

October 4, 2018

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 Thursday, October 4, 2018 at 7:00 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Richard Dionisio)

Frank Gordon)Councilpersons

Stephen Malfitano)

Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney

Jonathan Kraut Village Attorney

Michael Amodeo Town Engineer

Nelson Canter Deputy Town Attorney

Andrea Rendo Deputy Village Attorney

Maureen MacKenzie Comptroller

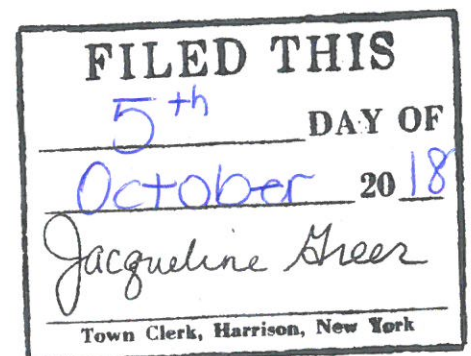
Mark Heinbockel Assessor

October 4, 2018

2018 - - 392

ANNOUNCEMENT OF THE 2018 CITIZEN OF THE YEAR

Supervisor Belmont announced that Eleanor Russo had been chosen as Citizen of the Year for 2018. Miss Russo moved to Harrison in 1961 and has been actively involved in the community with Girl Scouts, Cub Scouts, Religious Education, Interfaith Council, Columbiettes, Tennis Teams, and the Babe Ruth League. The Supervisor thanked Miss Russo for her service to the Community.



October 4, 2018

2018 - - 393- - A

CONTINUATION OF PUBLIC HEARING REGARDING AMENDING
CHAPTER 235, ENTITLED "ZONING" ARTICLE VI, SUPPLEMENTAL USE
AND DIMENSIONAL REGULATIONS BY ADDING SECTION 235-33.3-B
TWO FAMILY RESIDENCE DISTRICT SUPPLEMENTAL REGULATIONS

On motion of Councilman Dionisio, seconded by Councilman Malfitano, the hearing was opened.

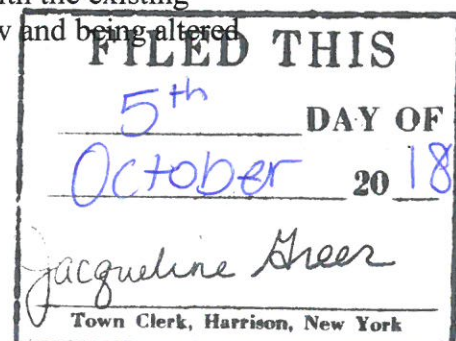
Harrison resident, Rob Porto, explained that he wanted to state for the record that he tried to speak on this at the last meeting, not during a public hearing, but the microphone was taken away from him and he was escorted out of the room. He is opposed to the amendment and opined that the first draft he read in May was better than what is being proposed now. He believed this amendment will allow more development. He feels how the height of the house is calculated and measured will allow bigger houses to be built.

Harrison resident, Angela DeBasi, suggested this law still does not address what she spoke about previously. She would like to know what will happen with applications that were submitted prior to this amendment as well as if this is amendment would only apply to filings that were made after its enactment.

Harrison resident, Christina Masi, said she submitted a letter after the last meeting. Miss Masi's main concern, which has been emphasized in the Master Plan, is the size of the construction and how it compares to existing construction in the area. She believed the Board needed to review this concern. She continued to say that in the Master Plan it states that it doesn't conform to existing construction and it is ruining the value of people's properties that live in the B Zone. She explained this is very concerning, and felt this should be reviewed further.

On motion of Councilman Malfitano, seconded by Councilman Sciliano, the hearing was closed.

Councilman Malfitano declared that the Planning Board, after their review, adopted their resolution unanimously with a full Board, saying there are some very thoughtful people on that Board. He noted that nothing is perfect. The Board has reviewed this law over a period of years and made changes to it over time. Each time the Board made changes, the intent was clearly to make it better for the residents and the community. It is impossible to know what will happen when you adopt changes like this, but the intention is to limit and create housing that would be more suitable and more consistent with the existing types of construction that we have in the B Zone. It is subject to review and being altered at a future date if this Board, or another Board, chooses to do that.



October 4, 2018

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Supervisor Belmont explained that this is a small step in the right direction, to try and make the neighborhoods better and try to do the right thing for the town and existing neighborhoods. The Supervisor asked for a motion to approve the amendment.

