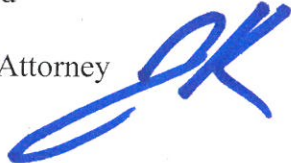


**TOWN OF HARRISON  
VILLAGE OF HARRISON  
ATTORNEY'S OFFICE**

**MEMORANDUM**

E-10

TO: Richard Dionisio, Supervisor  
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney 

DATE: January 19, 2023

SUBJECT: **Richardson Lane Subdivision**  
**61 Grandview Development, LLC**  
**Surety Amount: \$200,000.00**

The Town/Village of Harrison is presently holding in the form of cash, the above-referenced performance surety pursuant to the Subdivision approval granted by Planning Board Resolution PB2019/08 (attached).

The project and all related improvements have been completed to the Town Engineer's satisfaction, whose recommendation to release the surety, following receipt of a two (2) year Maintenance Bond in the amount of \$60,000.00, is attached hereto.

Accordingly, I respectfully request authorization to release the \$200,000.00 performance surety, subject to receipt of a two (2) year Maintenance Bond in the amount of \$60,000.00.

JDK:ld

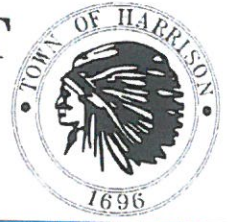
Attachments

cc: Michael Amodeo, Town Engineer  
Maureen MacKenzie, Comptroller

# HARRISON ENGINEERING DEPARTMENT

Town/Village of Harrison  
Alfred F. Sulla, Jr. Municipal Building  
1 Heineman Place  
Harrison, New York 10528

Michael J. Amodio, P.E., CFM  
Town/Village Engineer



## MEMORANDUM

**To:** Jonathan D. Kraut, Village Attorney

**From:** Michael J. Amodio, P.E., CFM, Town/Village Engineer

**Date:** January 11, 2023

**Re:** Release of Performance Bond- *Richardson Lane Subdivision*  
Check No.: 9771916193

Following the review of all pertinent information and final site inspections, it is the recommendation of the Engineering Department that the Performance Bond in the amount of \$200,000.00 be released as the project has been completed to the satisfaction of this department. With the project completion a two (2) year Maintenance Bond should be obtained to replace the Performance Bond in the amount of \$60,000.00.

MJA/mep

**PLANNING BOARD RESOLUTION PB2019/08  
FEBRUARY 19, 2019**

**FINAL SUBDIVISION PLAT APPROVAL  
61 GRANDVIEW DEVELOPMENT SUBDIVISION,  
4 RICHARDSON LANE, KNOWN AND DESIGNATED AS  
BLOCK 201, LOT 31**

**WHEREAS**, an application for approval of a Final Subdivision Plat has been submitted by 61 Grandview Development LLC (herein after referred to as the Applicant); and

**WHEREAS**, the site is a tract of 2.26 acres with frontage on Richardson Lane, and is identified as 4 Richardson Lane, more specifically known and designated as Block 201, Lot 31; and

**WHEREAS**, the subject premises are located in the R-1/3 Single-Family zoning district, which permits the development of lots of 1/3 of an acre or more; and

**WHEREAS**, the applicant proposes to subdivide the parcel to create 3 new single-family residential lots of 52,978 square feet, 22,688 square feet and 23,328 square feet respectively, accessed via a private driveway located off Highfield Road, served by public sewer and water infrastructural improvements, along with associated stormwater and other site improvements.

**WHEREAS**, The Subdivision Plans consist of the following drawings prepared by Langan, White Plains, dated September 5, 2017 last revised January 2, 2018 (hereinafter referred to as "The Preliminary Subdivision Plat")

C-1	Cover Sheet
C-2	Existing Conditions, Site Removals, & Slopes Analysis Plan
C-3	Layout Plan (1 of 2)
C-4	Layout Plan (2 of 2)
C-5	Utility Plan
C-6	Utility Plan (2 of 2)
C-7	Grading & Drainage Plan (1 of 2)
C-8	Grading & Drainage Plan (2 of 2)
C-9	Driveway Profile
C-10	Soil Erosion & Sediment Control Plan
C-11	Truck Turning Plan
C-12	Landscape Plan
C-13	Details (1 of 3)
C-14	Details (2 of 3)
C-15	Details (3 of 3)

**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 November 17, 2017, December 19, 2017 and January 23, 2018, 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 61 Grandview Development 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 Thirty Thousand dollars (\$30,000.00) shall be paid to the Town of Harrison.
4. A performance bond, prepared in form, surety and manner of execution to the satisfaction of the Town Attorney, and in the amount of Two Hundred Thousand

dollars (\$200,000.00), in accordance with the requirements of town law, shall be provided to assure the completion of all improvements.

5. An engineering inspection fee in the amount of Eight Thousand dollars (\$8,000.00) shall be provided and established in an escrow account, to fund engineering inspection services related to the project improvements.
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 one (1) 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 dwellings 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, reggraded 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 February 19, 2019.

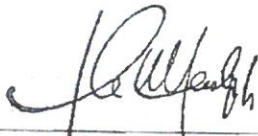
On a motion of Planning Board Member Joseph Stout, seconded by Planning Board Member Marshall Donat, this resolution was approved by the following vote:

**AYES:** Thomas Heaslip, Nonie Reich, Marshall Donat, Joseph Stout and Chip Marrano

**NAYS:** None

**ABSTAINED:** None

**ABSENT:** Hugo Ruiz



Thomas Heaslip, Chairman

*This resolution was thereupon duly adopted.*

