

February 10, 2016

A regular meeting of the Town Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Wednesday February 10, 2016 at 7:30 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont . . . . . Supervisor  
  
Marlane Amelio... . . . . )  
Stephen Malfitano . . . . . ) . . . . . Councilpersons  
Fred Sciliano . . . . . )  
Joseph Stout.....)

ALSO ATTENDING:

Frank Allegretti . . . . . Town Attorney  
Christopher Cipolla.....Deputy Village Attorney  
Nelson Canter.....Deputy Town Attorney  
Maureen MacKenzie . . . . . Comptroller

FILED THIS  
16<sup>th</sup> DAY OF  
February 20 16  
Jacqueline Greer  
Town Clerk, Harrison, New York

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PRESENTATION BY THE PRESIDENT OF THE BOARD OF TRUSTEES FROM  
THE HARRISON PUBLIC LIBRARY ON THE COMMUNITY'S RESPONSE  
TO THE LIBRARY RENOVATION

Dave Donelson, President of the Board of Trustees of the Harrison Public Library delivered an update on the renovation to the library. Mr. Donelson gave praise to many people and the Board for their support. The community's reaction is universally positive with regard to the new facility. The technology, lighting, the new children's room, the new teen center, and the meeting room have all generated very positive comments. Library attendance has increased dramatically. One of the main goals when the building was designed was to increase the number of spaces where programs could be held. Mr. Donelson provided the Board with new statistics. During January, 2014, there were 64 programs presented in the Halperin Building and 900 people attended them. During January, 2016 there were 135 programs and approximately 2,000 people attended. Juvenile attendance has more than doubled. The number of adults attending programs nearly tripled. The Library is currently logging approximately 200 visitors per day. Wireless internet usage has more than doubled. The library has issued more than 1,100 new library cards since the facility opened last September. The staff's reaction has been very positive. Employees have worked hard to put the new facility in use. One of the biggest assets is the Library Director Galina Chernykh. Mr. Donelson thanked her for all her hard work. We have conducted customer service training with the staff. When you walk in to the library today you will find an eager friendly staff that is happy to have you there. The library opened in September but there is still some unfinished business. The tax cap limits our ability to fully capitalize on the new facility. We are dealing with a budget established to manage the attendance we had in the old building. We were planning to use our Library Fund Balance, which we have accumulated over the last few years, to help pay for part of the renovation and the service enhancements. We are revising those plans now since we used some of those funds to pay for the slight overrun in the construction of the project. In the West Harrison Branch the roof has been replaced, the heating and air conditioning systems and the computers have been upgraded. The Library Board is in the process of rebidding the project, to paint and re-carpet the West Harrison branch. Attendance and usage in the West Harrison branch is up as well. We issued more than 100 new cards and program attendance in the West Harrison Building is up 65%. The Halperin Building has potential roof issues and the Library Board will pursue some state funding that may be available. We are concerned about the continued problem with moisture in the basement but we are working on that. Parking is our biggest problem right now. The lot is full all the time. The lot is too small. We are going to study the problem and see if we can come up with suggested solutions and come back to you with a proposal. Last but not least, the renovation gave us some momentum so we are working to build on that. We assessed what we have now, what we have accomplished, and what we hope to do in the future.

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the following correspondence and reports:

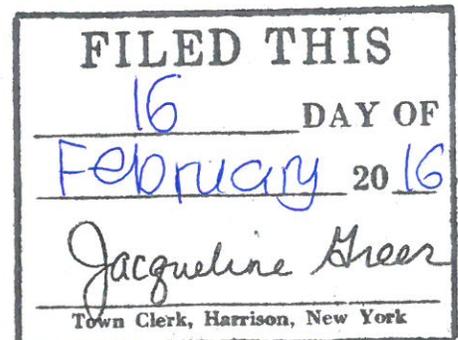
1. Monthly report by the Humane Society for December 2015.
2. Monthly report by the Commissioner of Public Works for November 2015.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



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CONTINUATION OF PUBLIC HEARING RE: SHELTER DEVELOPMENT, LLC  
D/B/A BRIGHTVIEW SENIOR LIVING IN CONNECTION WITH ITS PETITION TO  
THE HARRISON TOWN BOARD FOR A ZONING TEXT AMENDMENT TO  
ALLOW BY SPECIAL PERMIT AN INDEPENDENT AND/OR ASSISTED LIVING  
FACILITY ON CERTAIN LIMITED PROPERTIES WITHIN THE TOWNS  
R-1 AND R-2 DISTRICTS

On motion of Councilwoman Amelio, seconded by Councilman Malfitano, and all members voting in favor, the hearing was opened.

Supervisor Belmont declared that this is a continuation of the last meetings public hearing regarding Shelter Development, LLC, Brightview Senior Living in connection with a petition to the Town of Harrison for a zoning text amendment. The Board kept the public hearing opened and the members are receiving written comments and they will continue to do so.