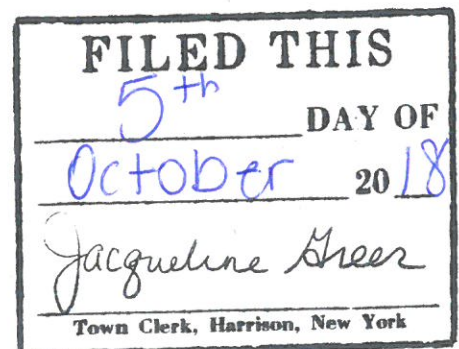
Councilman Sciliano said he would make a motion but wanted to say that the B Zone has always been different. The Councilman went on to say he grew up in Harrison and he wished that some of the houses that go up for sale, after the parents pass away, are passed on to another young couple. Unfortunately, they are not, and the families must have the opportunity to sell the house due to financial reasons. The Board is trying to keep these neighborhoods in tact to a certain extent, but people can't be stopped from selling a house and people can't be stopped from building a new house.

Councilman Dionisio seconded the motion but wanted to comment. The Councilman said he is a lifelong resident and lives in a B Zone house. He noted that included in this amendment is the opportunity to downsize one of the apartments in hopes of having an elderly resident move into a small apartment and be able to afford staying there. The Board is trying to tone down the slope, heights, and garages. The Board considered this very carefully in consideration of existing homes and he wanted residents to know that.

Councilman Gordon said he votes no on this.

Harrison resident, Christina Masi, asked why Harrison is the only town that allows this type of construction of this size on 50 x 100 lots. There are no other surrounding communities that allow this. Right there this says that something is wrong. The Master Plan outlines all the issues and the impact that it is having on the values.

Supervisor Belmont said he didn't think the full intent of this amendment is fully understood. The Board brought down the size and elevation.



October 4, 2018

2018 - - 393 - - B
ADOPTION OF A NEGATIVE DECLARATION UNDER SEQRA
FOR AMENDING CHAPTER 235

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to adopt a negative declaration under SEQRA for amending Chapter 235, entitled "Zoning" Article VI Supplemental Use and Dimensional Regulations by adding Section 235-33.3-B Two Family Residence District Supplemental Regulations.

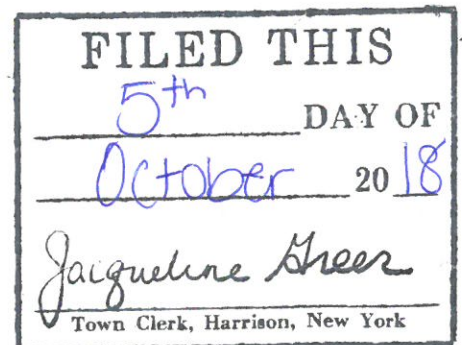
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 393- - C
LOCAL LAW #5 OF 2018
AMENDING CHAPTER 235, ENTITLED "ZONING" ARTICLE VI,
SUPPLEMENTAL USE AND DIMENSIONAL REGULATIONS BY ADDING
SECTION 235-33.3 B-TWO FAMILY RESIDENCE DISTRICT
SUPPLEMENTAL REGULATIONS

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to amend Chapter 235, entitled "Zoning" Article VI, Supplemental Use and Dimensional Regulations by adding Section 235-33.3, B-Two Family Residence District Supplemental Regulations to reads as follows:

§235-33.3 B – Two Family Residence District Supplemental Regulations

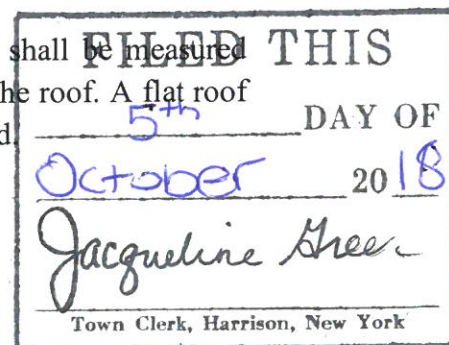
To better facilitate the construction of two-family dwellings that respect the existing land characteristics of individual parcels without the need for excessive retaining walls or changes of grade, better manage elevation differentials between properties and adequately accommodate usable off-street parking, the following provisions shall apply in all B – Two Family Residence Districts and shall supersede any other section of this Chapter where a conflict exists.

All levels of a dwelling unit shall be set to best correlate with the existing topography of the site; minimize structure exposure, retaining walls, and grade change. This may include the implementation of increased floor-to-ceiling heights, and/or alternate access configurations.

A. Setting of Lowest Floor. The lowest floor of the dwelling shall be set in order to minimize grading and shall be no higher than four (4) vertical feet above the lowest pre-existing ground elevation along the rear property line. In order to establish this elevation, an applicant proposing to construct a dwelling in the B two-family district shall submit a topographic survey accurately depicting elevations along the rear property line to the Town Engineer, who shall confirm and fix the elevation of the lowest floor.

