


**TOWN OF HARRISON
VILLAGE OF HARRISON
ATTORNEY'S OFFICE**

MEMORANDUM

E-1

TO: Richard Dionisio, Supervisor
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney 

DATE: October 20, 2022

SUBJECT: **75 Lakeview Avenue Subdivision**
Performance Bond No.: 8360
Amount: \$20,000.00

Request is hereby made on behalf of the Town Engineer, for authorization to release the above-referenced Performance Bond, presently being held by the Town/Village of Harrison pursuant to Planning Board Resolution No. PB2017/67 (copy attached).

The project and all related public improvements, for which this surety has been held, have been completed to the Town Engineer's satisfaction.

JDK:ld

cc: Michael Amodeo, Town Engineer

**PLANNING BOARD RESOLUTION PB2017/67
JULY 19, 2017**

**FINAL SUBDIVISION PLAT APPROVAL
LAKEVIEW AVENUE SUBDIVISION,
LOCATED AT 75 LAKEVIEW AVENUE, KNOWN AND DESIGNATED AS
BLOCK 874, LOT 29**

WHEREAS, an application for approval of a Final Subdivision Plat has been submitted by Luna Group West, LLC (herein after referred to as the Applicant); and

WHEREAS, the site is a tract of 12,500 square foot parcel with frontage on Lakeview Avenue and Hancock Street, and is identified as 75 Lakeview Avenue, more specifically known and designated as Block 874, Lot 29; and

WHEREAS, the subject premises are located in the B Two-Family zoning district, which permits the development of two-family and single-family homes on lots of 5,000 square feet or more; and

WHEREAS, the applicant proposes to subdivide the parcel to create two new lots Lot 1 7,500 square feet, Lot 2 5,000 square feet.

WHEREAS, the final subdivision plans, consists of the following plans:

- Topography Survey, prepared by The Munson Company, Land Surveyors, Elmsford, NY, dated May 15, 2016
- EX-1 Existing Condition & Removal Map, prepared by Robert P. Wasp, Engineer, North Salem, NY, dated November 27, 2016
- LP-1 Conceptual Subdivision Layout Plan, prepared by Robert P. Wasp, Engineer, North Salem, NY, dated November 27, 2016, last revised February 6, 2017
- LP-2 Conceptual Subdivision Layout Plan, prepared by Robert P. Wasp, Engineer, North Salem, NY, dated February 6, 2017
- UT-1 Grading & Utility Plan, prepared by Robert P. Wasp, Engineer, North Salem, NY, dated November 27, 2016, last revised February 6, 2017
- UT-2 Grading & Utility Plan, prepared by Robert P. Wasp, Engineer, North Salem, NY, dated February 6, 2017

WHEREAS, in accordance with Section 204-4 of the Town of Harrison Subdivision Regulations, this subdivision is classified as a minor subdivision; and

WHEREAS, a public hearing was held on March 28, 2017 and April 25, 2017, required by Section 204-12 F of the Subdivision Regulations at the Harrison Town Hall, at which time all persons wishing to speak on the application were provided an opportunity to be heard; and

WHEREAS, the Planning Board has considered all comments received both orally and in writing during the public hearing process; and

WHEREAS, the Planning Board has inspected the property and is familiar with the nature of the site, the surrounding area, and the proposed subdivision; and

WHEREAS, The Planning Board serving as Lead Agency for the SEQR review of this action determined that there would be no significant adverse impact as a consequence of the proposed action pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the New York State Conservation Law and adopted a Negative Declaration; and

WHEREAS, the requirements of a final subdivision plat contained in the Subdivision Regulations and Zoning Ordinance of the Town of Harrison have been met by said preliminary subdivision plat application, with the exception of those items waived including structures and features 200 feet beyond the perimeter of the site.

