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Via Federal Express – A.M. Delivery

Hon. Ron Belmont, Supervisor/Mayor
and Councilmen/Trustees of the Town/Village Board
Town/Village of Harrison
1 Heineman Place
Harrison, New York 10528

*Re: Application of Falcon Group, LLC
for Subdivision Approval – Sherman Avenue
Tax Identification No.: Block 691, Lot 5
Planning Board Referral Seeking Cluster Authorization*

Dear Supervisor/Mayor Belmont and Members of the Town/Village Board:

This firm represents Falcon Group, LLC (“Falcon Group”), owner of approximately 14.6 acres of land on the east side of Sherman Avenue (the “Property”) in the Town/Village of Harrison (the “Town”). As you may know, in May 2005, Falcon Group filed an application with the Town/Village of Harrison Planning Board (the “Planning Board”) for a subdivision of the Property (the “Project”) into 13 building lots to be improved with single-family homes and a fourteenth lot to accommodate a stormwater management basin (the “Preferred Plan”). The Planning Board conducted a coordinated environmental review of the Project under the State Environmental Quality Review Act (“SEQRA”), as part of which Draft and Final Environmental Impact Statements (“DEIS” and “FEIS,” respectively) were prepared, reviewed and adopted by the Planning Board, and public hearings held.

In February 2012, the Planning Board adopted a Statement of Findings (the “Findings”) that rejected the Project. Falcon Group commenced an Article 78 proceeding challenging the adverse Findings and the Supreme Court, Westchester County annulled the Findings and remitted the matter to the Planning Board to adopt Findings consistent with the FEIS. The Planning Board appealed but in September 2015 the Appellate Division, Second Department affirmed the lower court’s judgment. Following the litigation, in an effort to obtain approval from the Planning Board for a mutually acceptable alternative to the Preferred Plan and avoid further litigation, Falcon Group advised the Planning Board that it would be willing to develop a less dense version of “Alternative 5” discussed in