

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, April 3, 2024 at 7:00 PM. All members having received due notice of said meeting:

MEMBERS PRESENT:

Elizabeth Brown.....)
Angela Vaccaro) Councilpersons
Gina Evangelista)
Mike DiCostanzo)

ABSENT:

Richard Dionisio.....Supervisor

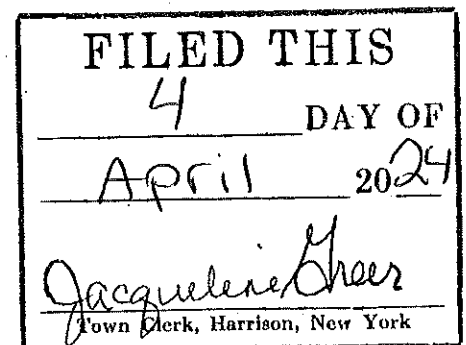
ALSO ATTENDING:

Jonathan Kraut Village Attorney
Andrea Rendo..... Town Attorney
Maureen MacKenzie..... Comptroller

April 3, 2024

PROCLAMATIONS FOR VOLUNTEER APPRECIATION MONTH
TO STUDENTS AT HCSD AND THE HARRISON FOOD PANTRY

April is Volunteer Appreciation Month, and we extend our heartfelt gratitude to the dedicated food pantry volunteers who selflessly contribute their time and effort each week. The Harrison Food Pantry serves 175 families each month, accepting a remarkable 2000 pounds of food weekly. Their work involves heavy lifting, cleaning, and organizing, ensuring that our pantry remains operational. Our pantry thrives thanks to an exceptional team of committed residents who tirelessly keep it running; the men and women each give 336 hours a year for a combined total of 4032 hours. Beyond their physical work, they serve as a touchstone for residents who rely on the pantry. Today, I want to shine a spotlight on three extraordinary young men from Harrison High School's FASE program who are integral members of our team. Jacob Terrana, Samuel Saes and Moustafa Elgallad's - their infectious enthusiasm uplifts the pantry atmosphere, and their height is a bonus. They arrive each week with smiles, addressing us by name, and are always ready to work. Laura and I also want to express our gratitude to Brittany Pick-el from HCSD for her partnership, which allows students from FASE to participate actively in our community. Together, we create a stronger more compassionate Harrison. This collaboration surpasses our expectations, and we look forward to having more students from FASE volunteer with the town.



April 3, 2024

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilperson Brown, seconded by Councilperson Evangelista,
it was

RESOLVED to accept the following correspondence and reports:

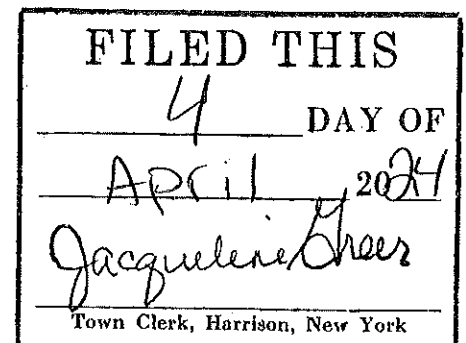
1. Monthly report for the Town Clerks Office for the month of February, 2024.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE THE AGREEMENT
AND RELATED TRANSFER DOCUMENTS

On motion of Councilperson DiCostanzo, seconded by Councilperson Brown,

it was

RESOLVED to accept the request by, Village Attorney, Jonathan D. Kraut, for the authorization for the Supervisor to execute the Agreement and related transfer documents following final approval of the Agreement and its exhibits by the Law Department and the Town Engineer for Proposed Easement Agreement between 3 WPD Apartments, LLC, the Town/Village of Harrison and Westchester Joint Water Works.

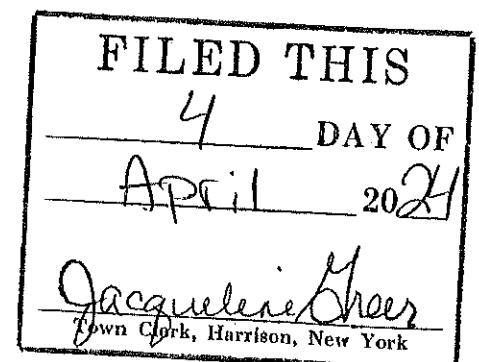
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Town Engineer.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