Town Attorney Frank Allegretti said Mayor Belmont asked me to give context and background on the quarry site and to briefly explain why this application is now presently pending. The property in question prior to 2010 had been used as a quarry site for the better part of the last 100 years. As part of that operation, the property owners were mining rock from the huge 100' wall and from below the ground. They would sort that rock, grind the rock and crush the rock with heavy machinery that generated significant loud daily noise and pollution. They were also crushing rock being hauled in from outside sources. Trucks would roll in at all times of the day and night to acquire such rocks and stone. Many of the people who have spoken at this public hearing have been to the town board numerous times going back at least 8-9 years complaining about the quarry site and operations and they implored the Town to take actions to stop the quarry operation as they could not tolerate the rock chipping, grinding, sorting, crushing, the harmful dust plums or the incessant tractor-trailer noise. The Town did in fact take action against the quarry. The Building Dept brought over 25 Harrison zoning code charges against the property owner in local court and issued numerous stop work orders forcing the shutdown of the quarry operation. The owner was defending the charges in local court as well as challenging the Town's stop work orders in State Supreme Court – which is a trial level court in New York. The owner's attorneys reached out to town officials in an attempt to resolve the outstanding legal issues and the use of the quarry site. Some of the owner's proposals were rejected out of hand by the Town Board, such as, a bank, gas station, retail strip mall, or Whole Foods type of market, as the town was not interested in permitting such intense uses of the property or harming the proprietors of businesses in the West Harrison business district. The use of an assisted living facility was proposed and the Town Board made a decision that such use could potentially be an appropriate use for the site – and a less intense use than a quarry - - and allowed the owner to apply for such use. In exchange, the owner agreed in a written Court Stipulation with the Town to cease all operations immediately (including excavations,

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site work and receiving any materials) and to withdraw all their claims in litigation. The owner, or its designee agreed to process site plan and zoning text amendment applications for an assisted living facility with diligence and if the owner violates any material terms of the Stipulation, they consented to the entry of a very large money judgment against one of the principals of the corporate owner individually. The Town agreed as part of the Stipulation that if the applications are processed and approved by both the Town Board and Planning Board, that the number of permitted units would be between 150-185 units. The application is subject to a full review under the NY State Environmental Quality Review Act, more commonly referred to as SEQRA. To be clear, the Town did not pre-approve the applications, but rather set parameters by which such applications would be processed. It has been over 5 years and the quarry operation is no longer in existence. In fact, the owner has sold all of the heavy machinery and equipment that was on site. That is the context and background as to why we this application is presently pending.

Harrison resident John Iannibelli Jr. spoke in opposition to the zoning text amendment and an Assisted Living facility and stated that a project of this magnitude would devalue homes, create noise pollution and be a traffic nightmare.

Councilman Malfitano said interested parties should not be here to talk about the project, it's specifics, or where it is intended to be located. That is not the subject matter of this hearing. The Board is taking up the issue as to whether or not a zone, as it is defined, can accommodate an assisted living facility. Whether or not that type of zoning should be created in the Town/Village of Harrison and if it is to be created what the perimeters of that zone should be. It happens that the reason this is coming up is because clearly there is a project that is being contemplated. The fact of the matter is that this hearing is about nothing other than the zoning text amendment. Everyone that is opposed to the project is going to have to come back again, as part of the public process. The Board is really most concerned about getting on the record, whether or not, the language of the zoning text amendment is something we should or shouldn't be doing. The Board wants to know whether or not the language that defines the zone is appropriate or inappropriate. For example, if you come up and make a suggestion that the use is something that would be fine in the Town/Village of Harrison, but the height of the building is too high or the set backs are too narrow, those are the types of comments that are really appropriate and that is what we need to get on the record.

Harrison resident Clare Conlin spoke in opposition to the zoning text amendment. She was concerned that the density is too high, four stories is too tall and fifteen feet from the road is too close. She believed this is inappropriate for any zone in Harrison. There should be language specifying what kind of residents will be allowed to live there. She challenges the fact that Lake Street can be considered an arterial road.

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Harrison resident Glenn Daher spoke in opposition to the zoning text amendment and suggested the Town Board kill the amendment and refuse to forward it to the Planning Board. He exclaimed that the zoning text amendment was written by the developer for the town to fit this building. Mr. Daher submitted "**Preserve our Neighborhood Petition**" with 200 signatures.

Harrison resident Joan Walsh spoke in opposition to the zoning text amendment. Ms. Walsh opined that the rezoning raises a number of issues that have to do with the other eight parcels of land that were listed in the amendment. If these other parcels are not really being considered for senior housing, why are they mentioned at all? Ms. Walsh noted that one parcel is state property and two parcels belong to the Harrison School District. Ms. Walsh questioned access to some of these eight properties since the amendment reads from arterial roads and asked why they were included. She requested the Board review the record of the public hearing and provide answers to the many questions that have been raised.

Councilman Malfitano replied to Ms. Walsh. He suggested there was a misunderstanding. When any zoning amendment is being considered, it doesn't matter where it is, it is always appropriate to look at what other properties, within the jurisdiction, could possibly be affected if a new zoning language were adopted and created. None of the other properties mentioned are under consideration. They are included because the developer, as part of their due diligence, looks at the entirety of the community, they will look at the language of the zone being proposed and they will identify all of the parcels, if any, that might fit into the perimeters of that zone so that the Board making that decision can be fully informed that other properties at a later date potentially can come before the Board and petition to be rezoned. We have no interest and we are not considering those other properties. Moreover, six out of the eight properties would be an impossibility. They are either town parks or publically owned by the school district.

Harrison resident Joan Walsh asked why the Gache property was not included?

Councilman Malfitano said the Gache property doesn't meet the definition of the zone. The Harrison Avenue School fits the parameters of what this new zone is going to be. Harrison High School fits the parameters of what this new zone is going to be. Passidomo Park fits the parameters of what this new zone is going to be. It is mentioned as a matter of public interest that anything we do, if we adopt this particular language, that there are other properties within the jurisdiction that fall within this definition.

Harrison resident Joan Walsh asked why these properties are listed than?