NOW THEREFORE BE IT RESOLVED that the application of Luna Group West, LLC for approval of a final subdivision plat as shown on the plans identified above is hereby granted subject to the following conditions:

Conditions Prior To Endorsement Of Final Plat

The following conditions shall be completed by the Applicant prior to the endorsement of the Final Subdivision Plat by the Planning Board Chairman:

1. Within one hundred eighty (180) days of the date of this resolution, the Applicant shall submit the Final Subdivision Plat, in its final form prepared in conformance with Section 204-19 of the Town of Harrison Subdivision Regulations, for endorsement by the Planning Board Chairman. This approval authorizes only the subdivision activities approved in this resolution and as delineated on the signed and filed Final Subdivision Plat and associated improvements drawings. Any alteration or modification to the Final Subdivision Plat or to the existing or approved facilities and site shall require the review and approval by the Planning Board of the Town of Harrison.
2. The Applicant shall pay to the Town of Harrison, any outstanding professional review fees, application or processing fees in accordance with the applicable fee schedule of the Town of Harrison.
3. In accordance with §204-32B(4) of the Land Subdivision Regulations, a payment in lieu of required park land ("recreation fee") in the amount of Ten Thousand dollars (\$10,000.00) shall be paid to the Town of Harrison.
4. A performance bond, in an amount of Twenty Thousand Dollars (\$20,000.00) established by the Town Engineer, shall be posted to assure that all required improvements are satisfactorily installed.
5. An Engineering Inspection Fee, in an amount of Eight Hundred Dollars (\$800.00) established by the Town Engineer, shall be paid, to allow the Town to provide adequate oversight of all necessary improvement installation.
6. The Final Subdivision Plat shall be endorsed by the Westchester County Health Department.

7. The Applicant shall furnish the Planning Board with one (1) mylar set and one (1) print set of the Final Subdivision Plat and Plans as described herein, for endorsement by the Planning Board Chairman upon payment of all required fees and compliance with all conditions of this resolution.
8. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Final Subdivision Plat by the Planning Board Chairman, the mylar set will then be returned to the applicant for filing of the Final Subdivision Plat in the Office of the Westchester County Clerk, Division of Land Records as well as for copying; the print set will be retained by the Planning Board as a record copy.
9. No changes, additions, erasures, modifications or revisions shall be made to the Final Subdivision Plat following endorsement by the Planning Board Chairman. Any changes detected after endorsement of the Final Subdivision Plat, shall result in the immediate termination and revocation of this Resolution of Approval, thereby making it null and void.
10. Within ten (10) days after the Final Subdivision Plat has been filed in the Office of the Westchester County Clerk, Division of Land Records, the Applicant shall deliver to the Town Assessor one (1) mylar reproducible copy of the filed Final Subdivision Plat and Plans, and to the Planning Board Secretary two (2) paper copy and one (1) digital of the filed Final Subdivision Plat and Plans, collated and folded, and one copy of all filed easements. No Building Permit shall be issued by the Building Inspector until the required filed Final Subdivision Plat and Plan copies are provided to the Town Assessor and Planning Board Secretary.

Conditions Prior To Issuance Of A Building Permit

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

11. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1 – 10.
12. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and filed Final Subdivision Plat and Plans. The Building Inspector shall include reference to the Final Subdivision Plat and Plans and this Resolution of Approval on any Zoning and Building Permit.
13. The Town Engineer shall certify that final stormwater management plan conforms to NYSDEC Phase II requirements, including the filing of a SPDES permit, as required.
14. All comments of the Town Engineer shall be satisfactorily addressed.

15. If it is determined that rock removal is required to allow for the development of these lots, a rock removal plan shall be provided to the Building Inspector. This plan shall include a detailed rock removal protocol, including pre and post blast inspections of surrounding property if blasting is required. This plan shall be prepared in conformance with Town requirements, and shall reflect the applicable noise control requirements set forth in Section 177 of the Harrison Code.
16. The applicant shall inspect the site for the presence of nuisance pests and vermin and shall be responsible for exterminating all vermin presently on the site, and those that might migrate to adjacent properties during site development activities.