2024 - - 127

APPROVAL FOR COURT CLERK AND DEPUTY COURT CLERK
TO ATTEND THE NEW YORK STATE ASSOCIATION OF MAGISTRATES
COURT CLERKS ANNUAL CONFERENCE

On motion of Councilperson Brown, seconded by Councilperson Vaccaro,

it was

RESOLVED to accept the request by, Court Clerk, Jacqueline Ricciardi, for approval for Court Clerk and Deputy Court Clerk to attend the New York State Association of Magistrates Court Clerks Annual Conference (including Continuing Education/Mandatory Training) from September 29, 2024 to October 2, 2024. This conference and training are being held in-person at Niagara Falls conference center Niagara Falls, New York. The total cost will not exceed \$4,500.00. This sum includes a combination of transportation costs, lodging, meals and conference registration fees.

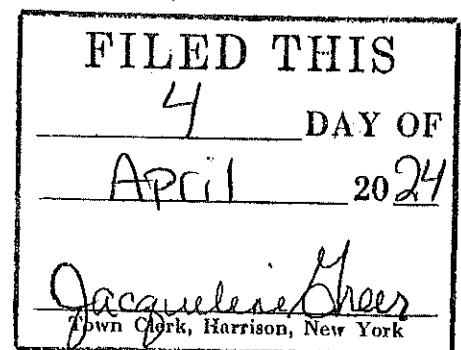
FURTHER RESOLVED to forward a copy of this Resolution to the Court Clerk and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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APPROVAL FOR TWO (2) TOWN JUSTICE TO ATTEND
THE ANNUAL NEW YORK STATE MAGISTRATES' ASSOCIATION CONFERENCE

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED to accept the request by, Court Clerk, Jacqueline Ricciardi, for approval for Town Justice Daniel D. Angiolillo and Pasquale G. Gizzo to attend the Annual New York State Magistrates Association Conference at Sheraton Niagara Falls in Niagara Falls, New York from September 22, 2024 to September 25, 2024. The total cost will not exceed \$4,500.00, a portion of which may be related back to the Town via the Unified Court System's Office of Court Administration following the Conference.

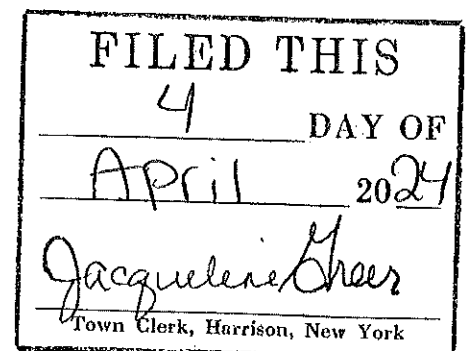
FURTHER RESOLVED to forward a copy of this Resolution to the Court Clerk and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION TO ISSUE A SPECIAL EVENTS PERMIT FOR 2024 BIKE HSS

On motion of Councilperson Brown, seconded by Councilperson Evangelista,
it was

RESOLVED to accept the request by, Building Inspector, Rocco Germani, to issue a Special Events Permit for 2024 Bike HSS, a one-date cycling event to be held on September 14, 2024. The ride will start and finish at Manhattanville College.

FURTHER RESOLVED for the Special Events Permit fee to be waived. Insurance will be submitted and a pre-event conference with the Harrison Police Department must take place before permit is issued.

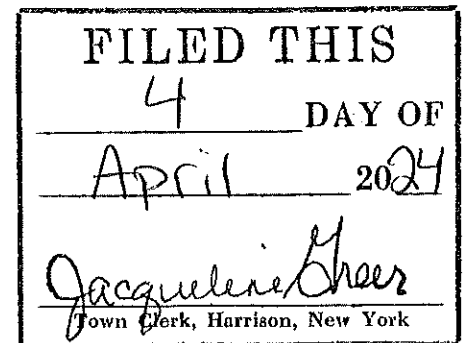
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector and the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

2024 - - 130

AUTHORIZATION TO REDUCE THE BRIGHTVIEW SENIOR LIVING
PERFORMANCE BOND

On motion of Councilperson Evangelista, seconded by Councilperson Brown,

it was

RESOLVED to accept the request by, Village Attorney, Jonathan D. Kraut, for the authorization to reduce the Brightview Senior Living Performance Bond amount from \$4,400,000.00 to \$2,740,000.00, subject to approval of the Bond amendment language by the Town Engineer and the Law Department.