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David Steinmetz from Zarin and Steinmetz replied that his client came forward and proposed a new zone. When we formulate zoning we meet with staff and formulate parameters. The first one we came up with is that no one should be proposing an assisted living facility in this town on property less than 6 acres. The second thing we said, if it was going to be in the Town of Harrison, it should be on a rather significant road for purposes of emergency access. We met with the town's professional planner, we met with your staff, and we were given the phrase major arterial roadway. The next thing we decided was the property should be large enough, not just in acres, but in frontage on one of these roads so we also formulated the notion of 15,000 linear feet. As I said to the board last meeting, we just didn't come up with the eight properties that were being referenced we came up with the zoning parameters. The planner said to me before the last hearing that zoning is supposed to be drafted in a broad fashion so that legislators, professional staff and planning administrators can then make decisions. We took that criteria and plugged it into the town map and it yielded nine properties; the property that my client is in contract to purchase and eight other properties. We weren't seeking to develop an assisted living on any one of those properties. That is precisely the way this was done and it is unfortunate that there has been a tremendous amount of misinformation that has been spread in this town about a desire to put assisted living on those properties or anyone else's. It is inaccurate. As far as spot zoning goes, we discussed this with the Town Attorney's office. St. Vincent's Hospital is an excellent alternate site in terms of availability and it meets the criteria. In addition to which there is a wealth of case law in the State of New York that has evolved over the last ten years that specifically indicates that there is a need for this type of unique housing. The courts have held that there are communities that have zoned single properties for this type of use and have been upheld. The Town of Harrison does not have contemporary zoning that allows for assisted living in accordance with contemporary models of that type of use.

Councilman Malfitano said for the record that number one, most of the properties that were defined are outside the realm of the probability or even possibility that they could be rezoned. Number two, this Board has absolutely no interest in even contemplating that. Number three, the zoning language, if it gets adopted, will not include any reference to any specific property. It will be nothing other than what has been circulated. We are considering a zoning text amendment as a possibility for a use that this town could potentially use.

Harrison resident Lee Widerker spoke in favor of the proposed zoning text amendment. Mr. Widerker is an attorney and represented the quarry in 2014. He explained that his job was not to continue the fight but to see if they could resolve the differences in a meaningful manner with contemplation being given to realistic zoning in New York State and to consider whether the use of this property was a proper use through a senior living facility. He said the town understood that if there was a stipulation and all the conditions

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were met. The use of the property would terminate and the property would be redeveloped. This site would be appropriate for senior citizen residences.

Harrison resident Joe Grillo spoke in opposition to the zoning text amendment. He asked the Board why can't the Board consider going from a residential one acre (R-1) zoning and down zone it to a third of an acre. Maybe that would give the parcel 18 homes. Why do we have to go through all this confrontation about something that doesn't really belong there? He believed other uses should be pursued.

Harrison resident Joe Marino spoke in opposition to the zoning text amendment. He objected to the language of the zoning text amendment. There is no definition for arterial road provided in the document. He questions that the properties proposed are not on arterial roadways.

Attorney Cory Rabin said he represents the owner of the quarry property. He spoke in favor of the zoning text amendment. He read an anonymous letter from a resident who was in favor of the zoning text amendment.

Harrison resident Catherine Laignel spoke in opposition to the zoning text amendment. Ms. Laignel's opposition to the rezoning of this residential zone is because of the history within the current district. The rezoning will drastically change the area. I hear money coming in from a big developer but I don't hear, as neighbors to this site, how a set back will be put in and the damage be repaired.

Harrison resident Sarah Lisk spoke in opposition to the zoning text amendment. Ms. Lisk described a feeling of "us vs. them" and thought that we, as a town, were on the same team. We the people elected this Board and the overwhelming majority of the people are against this rezoning and zoning laws are to protect us from over development. I hope this Board listens to what we are all saying.

Harrison resident Joanna Fava spoke in opposition to the zoning text amendment. Ms. Fava questioned how the facility can be proposed for this site being that she perceives there is not enough property. Ms. Fava explained that she hadn't heard of any needs assessments done and how do you know that they could fill this with this type of population that they are proposing and if they can't what will happen to all those units? The language is not specific to the age of the individuals that would be allowed to live there. Has there been a traffic assessment done with how it will impact the roadway of Lake Street and Old Lake Street, a safety assessment with having a commercial kitchen that is proposed, plumbing assessment because there is no sewage in that area; how do you plan on accommodating 165 units.

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Town Attorney Allegretti said all of these issues are going to be addressed during the site plan review process when it gets to that stage.

Harrison resident Joanna Fava said what we are all here for is to prevent it from getting to that stage. She said you have the ability to do what the people that elected you are asking you to do and we are asking you to not let it get to that stage.

Harrison resident Susan Hiland spoke in opposition to the zoning text amendment. Ms. Hiland is opposed to any commercial building on this property. She said there are two assisted living properties very close to Harrison. One is the Bristol in Armonk which is in an executive park and the other is on King Street. She doesn't want her property devalued.

Harrison resident Patty Perito spoke in opposition to the zoning text amendment. Ms. Perito addressed the Board by saying that we should be strengthening our zoning in Harrison and not diminishing it. Her neighborhood is overdeveloped and she would like to see people caring about the community.

Harrison resident Ellen Schwartz spoke in opposition to the zoning text amendment. Ms. Schwartz asked the Board not to ruin her American dream.

Harrison resident Angela Damiano spoke in opposition to the zoning text amendment. Ms. Damiano requested that the Board respect our zoning laws and senses this will set a precedent for future changes to our zoning laws. She urged the Board not to change our community.

