☐ N/O ☐ N/A ☐ P/V

416.15 Management and Administration

*Numbers and ages of children present are within licensed or registered capacity

416.15(a)(9)

☒ Yes ☐ No ☐ N/O ☐ N/A ☐ P/V

(* Mandatory Item)

N/O=Not Observed, N/A=Not Applicable, P/V=Prior Violation

Inspection Checklist

| | | |
|---|---|---|
| Each identified staff and volunteer completed Federal Health and Safety training within required timeframes | 416.14(b) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Each identified staff supervising children alone completed Federal Health and Safety training. | 416.14(b) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| First Aid & CPR certificates must be appropriate to the ages of the children in care | 416.14(n) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Prior to becoming a Provider, the individual completed Federal Health and Safety training | 416.14(b) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Provider completed Federal Health and Safety training within required timeframes | 416.14(b) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| 416.15 Management and Administration | | |
| *Numbers and ages of children present are within licensed or registered capacity | 416.15(a)(9) | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| *Office notified of any change to the home or program | 416.15(b)(12) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| Only approved caregivers have unsupervised contact with the day care children | 416.15(b)(20) | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/O <input type="radio"/> N/A <input type="radio"/> P/V |
| (* Mandatory Item) | N/O=Not Observed, N/A=Not Applicable, P/V=Prior Violation | |