In no case shall the lowest floor of a dwelling be set more than five (5) feet above the edge of road at the center of the parcel frontage.

B. Building Height. The height of a residence in the B district shall be measured from two (2) feet above the lowest floor to the mid-point of the roof. A flat roof on a residential structure in the B district shall not be permitted.



In an instance where the lowest level of a dwelling is more than half-buried by the pre-existing ground level, the building height shall be measured from the midpoint of the clear height of the lower level to the mid-point of the roof.

C. Story Count. The lowest level of a dwelling in the B district shall not be counted as a story, regardless of its designation as a basement or cellar.

D. Finished Exposure. The exterior walls of a dwelling in the B district shall be fully finished with an architectural facade to the finished grade. No substantial concrete foundation exposure shall be permitted.

E. Off-Street Parking. No required off-street parking spaces shall have a slope in excess of 5% in any direction.

F. Attached Garage

(1) In instances where a conforming driveway or parking area cannot connect to a garage within the lowest level of a conforming dwelling due an excessive grade differential between the two, the garage may be placed on an upper level of the dwelling unit.

(2) To minimize impacts of substantially exposed foundations, in instances where the garage is proposed to be located within the lowest level of the dwelling unit and proposed to be compliant with 235-33.3 A and 235-33.3 E, the following mitigation measure shall be required:

(a) Where the existing ground elevation at the rear property line is below, or less than seven (7) vertical feet above the existing ground elevation at the front property line, the driveway and off-street parking area shall extend into the parcel at a negative gradient of nine percent (9%), thereby superceding 235-33.3 E.

G. Retaining Walls. No retaining wall greater than three (3) feet in height shall be located within four (4) horizontal feet of the rear property line.

H. Any application consisting of a parcel having an elevation differential of fifteen (15) feet or more between the ground surface at the front and rear property lines shall be referred to the Planning Board for site plan approval, which may provide relief from the requirements of this chapter.

Section 235 Attachment 2

Residence Districts Table of Dimensional Regulations.

Habitable floor area (minimum, in square feet)

1-family dwelling

Minimum for 1 dwelling unit = 800

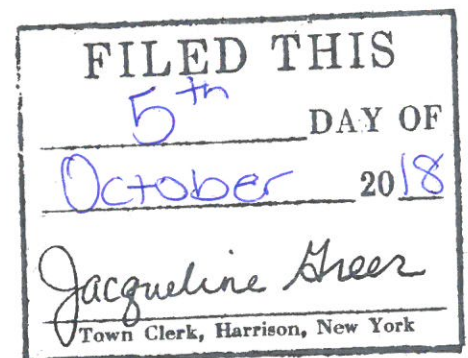
Total Minimum for 2 dwelling unit = 2,400

This Law shall take effect immediately upon filing with the Secretary of the State of New York.

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

Adopted by the following vote:

AYES:	Councilpersons Dionisio, Malfitano and Sciliano Supervisor Belmont
NAYS:	Councilman Gordon
ABSENT:	None



October 4, 2018

2018 - - 394

APPROVAL TO HIRE AMANDA TIGANI AS A
SEASONAL PART-TIME EMPLOYEE FOR THE RECREATION DEPARTMENT

On motion of Councilman Dionisio, seconded by Councilman Malfitano ,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, for approval to hire Amanda Tigani as a seasonal part-time employee for the Recreation Department at an hourly rate of \$11.00, effective October 1, 2018.

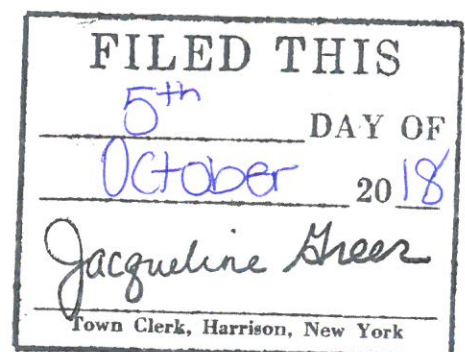
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager and the Superintendent of Recreation.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 395

APPROVAL TO HIRE TO THE SEASONAL AVAILABILITY LIST FOR THE
RECREATION DEPARTMENT

On motion of Councilman Malfitano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to hire Michael Jackman and Carlos Gonzalez to the Seasonal availability list for the Recreation Department at an hourly rate of \$11.00, effective October 5, 2018.