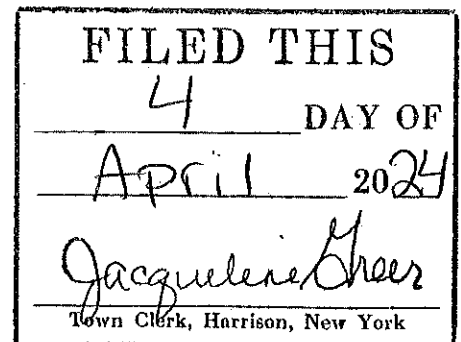
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Comptroller and the Town Engineer.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION TO REGISTER THREE (3) DEPARTMENT MEMBERS TO ATTEND
THE GLOCK TRAINING CLASS ARMORER'S COURSE

On motion of Councilperson Vaccaro, seconded by Councilperson DiCostanzo,

it was

RESOLVED to accept the request by, Chief of Police, John T. Vasta, to register three (3) department members to attend the Glock Training Class Armorer's Course. This training will be held on July 23, 2024 at the Yonkers Police Department – 1st Precinct in Yonkers, New York. The total cost of this training program will be \$750.00. This is a budgeted item and funds are available in the Schooling Budget Line #001-3120-100-0415.

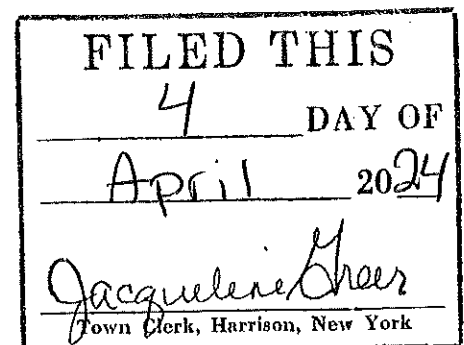
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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NOTIFICATION OF A BUILDING PERMIT APPLICATION FOR
87-89 CRYSTAL STREET PARCEL LOCATED WITHIN FEMA
DESIGNATED FLOOD PLAINS

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED to approve a building permit application for 87-89 Crystal Street, Block 0423, Lot 1.1, located within FEMA designated Flood Plains as follows:

The above referenced sites are located within FEMA designated Flood Plains. Harrison Town Code Section 235-32-B states:

“All plans for buildings built in flood areas as defined above shall be transmitted to the Town Engineer for a recommendation as to the minimum floor level of the building and the final grading of the property. Such recommendation must be confirmed by a resolution of the Town Board prior to the issuance of a building permit conforming to the recommendations”.

Pursuant to Town Code, our remarks and recommendations for the development of this property are as follows:

1. The existing FEMA Flood Plain Elevation at this property is 65.0 feet (NGVD 1988), as shown on the FEMA Flood Insurance Study dated September 28, 2007
2. The proposed First Floor Elevation shall be 71.5 feet as shown on site plans dated October 26, 2023, prepared by Community Designs Engineering D.P.C.
3. The proposed Garage Floor Elevation shall be 62.5 feet as shown on site plans dated October 26, 2023, prepared by Community Designs Engineering D.P.C.
4. As reflected in the above mentioned plan, there shall be no substantial grade change permitted on this property.
5. An as-built survey from a New York State Licensed Surveyor will be required. The as-built shall include the flood plain elevation, and all floor elevations. As-built must also show compliance with Town building height regulations, as well as surface information verifying no grade change. This survey must be submitted to and approved by this department prior to issuance of a Certificate of Occupancy.
6. In order to verify the structure and all utilities have been built safely above the Base Flood Elevation, an Elevation Certificate must be submitted and approved by the Engineering Department prior to issuance of a Certificate of Occupancy.
7. Flood resistant materials must be used within all areas permitted below the Base Flood Elevation. All building materials below this level must be certified by the design professional upon completion of construction.

8. All building utilities (electrical, mechanical, sewer vents, etc.) must be at least 2 feet above the Base Flood Elevation and must be certified by the design professional upon completion of construction.
9. The design professional shall submit written certification to the Engineering Department of the installation of the flood vents as well as the flood vent certificates prior to the issuance of a Certificate of Occupancy.
10. Enclosed areas within a Floodplain are designed to be flooded, and can be used only for parking vehicles, storage, or access to the elevated living area. A Non Conversion agreement must be submitted and signed by the property owner prior to issuance of a Certificate of Occupancy.
11. A deed restriction prohibiting construction of any structures or obstructions to surface water flows in the Regulatory Floodway shall be prepared in a form found to be acceptable by the Town Attorney and recorded in the Office of the County Clerk, Division of Land Records.
12. A drainage easement shall be prepared in a form found acceptable by the Town Attorney and/or the other applicable government agency, if required, and recorded in the Office of the County Clerk, Division of Land Records.