Harrison resident Anthony Mezzella spoke in opposition to the zoning text amendment. Mr. Mezzella is disappointed the zoning text is even being considered.

Harrison resident Nick Carrera spoke in opposition to the zoning text amendment and wants to preserve Harrison and keep it great.

Harrison resident Lucille Held spoke in opposition to the zoning text amendment. Ms. Held explained to the Board that she has been living in Harrison for 59 years. Ms. Held went on further to say that things can change and things go in different directions and she said that she remembers there being a school on Pleasant Ridge Road and it's not a school anymore; it is something else now.

Harrison resident Steve Surace thanked Town Attorney Frank Allegretti for giving details on the stipulation agreement. He didn't know much about that and thanked him for answering some questions tonight.

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Supervisor Belmont answered we are going to review the written material and come back and give answers.

Harrison resident Steve Surace spoke in opposition to the zoning text amendment. Mr. Surace said he researched what an arterial road is and feels that Lake Street does not meet the specifications. He stated that we have definitions in our zoning code for roads and arterial is not listed. Mr. Surace questioned why The School of the Holy Child is not listed as one of the properties. Mr. Surace believes Westchester Avenue would be a better location. Mr. Surace also questioned why other properties aren't listed such as 390 Mamaroneck Avenue and the Gache Property. He said independent living is an apartment building. What happens if this project fails, what are we going to do with a four story building on Lake Street?

Harrison resident Jennifer Spana spoke in opposition to the zoning text amendment. Ms. Spana asked if there was a need for this in our community. She asked if there have been studies, analysis, surveys or petitions. We have no idea and are going into this with a lack of information. Ms. Spana does not want a zoning amendment that would allow a high density building in her neighborhood and feels it will destroy the character of the neighborhood, affect home values, happiness and quality of life. She questioned the Board as to why they are changing the law for a man, that for many years, had no respect for the law. She feels the zoning should stay residential and his fines should go toward cleaning up the site.

Harrison resident Sam Hoysington spoke in opposition to the zoning text amendment. Mr. Hoysington is 100% opposed to the zoning amendment and believes this to be spot zoning and illegal. He opined that this is singling out a small parcel of land for a use totally different from that of the surrounding area for the benefit of the owner. It has been stated by this Board that the only parcel under consideration for rezoning is the quarry site. He feels all the nine properties should have a SEQRA review before any zoning is changed. He referred to the 2013 Master Plan and said it didn't address this zoning amendment. He believes these buildings do not belong in our community. Mr. Hoysington submitted, for the record, 115 online petitions against the zoning amendment. He requested that the Board keep the public comment period open for at least another month.

Harrison resident Robert Porto requested that the Board keep the public comment period open past February 22, 2016. Mr. Porto said he needed more time to let residents know what was happening with our parks.

Councilman Malfitano replied to Mr. Porto stating legally you cannot alienate parkland. That means it cannot be taken away from its current use and turned into something else. It cannot happen; it legally can't happen. You want people to think that way; and you

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have been spreading it throughout the community, that is wrong when you purposely interject misleading information into the community to get them upset.

Councilwoman Amelio said to Mr. Porto that we have no jurisdiction on SUNY property but for your information they are considering doing affordable senior housing that we have nothing to do with.

Harrison resident Rob Porto spoke in opposition to the zoning text amendment. Mr. Porto said this law specifically says no more than 25 units per acre shall be permitted and all acreage used in connected with the associated senior living facility. My point is that it is the number of acres x 25 that determines how many units can be put on this property. Are any of the people that elected you asking for this zoning in Harrison? Where is this coming from? Please keep the public record open. Mr. Porto informed the Board that he is going to mail information to the people that Brightview contacted and will see what kind of comment we get and see if your constituents want this.

Harrison resident Lori Lusk said she got a notice because she lives next to the park in West Harrison not because she lives near the quarry. They informed me that this is a possible rezoning issue. Why am I getting a notice if this is all "make believe?"

Councilman Malfitano explained that quite frankly, in his mind, it is not appropriate for you to have been noticed because this discussion that we are having does not apply, at all, to the park. The fact of the matter is, that particular parcel of land doesn't even belong in the conversation.

Harrison resident Lori Lusk asked we really are considering the quarry site? I'm confused.

Councilman Malfitano said we are considering adopting this language which an applicant could bring to us.

Supervisor Belmont said there is a misconception, 15 feet from the right-of-way is actually 35 feet from the roadway.

Harrison resident Lori Lusk said she is concerned with the density and setback and with the traffic on Lake Street that this rezoning will cause with ambulances.

Harrison resident Joe Surace spoke in opposition to the zoning text amendment. Mr. Surace is opposed to an independent living facility and the density of this project. The site requirements seem like they are written for this particular piece of property. He

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said if he had multi-acres in the Town of Harrison and saw something like this going through it would be to his benefit. If this goes through I'm going to sell my residential land for commercial. I feel we all have the same rights and if you are going to do something like this I think you have to do it for everybody. Parking is another concern. I think you need two parking spaces per unit and I have an issue with a parking lot 5 feet from the property line. I read the stipulation and there is still equipment on the property.

Harrison resident Patty Del Soldato spoke in opposition to the zoning text amendment. Ms. Del Soldato said if everybody in town is against this why are you wasting everybody's time? Nobody wants this.

Harrison resident Lucille Held requested that the Board just vote against this tonight because the people that voted for you don't want it.

Harrison resident Elizabeth Pritchard spoke in opposition to the zoning text amendment. Ms. Pritchard stated that when the stipulation was created between the town and the Lake Street Quarry there was a sum of \$825,000, that Mr. Barrago didn't have to pay and got to keep in his pocket so he can develop his property.