General Conditions Of Implementation And Construction

The following conditions shall apply during the implementation of the site improvements and construction of the Project:

17. No construction or any other activity furthering the implementation of any of the improvements called for on the Final Subdivision Plat and Plans, other than public improvements, shall take place on the Site, prior to the issuance of a Building Permit by the Building Inspector.
18. All improvements shall be completed in accordance with the approved plans, and improvements to the satisfaction of the Town Engineer.
19. The new dwelling and other site improvements shall be restricted to the specific locations indicated on the Final Subdivision Plat and Plans. Substantial changes, as determined by the Building Inspector, Town Engineer and Planning Consultant, to the location of dwelling, driveway, drainage improvements, and other site improvements shown on the approved Plat and Plans, are hereby prohibited, without prior review and approval of the Planning Board.
20. Construction shall be limited to the hours permitted by town ordinance. No work shall be permitted on the site during any other times.
21. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed in accordance with the requirements of the Town Engineer and shall be subject to continual inspection and maintenance and additional controls as may be required by the Building Inspector, Town Engineer, Highway Superintendent or their agents. Stormwater runoff shall be controlled at all times during construction to prevent erosion of the site area under construction and to prevent sedimentation and dust dispersal upon areas not under construction, particularly off-site locations. Silt fencing, hay bales, anti-tracking aprons and all other required erosion and sedimentation control measures shall be regularly inspected and maintained in an orderly and functioning manner in accordance with all Town of Harrison Ordinances and Laws, the New York Guidelines for Urban Erosion and Sediment Control, and the Westchester County Best Management Practices. Additional supplies of silt fencing and hay bales shall be kept on the site during construction for immediate use if needed, and as directed by the Building Inspector.

22. Disturbed soils shall be stabilized as soon as practicable, or as directed by the Building Inspector or Town Engineer.
23. Temporary vegetation and/or mulching shall be used to protect exposed areas during construction.
24. During grading operations, appropriate measures shall be exercised to control, dust.
25. All site utilities shall be installed underground.
26. The project shall maintain a 0% increase in the rate of runoff.
27. A clean and legible copy of this Resolution (as signed by the Planning Board Chairman) and a copy of the signed Final Subdivision Plat and Plans shall be maintained at the subject property at all times.

Prior To The Issuance Of A Certificate Of Occupancy

The following conditions shall be complied with prior to the issuance of a Certificate of Occupancy by the Building Inspector:

28. Prior to the issuance of an individual Certificate of Occupancy by the Building Inspector, and as a condition thereto, all site improvements (e.g. building, driveway, grading etc) associated with the lot requesting the Certificate of Occupancy, including all required utilities (e.g. water supply, sewage disposal, stormwater controls, electric, telephone, etc.) to serve said lot, shall be completed and operational. All disturbed areas shall be stabilized, regarded and re-vegetated.
29. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant.
30. All improvements shall be maintained in strict accordance with all applicable rules, regulations, ordinances and laws as a condition of maintenance of the Certificate of Occupancy
31. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provision of the Town of Harrison.

BE IT FURTHER RESOLVED, That this Final Subdivision Approval shall expire within one hundred eighty (180) days of the date of this resolution unless the Applicant submits for signature by the Planning Board Chairman, the Final Subdivision Plat, as endorsed by the Westchester County Department of Health and in conformance with the Land Subdivision Regulations.

BE IT FINALLY RESOLVED, that this Final Subdivision Approval resolution shall have an effective date of July 19, 2017.

On a motion of Planning Board Member Mark Rinaldi, seconded by Planning Board Member Marshall Donat, this resolution was approved by the following vote:

AYES: Thomas Heaslip, Mark Rinaldi, Nonie Reich, Marshall Donat, Kate Barnwell, and Paul Genovese

NAYS: None

ABSTAINED: None

ABSENT: Anthony Spano



Thomas Heaslip, Chairman

This resolution was thereupon duly adopted.