FURTHER RESOLVED the recommendations of the Town Engineer for development for 87-89 Crystal Street, Block 0423, Lot 1.1, and forward to the Building Department.

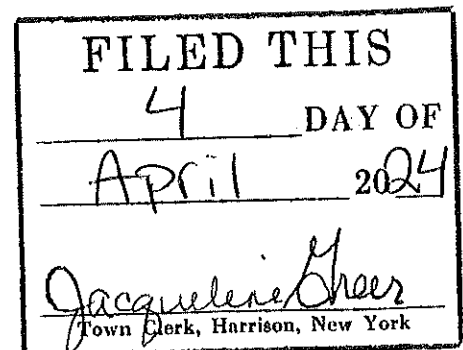
FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer, Law Department and the Building Inspector.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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NOTIFICATION OF A BUILDING PERMIT APPLICATION FOR
83-85 CRYSTAL STREET PARCEL LOCATED WITHIN FEMA
DESIGNATED FLOOD PLAINS

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED to approve a building permit application for 83-85 Crystal Street, Block 0423, Lot 1.2, located within FEMA designated Flood Plains as follows:

The above referenced sites are located within FEMA designated Flood Plains. Harrison Town Code Section 235-32-B states:

“All plans for buildings built in flood areas as defined above shall be transmitted to the Town Engineer for a recommendation as to the minimum floor level of the building and the final grading of the property. Such recommendation must be confirmed by a resolution of the Town Board prior to the issuance of a building permit conforming to the recommendations”.

Pursuant to Town Code, our remarks and recommendations for the development of this property are as follows:

1. The existing FEMA Flood Plain Elevation at this property is 65.0 feet (NGVD 1988), as shown on the FEMA Flood Insurance Study dated September 28, 2007
2. The proposed First Floor Elevation shall be 71.5 feet as shown on site plans dated October 26, 2023, prepared by
Community Designs Engineering D.P.C.
3. The proposed Garage Floor Elevation shall be 62.5 feet as shown on site plans dated October 26, 2023, prepared by Community Designs Engineering D.P.C.
4. As reflected in the above mentioned plan, there shall be no substantial grade change permitted on this property.
5. An as-built survey from a New York State Licensed Surveyor will be required. The as-built shall include the flood plain elevation, and all floor elevations. As-built must also show compliance with Town building height regulations, as well as surface information verifying no grade change. This survey must be submitted to and approved by this department prior to issuance of a Certificate of Occupancy.
6. In order to verify the structure and all utilities have been built safely above the Base Flood Elevation, an Elevation Certificate must be submitted and approved by the Engineering Department prior to issuance of a Certificate of Occupancy.
7. Flood resistant materials must be used within all areas permitted below the Base Flood Elevation. All building materials below this level must be certified by the design professional upon completion of construction.

8. All building utilities (electrical, mechanical, sewer vents, etc.) must be at least 2 feet above the Base Flood Elevation and must be certified by the design professional upon completion of construction.
9. The design professional shall submit written certification to the Engineering Department of the installation of the flood vents as well as the flood vent certificates prior to the issuance of a Certificate of Occupancy.
10. Enclosed areas within a Floodplain are designed to be flooded, and can be used only for parking vehicles, storage, or access to the elevated living area. A Non Conversion agreement must be submitted and signed by the property owner prior to issuance of a Certificate of Occupancy.
11. A deed restriction prohibiting construction of any structures or obstructions to surface water flows in the Regulatory Floodway shall be prepared in a form found to be acceptable by the Town Attorney and recorded in the Office of the County Clerk, Division of Land Records.
12. A drainage easement shall be prepared in a form found acceptable by the Town Attorney and/or the other applicable government agency, if required, and recorded in the Office of the County Clerk, Division of Land Records.

FURTHER RESOLVED the recommendations of the Town Engineer for development for 83-85 Crystal Street, Block 0423, Lot 1.2, and forward to the Building Department.