Councilman Stout said that is not what this stipulation says. The \$825,000 is the fine he would have to pay to the town if he did not comply with the terms of the Stipulation.

Harrison resident Elizabeth Pritchard said we made it really easy for him to comply with the terms of the stipulation. We handed it to him.

Councilman Malfitano replied saying just so you can have an understanding of the thought process, we were in court. When you are in a court of law and you are litigating an issue such as this, both sides are presenting their case. Litigation has an uncertain outcome. All of the fines that we levied against Mr. Barrago were taken at full value. The sum total of what those fines could have amounted to, if a court of law, found completely in favor of the Town on all counts could potentially equal that amount. Litigation has an uncertain outcome. We were confronted with the potential of losing. Losing would have meant the following: the quarry would have continued to operate in its current state. What we negotiated was the removal of the quarry from its operation forever into the future and I'll turn the rest over to the attorneys.

Harrison resident Elizabeth Pritchard said there are a couple of things that lead up to that from my understanding. This went to the court in Brooklyn. Mr. Barrago's claims were determined not to have merit and we were supposed to go back to the court in White Plains. For some reason the town elected not to go back to the court in White Plains and decided to settle it amongst yourselves.

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Councilwoman Amelio replied to Ms. Pritchard: Don't you want to hear what the attorney has to say? Your information isn't correct.

Corey Rabin, Attorney, said when the stipulation began to be discussed as a possibility of having a settlement between the property owner, Mr. Barrago, and the Town/Village of Harrison there were several meetings that occurred. During meetings I had with the town attorneys, there was a general lack of confidence in an agreement being made, that would stand up, that would be abided by, that would be respected by the property owner. During one meeting I said if my client were to violate the terms of the stipulation the couple of hundred thousand dollars that is being asked of him in violations, we will agree, in advance, that if we violate the stipulation you will have a judgment against the client for that amount. We wanted to insure the fact that Mr. Barrago would abide by the terms of the stipulation and up to now he has. If he violates anything Mr Barrago has a judgment that will be filed in the court and he would owe the Town of Harrison \$800,000. Make no mistake the fines didn't total \$800,000.

Supervisor Belmont requested that the audience speak on the zoning text amendment only.

Harrison resident Elizabeth Pritchard said we wouldn't be talking about a zoning text amendment if Mr. Barrago hadn't been operating outside the law all these years and destroying the property all around him.

Supervisor Belmont said you are 100% right. The quarry has been in existence for well over 100 years and we stopped it. It is no longer going on.

Harrison resident Sam Fannelli said he wanted to correct one thing about the \$825,000. It was the total accumulation of the 25 summons, the maximum amount of money he could be fined, if he did not adhere to the stipulation.

Harrison resident Vanessa Daher spoke in opposition to the zoning text amendment. Ms. Daher said you are saying that people are here because they don't understand and because of misinformation. The people are here because of 600 Lake Street being developed into a huge building. Ms. Daher read a letter from her neighbor opposing the rezoning and her concerns about a four story building, traffic and the value of her home which would adversely be affected by the proposed structure. Ms. Daher believes this will devalue her home and will change the character of the neighborhood. She is concerned about noise, setbacks and safety.

Harrison resident Glenn Daher spoke in opposition to the zoning text amendment. Mr. Daher said it is not on the town or the residents to remediate the property. It is on Mr. Barrago. It is not our responsibility to pay for it with our quality of life. I think as far as

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the stipulation goes, of course Mr. Barrago is going to follow it. He is set to make a profit, a good profit, on our backs. It is my understanding these places are calculated on a per unit basis so of course you would want to shove as many of these units into a stipulation agreement.

David Steinmetz from Zarin and Steinmetz submitted, for the record, 29 letters of support from residents. He said the height seems to be an issue this evening. The height was set forth in the stipulation; there was an exhibit to the stipulation which showed a four story building. This Board knew that the applicant may very well be coming forward with a four story building. There was a question about traffic. A study with traffic associated with this site and with the zoning that would allow 160 units as part of the text amendment was presented to the town. Most importantly we got questions, and it sounds like people didn't get to read the zoning petition that started this whole thing. In terms of need we sited the New York State Office of Aging and gave you specific data on the number of aging seniors in New York and Westchester County. There were questions about the Comprehensive Plan. Your plan as we sited in the zoning petition specifically calls for your town to foster housing suited for seniors. In the petition at the beginning of this process we identified for you recent New York State Case Law that specifically calls for and allows the identification of specific parcels for rezoning for senior living. Figure 2.6 of the Town of Harrison Comprehensive Plan identifies Lake Street as an arterial road. On the issue of density, we will be happy to share more data with you if you need it. The 25 units per acre is consistent with all the assisted living facilities that have recently gone up throughout the County. We ask that you close the Public Hearing and keep it open for written comment period and we look forward to moving forward, not only with this Board, but also with the Planning Board.

Harrison resident Joe Grillo said you turned down shopping centers and some other places you thought wouldn't be appropriate for that area. I read an article that said if you are within two miles of a Trader Joe's your property value goes up. Why wasn't anyone else asked what should go there?

Harrison resident Catherine Laignel spoke in opposition to the zoning text amendment. Ms. Laignel asked as a neighbor who is adjacent to the quarry that is being considered for rezoning, zoning that would allow them to propose this to the Planning Board. This is allowing 25 units per acre and I have three acres so then we can apply to build 75 units as a single owner?

Councilman Malfitano replied so you understand only people with six acres that are currently operating that property in a non residential use that have all the other characteristics of the zone.

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Harrison resident Catherine Laignel asked the Board that those of us who have had property damage because there is no setback who would be the party that would intercede for us if this went through? How are you protecting your citizens, your taxpayers?

Harrison resident Gloria LaRusso spoke in opposition to the zoning text amendment. Ms. LaRusso opposes the rezoning and received a letter from Brightview and was surprised to see that it said your property is adjacent to a property that could qualify for this use. The only property that I am adjacent to is the middle school and Veteran's Park. You talk about misinformation being out? This letter came from the law firm and you leave people like me wondering what is going on.

Harrison resident Mike Lebett spoke in opposition to the zoning text amendment. Mr. Lebett said there has been a lot of talk tonight about the zoning text amendment and the fact that it is being looked at because of a need in the community. If you look at the costs for being in a assisted living facility it is anywhere from \$5,000 to \$10,000 per month and that doesn't really match up with the average family that lives in Harrison. I think it will not only be for people in Harrison. I'm most concerned about the height, setback, traffic but I think that putting this in may bring many unintended consequences too such as having to hire paid firemen to service us as opposed to volunteers.

Harrison resident Nick Nitiss asked what is the procedure going forward; how is this going to be decided?

Supervisor Belmont replied that the Board is going to take all the comments made at the public hearing and all the written comments and come to a conclusion as a Board either to pass it on or not pass it on. You will be able to provide written comments until February 22<sup>nd</sup> and if it should go on to the Planning Board that is when everything gets vetted as far as height, size, setback, etc.

Councilman Malfitano added that if it goes that far it has to come before this Board again to actually adopt the zoning language. There is a cycle here and an ample opportunity for the public to be engaged and involved in the process.

Councilman Sciliano asked Mr. Nitiss if he was for or against this.

Harrison resident Nick Nitiss said he heard everything that was said tonight and he said he is opposed to any zoning changes.

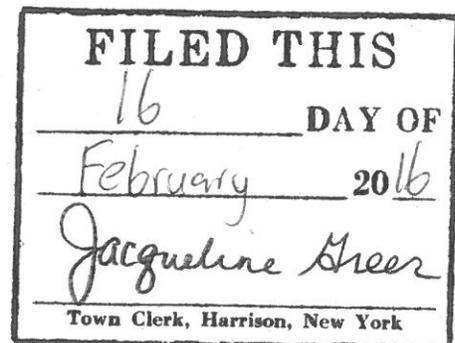
Councilman Malfitano motioned to keep the public comment by written communication opened until February 29, 2016, Councilman Stout seconded the motion and all members voting in favor.

February 10, 2016

2016 - - 057(continued)

On motion of Councilman Malfitano, seconded by Councilman Sciliano, and all members voting in favor, the hearing was closed.

The following documents were submitted for the record: 146 emails and letters from residents opposing the zoning text amendment, 555 on-line petitions were submitted by Harrison resident Sam Hoisington, 272 signatures on petition labeled Preserve our Neighborhood was submitted by Harrison resident Glenn Daher and 40 signatures on a protest petition requiring a super majority vote was submitted by Harrison resident Glen Daher.



February 10, 2016

2016 - - 058

ACCEPTANCE OF RESIGNATION FROM JOSEPH STOUT FROM THE  
HARRISON PLANNING BOARD

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the letter of resignation from Joseph Stout from his position on the Harrison Planning Board effective immediately.

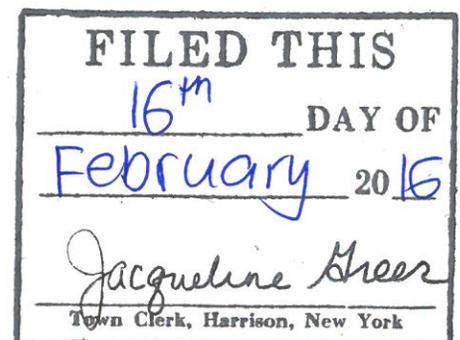
FURTHER RESOLVED to forward a copy of this Resolution to Rosemarie Cusumano.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 059  
AUTHORIZATION OF 207-A BENEFITS FOR  
FIREFIGHTER JOSEPH PIZZARELLO

On motion of Councilman Stout, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Personnel Manager Debra Scocchera for authorization of 207-a Benefits for Firefighter Joseph Pizzarello.

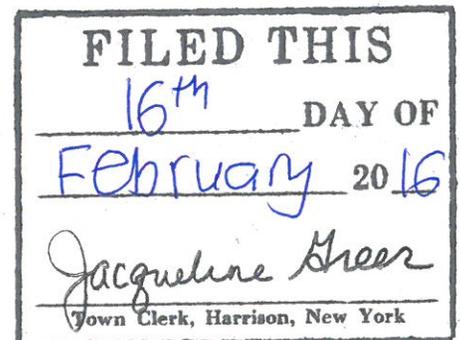
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 060

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT  
WITH LANGAN ENGINEERING

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Town Engineer Michael Amodeo for authorization to enter into a professional services contract with Langan Engineering for work related to the Beaver Swamp Brook Site Management Report, at a cost not to exceed \$20,000.00.