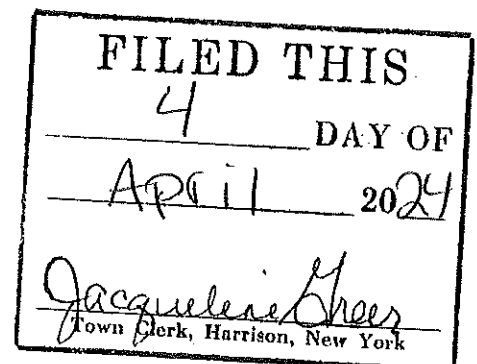
FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer, Law Department and the Building Inspector.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION FOR AUTO MECHANIC NICHOLAS PECORA TO ATTEND HARLEY
DAVIDSON POLICE TECHNICAL TRAINING SCHOOL IN MILWAUKEE

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED to accept the request by, DPW General Foreman, Christopher Park, for Auto Mechanic Nicholas Pecora to attend Harley Davidson Police Technical Training School in Milwaukee from April 15, 2024 through April 18, 2024 at a cost not to exceed \$2,500.00. The cost breakdown is as follows:

Training - \$650.00
Airfare - \$675.00
Transportation - \$250.00
Lodging - \$600.00
Meals - \$325.00

Funding for this training is available in the Central Garage Operating Budget account #001-1640-100-0415, Schooling.

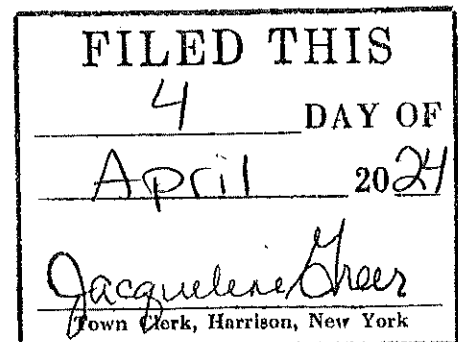
FURTHER RESOLVED to forward a copy of this Resolution to the DPW General Foreman and the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION TO USE THE SERVICES OF DEPARTMENT OF PUBLIC
WORKS/SANITATION DEPARTMENT FOR THE CHURCH OF ST. ANTHONY OF
PADUA ANNUAL FESTA

On motion of Councilperson Evangelista, seconded by Councilperson Brown,

it was

RESOLVED to accept the request by, Rev. Thomas Byrnes of Church of St. Anthony of Padua, to use the services of Department of Public Works/Sanitation Department to pick up on the mornings on June 8th, 9th, and 10th, 2024 for their Annual FESTA.

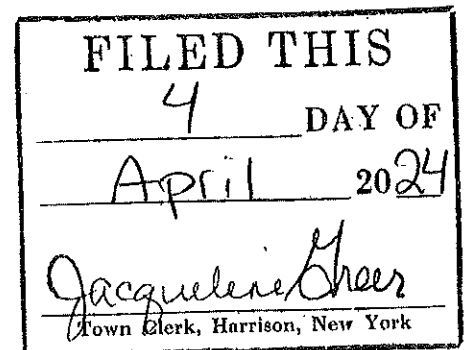
FURTHER RESOLVED to forward a copy of this Resolution to the DPW General Foreman and Rev. Thomas Byrnes.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

2024 - - 136

PUBLIC HEARING

REGARDING CLUSTER SUBDIVISION AT 530 WEST STREET (BLOCK 301, LOT 7)
IN ACCORDANCE WITH TOWN CODE 235-10.1

On motion of Councilperson Brown, seconded by Councilperson Vaccaro, the Public Hearing was opened.

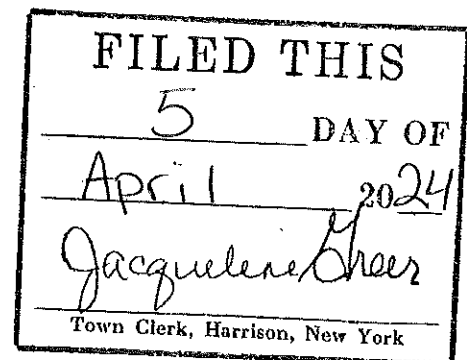
1. Mr. Dan Tartaglia from Tartaglia Law Group presented background comments on the application, environmental findings and litigation regarding the West Street Subdivision Final Approval. Mr. Tartaglia submitted a letter dated, April 3, 2024.
2. Mr. Eric Gordon from Keane & Beane who is representing property owners on West Street and surrounding streets addressed the Board with concerns why they are opposed to this project. Mr. Gordon submitted copies of the Stipulation of Settlement and Order that was filed with Westchester County in 2013 and Planning Board Resolution dated March 24, 2011 that states that the Town has adopted local laws and implemented stormwater regulations; the resolution states these regulations require a greater degree of assessment and mitigation than were required previously.
3. Harrison Resident Matt Benson of West Street spoke about flooding issues and his concerns if this subdivision is approved. The process that this subdivision has gone through is of much concern since the studies were done in 2004. Mr. Benson believes this project should go back to the beginning with the Planning Board. Mr. Benson submitted pictures of the area showing what he believes to be run off locations and steep slope locations.
4. Peggy Jackson who lives in the Harbor Heights section in Mamaroneck spoke about the flooding and how it is getting worse and feels this is a big issue. She thinks this project will hurt not only residents in Harrison but in Mamaroneck too.
5. Harrison Resident Mark Malacone of West Street spoke about the flooding issues and fears that it will get worse with the development of a subdivision.
6. Harrison Resident Peter Bauer of Braxmar Drive who has resided there for 58 years and has experienced 8 floods thinks this subdivision will create more flooding issues.
7. Harrison Resident Michael Barton of Glendale Road who is neighbors with Mr. Bower said he experiences the same issues with flooding.

8. Harrison Resident Spencer Jacobson of Claiborne Road feels the town would be setting a bad precedence with regards to subdividing properties.
9. Sue Deshensky who is a Mamaroneck Resident thinks the over development is Harrison is causing flooding in neighboring towns.
10. Harrison Resident David Bass of West Street is opposed to cluster zoning of homes in the area.
11. Harrison Resident Tom Haynes of Glendale Road is opposed to this subdivision with flooding being a big concern.
12. Harrison Resident Seth Mair of Cricklewood Lane asked the Board how they will address plans to eliminate the flooding issue.
13. Nora Lucas and Lou Young who are Trustees from the Village of Mamaroneck spoke on behalf of the Board of Trustees of the Village of Mamaroneck and the Residents. They said we are your neighbors in the Village of Mamaroneck and are the recipients of stormwater runoff from Harrison. Mamaroneck residents regularly flood from stormwater runoff into the Mamaroneck River from Harrison. The trauma of flooding is made worse by constant storms exacerbated by climate change and development regulations that have not kept up with stormwater control practices. The proposed subdivision at 530 West Street will develop eight acres of undeveloped land, destroy existing wetlands that provide natural habitat and further strain Harrison's struggling municipal draining infrastructure impacting the neighbors downstream. This development will cause further runoff in the critical areas of the Winfield Avenue Bridge and the Road to Nowhere.
14. Harrison Resident Valarie Pearl of West Street spoke about being opposed to this subdivision and the runoff water issues. She also thinks there should be a traffic study done and for the tree law to be enforced.
15. Harrison Resident Rob Fleiger of West Street is opposed to this project and spoke about how the flooding issues are caused by the over development in the town and this will be more cause for concern if approved.
16. Harrison Resident Laura Hirst of Ramapo Trail spoke about how the town needs to stop development until the flooding issues are resolved.

17. Harrison Resident Randi Coppola of West Street said flooding issues are a big concern and feels that this subdivision will enhance the flooding problems that already exist.
18. Harrison Resident Michael LeDore of Park Ave suggested that the town buy the property and make it parkland. He feels there is too much development in Harrison.
19. Harrison Resident Anthony Scottino of West Street is opposed to the project and stated that trees absorb rainwater and cutting them down is a big concern.

The Public Hearing will remain open for a 10-day period for written submissions only.

On motion of Councilperson Brown, seconded by Councilperson Vaccaro, the oral portion of the Public Hearing has been closed.

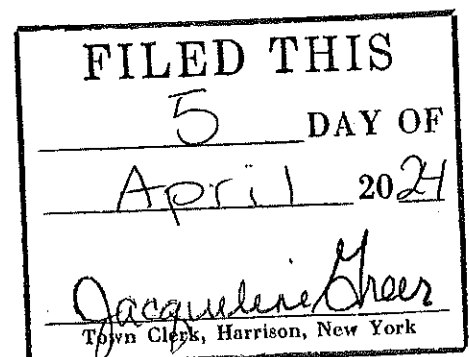


April 3, 2024

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OLD BUSINESS/PUBLIC COMMENTS

Harrison resident Patsy Siconoffi of Congress Street said the flooding issues are getting worse. He thanked the DPW for all their efforts. He was assured by the Board that DPW would check out the storm drains in his area.