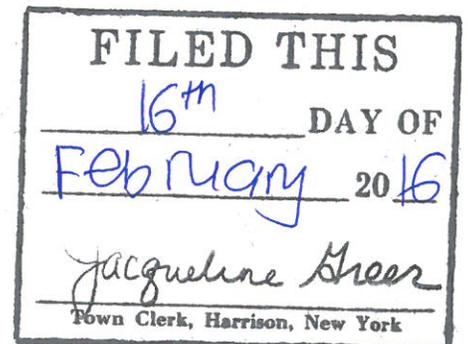
FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer, the Law Department and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 061

AUTHORIZATION FOR THE TOWN ENGINEER TO ATTEND A  
CONTINUING EDUCATION CLASS

On motion of Councilman Stout, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Town Engineer Michael Amodeo for authorization to attend a Continuing Education Class Titled "Technical Writing Workshop for Engineers" in White Plains, New York on March 7, 2016 at a cost not to exceed \$269.00.

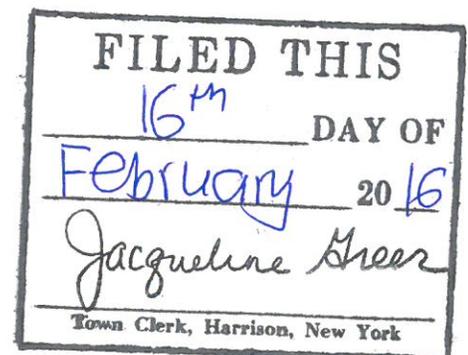
FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 062

APPROVAL OF THE USE AND DISSEMINATION AGREEMENT BETWEEN NY  
STATE POLICE, COUNTY OF WESTCHESTER DEPARTMENT OF PUBLIC  
SAFETY AND TOWN/VILLAGE OF HARRISON POLICE DEPARTMENT

On motion of Councilman Malfitano, seconded by Councilman Stout,

it was

RESOLVED to accept the request by Village Attorney Jonathan Kraut for approval of the Use and Dissemination Agreement between NY State Police, County of Westchester Department of Public Safety and Town/Village of Harrison Police Department.

FURTHER RESOLVED that the Supervisor execute the Agreement.

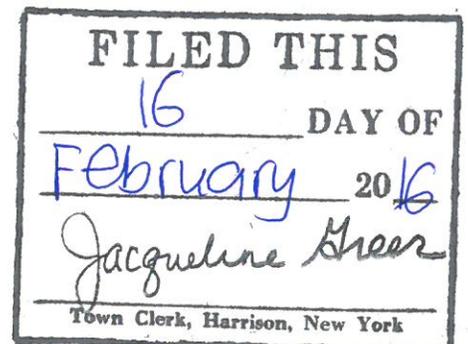
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 063

APPROVAL OF THE INTER-AGENCY AGREEMENT BETWEEN SOUTH EAST  
CONSORTIUM AND THE TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Deputy Village Attorney Christopher Cipolla for approval of the Inter-agency Agreement between the South East Consortium and the Town of Harrison in the amount of \$21,355.00. This amount reflects zero increase from 2015.

FURTHER RESOLVED that the Supervisor execute the Agreement.

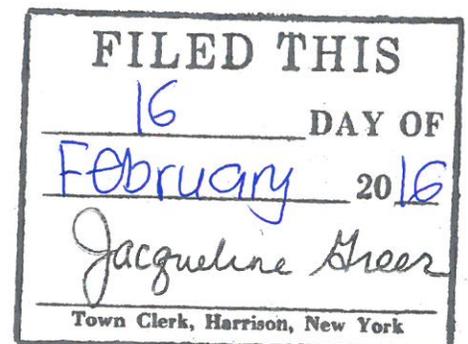
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 064

AUTHORIZATION TO USE THE MUNICIPAL BUILDING DURING THE MONTH  
OF MARCH FOR THE EXHIBIT OF YOUTH ART MONTH

On motion of Councilman Sciliano, seconded by Councilman Stout,

it was

RESOLVED to accept the request by Doreen Grozinger, Chairperson for the Harrison Council for the Arts, for authorization to use the Municipal Building during the month of March for the exhibit of Youth Art Month. This will be the 36<sup>th</sup> year that Harrison Council for the Arts will sponsor this program. The reception is scheduled for Sunday, March 6<sup>th</sup>, 2016 from 1-3 PM.

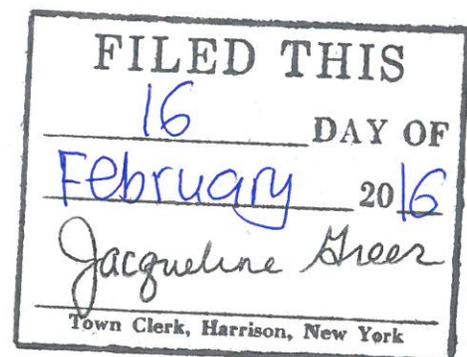
FURTHER RESOLVED to forward a copy of this Resolution to Commissioner of Public Works and Doreen Grozinger.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 065

AUTHORIZATION TO ACCEPT A DONATION FROM EYE PRODUCTIONS FOR  
THE RECREATION DEPARTMENT

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Superintendent of Recreation Gerry Salvo for authorization to accept a donation from Eye Productions in the amount of \$3,000.00.

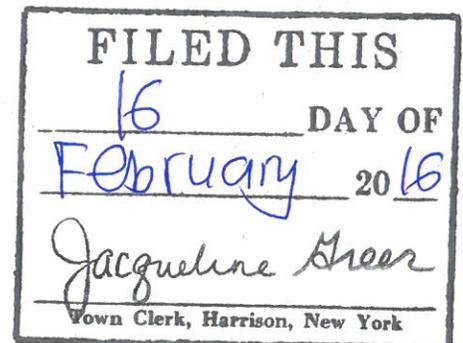
FURTHER RESOLVED to forward a copy of this resolution to the Superintendent of Recreation and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 066

AUTHORIZATION TO ADD MARION AVENUE TO  
THE SNOW EMERGENCY LIST

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini for authorization to add Marion Avenue to the Snow Emergency Street List. It is in the area of Parsons School and is currently not on the list.

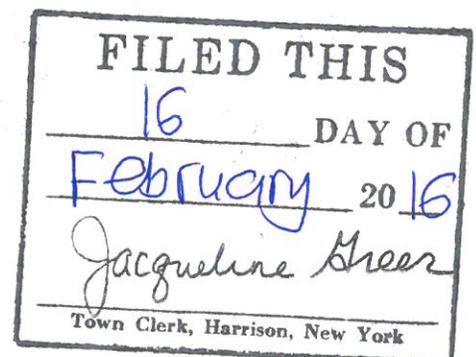
FURTHER RESOLVED to forward a copy of this resolution to the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 067

AUTHORIZATION TO REGISTER 5 POLICE DEPARTMENT MEMBERS FOR  
NARCOTICS OPERATIONS TRAINING

On motion of Councilman Stout, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini to register 5 department members for Narcotics Operations Training course on March 1<sup>st</sup> and 2<sup>nd</sup> 2016 in New York, NY. The total registration cost for these courses is \$495.00.

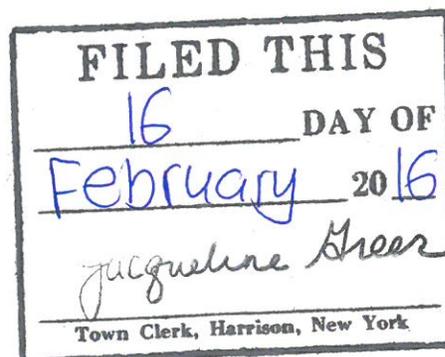
FURTHER RESOLVED to forward a copy of this resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 068

AUTHORIZATION TO REGISTER 2 POLICE DEPARTMENT MEMBERS FOR  
NARCOTICS OPERATIONS TRAINING

On motion of Councilman Sciliano, seconded by Councilman Stout,

it was

RESOLVED to accept the request by Chief of Police Anthony Marraccini to register 2 department members for Narcotics Operations Training course on March 3<sup>rd</sup> and 4<sup>th</sup> 2016 in Brooklyn, NY. The total registration cost for these courses is \$140.00.

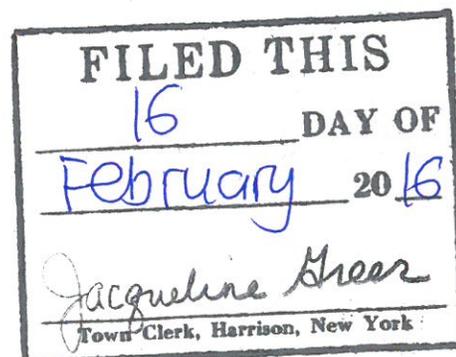
FURTHER RESOLVED to forward a copy of this resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 069

AUTHORIZATION FOR THE 2016 AGREEMENT FOR CONSULTING SERVICES  
WITH ENERGETIX CORP

On motion of Councilman Malfitano, seconded by Councilman Stout,

it was

RESOLVED to accept the request by Personnel Manager Debra Scocchera for authorization of the 2016 Agreement for Consulting Services with Energetix Corp. Energetix currently manages the Federal and State mandated, Employee drug and alcohol testing as outlined in the U.S. Dept. of Transportation regulation.

FURTHER RESOLVED that the Supervisor execute the Agreement.

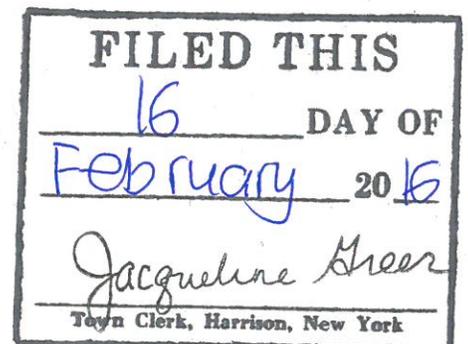
FURTHER RESOLVED to forward a copy of this resolution to the Personnel Manager, Commissioner of Public Works and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 070

AUTHORIZATION TO SIGN THE EASEMENT AGREEMENT IN CONNECTION  
WITH 8 ORCHARD DRIVE, HARRISON, NEW YORK 10528

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Deputy Village Attorney Christopher Cipolla for authorization for the Supervisor to sign the Easement Agreement in connection with 8 Orchard Drive, Harrison, New York 10528.

FURTHER RESOLVED that the Supervisor sign the Agreement.

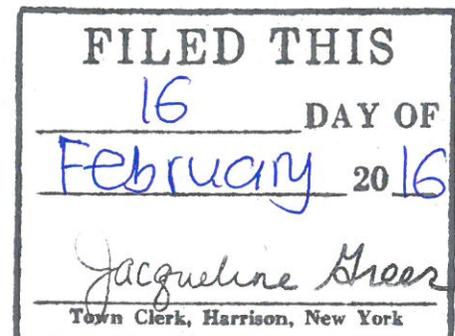
FURTHER RESOLVED to forward a copy of this resolution to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, Sciliano and Stout  
Supervisor Belmont

NAYS: None

ABSENT: None



February 10, 2016

2016 - - 071  
MATTERS FOR EXECUTIVE SESSION

Advice of Council: 1

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed to Executive Session at 10:31 P.M.

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 12:55 AM.

Respectfully submitted,

Jacqueline Greer  
Town Clerk