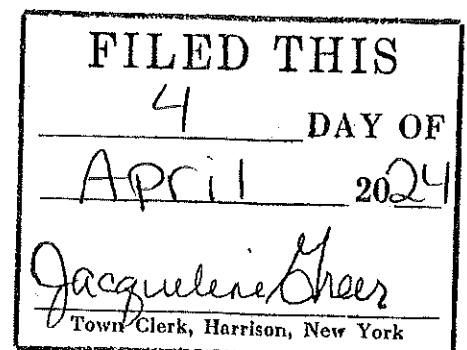
April 3, 2024

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MATTERS FOR EXECUTIVE SESSION

Personnel: 4
Litigation: 2
Advice of Counsel: 2

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 8:54 PM.



April 3, 2024

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AUTHORIZATION TO ACCEPT THE RETIREMENT
OF POLICE OFFICER RICHARD V. DIBUONO

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED, to accept the retirement of Police Officer Richard V. DiBuono, effective March 19, 2024, in accordance with the approval of the New York State Local Retirement System Disability Unit.

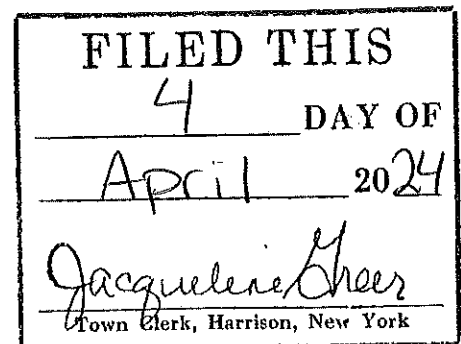
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the Comptroller, Law Department and Personnel Manager.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

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AUTHORIZATION TO APPROVE THE PROBATIONAL
APPOINTMENT OF TREVOR MEYLER

On motion of Councilperson Brown, seconded by Councilperson Vaccaro,

it was

RESOLVED to approve the probational appointment of Trevor Meyler to the position of Recreation Attendant, at an annual salary of \$52,652.00, effective April 15, 2024.

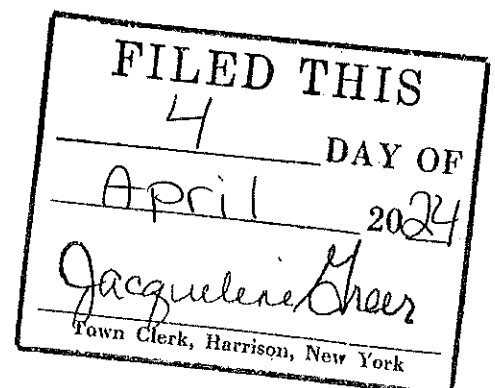
FURTHER RESOLVED to forward a copy of this Resolution to the Superintendent of Recreation, the Comptroller, Personnel Manager and the CSEA President.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



April 3, 2024

2024 - - 141

AUTHORIZATION TO RAISE CAP ON LEGAL FEES REGARDING
VIOLATIONS OF THE SAFE DRINKING WATER ACT

On motion of Councilperson Brown, seconded by Councilperson Evangelista,

it was

RESOLVED, to raise cap on legal fees and related expenses to \$125,000.00, regarding violations of the Safe Drinking Water Act.

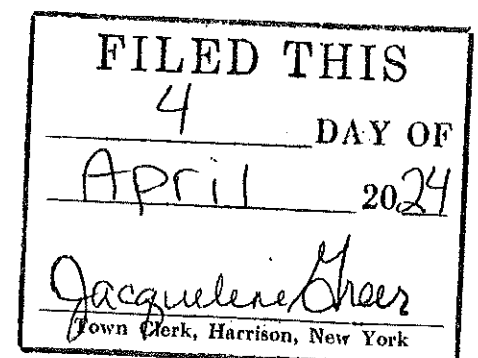
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Brown, Evangelista, Vaccaro and DiCostanzo
Supervisor Dionisio

NAYS: None

ABSENT: None



On motion duly made and seconded,
with all members voting in: favor,
the Meeting was closed at 10:05 PM

Respectfully submitted,

Jacqueline Greer
Town Clerk