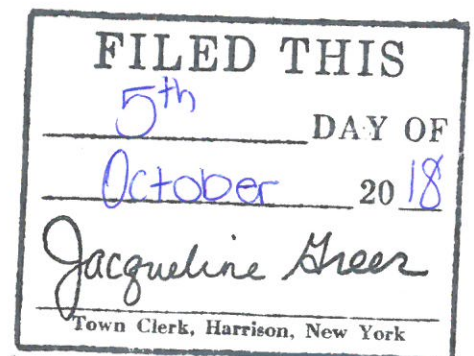
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager and the Superintendent of Recreation.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 396

AUTHORIZATION TO ACCEPT A DONATION TO THE
HARRISON FOOD PANTRY

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Director of Community Services, Nina Marraccini, for approval to accept a donation to the Harrison Food Pantry from an anonymous donor in the amount of \$2,000.00.

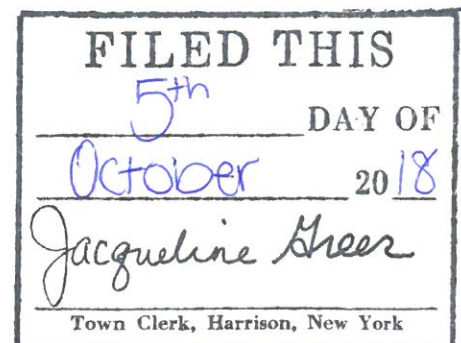
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Director of Community Services.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 397 - - A
APPROVAL FOR LIBRARY ASSISTANT MARIELLA DIAZ-MALE
TO ATTEND THE NEW YORK STATE LIBRARY ASSOCIATION
ANNUAL CONFERENCE

On motion of Councilman Gordon, seconded by Councilman Dionisio,

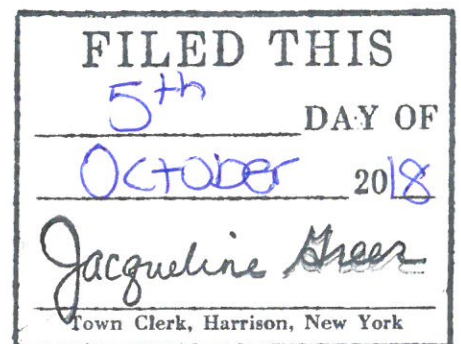
it was

RESOLVED to accept the request by Library Director, Galina Chernykh, for approval for Library Assistant, Mariella Diaz-Male, to attend the New York State Library Association Annual Conference in Rochester, NY, from November 7 to November 10. The total cost will not exceed \$2,000, and the funds are budgeted and available in the Library's operating budget.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Library Director.

Adopted by the following vote:

AYES:	Councilpersons Dionisio, Gordon Malfitano and Sciliano Supervisor Belmont
NAYS:	None
ABSENT:	None



October 4, 2018

2018 - - 397- - B

APPROVAL FOR LIBRARY DIRECTOR GALINA CHERNYKH
TO ATTEND THE NEW YORK STATE LIBRARY ASSOCIATION
ANNUAL CONFERENCE

Supervisor Belmont was very proud to announce that Galina Chernykh has been chosen "Librarian of the Year" by the New York State Librarian Association. Ms. Chernykh put in the request for Library Assistant, Mariella Diaz-Male, to attend the New York State Library Association Annual Conference prior to her being selected. Galina does not want to go to Rochester because the funds are not in the library budget. The Mayor suggested he work with the Comptroller and the Board vote on this now to ensure Ms. Chernykh gets a chance to go to Rochester to get this prestigious award.

On motion of Councilman Malfitano, seconded by Councilman Gordon,

it was

RESOLVED for Library Director, Galina Chernykh to attend the New York State Library Association Annual Conference in Rochester, NY, from November 7 to November 10, 2018. The total cost will not exceed \$2,000, and the funds are available in the Supervisor Travel and Conference Account 001-1220-100-0406.

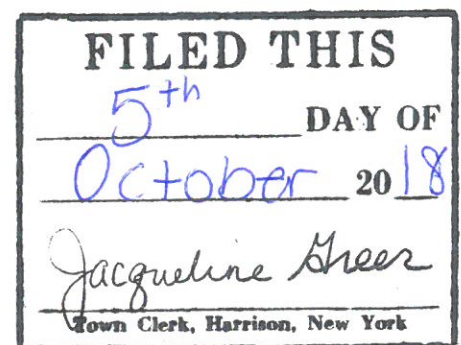
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Library Director.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 398

AUTHORIZATION TO AUCTION VEHICLES AND EQUIPMENT ONLINE

On motion of Councilman Malfitano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Coordinator of Computer Services, Michael Piccini, for authorization to auction the following vehicles and equipment online using the online auction company, Auctions International, at no cost to the Town:

<u>Vehicle</u>	<u>Vin #</u>
2005 Ford Crown Victoria	2FAHP71W65X168105
2004 Ford Crown Victoria	2FAHP71W04X180233

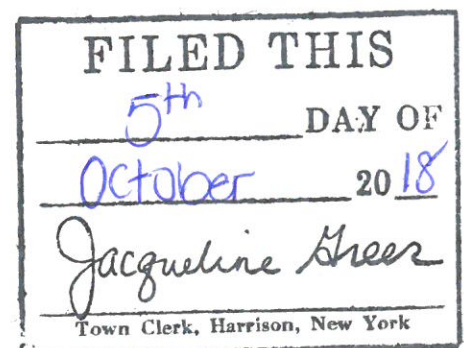
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 399- - A
AUTHORIZATION OF A BUDGET TRANSFER

On motion of Councilman Malfitano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie for the following budget transfer:

Increase:

001-7140-100-0438 7,000

Parks and Playground-Chlorine/Pool Supplies & Mtce

Decrease:

001-7140-100-0240 7,000

Parks and Playground-Other Equipment

To Cover the cost of refinishing of Baby Pool at Ron Belmont Pool

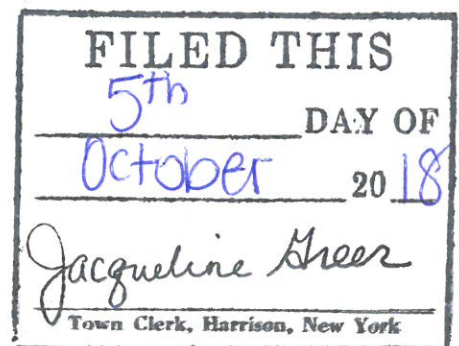
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
 Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 399- - B
AUTHORIZATION OF A BUDGET TRANSFER

On motion of Councilman Malfitano, seconded by Councilman Sciliano,
it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the
following budget transfer:

Increase:
01-1110-100-102 5,520
Town Justice-Salaries

Decrease:
01-1110-100-407 5,520
Town Justice-Special Services

To transfer available funds from Court Special Services budget line to
Court Salary line to cover payroll costs for 4 additional court days in 2018

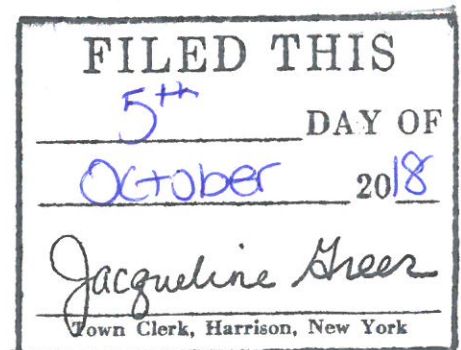
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
 Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 400

AUTHORIZATION FOR PURCHASING DEPARTMENT TO ISSUE A REQUEST
FOR PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the Purchasing Department to issue a Request for Proposal (RFP) for Professional Auditing Services for the fiscal years ending December 31 2018, 2019, and 2020, a three-year contract with the Town's option to renew annually for each of the two subsequent fiscal years thereafter; subject to the annual review and recommendation of the Comptroller and the satisfactory negotiation of terms for any additional work that may be required.

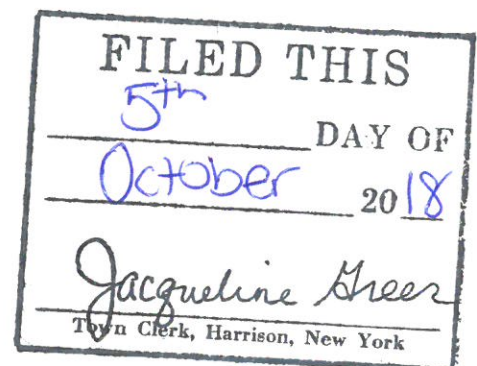
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 401

ZONING MAP AMENDMENT FOR 280 HARRISON AVENUE

Councilman Malfitano explained that as long as he has been involved, he had never been in favor of creating a situation where a variance is required by an action that this Board has made. It was not something as a matter of policy that he would pursue. He was disturbed by a situation where the actions of the Board would pit one neighbor against another and that neighbors have a situation that is suddenly pushed into the direction of litigation and are asking the Board to consider adopting a resolution that would have a favorable impact on one over the other. The Councilman made two suggestions; the first being he would like to know that the owner worked out the situation with the neighbor, and the second being that he would be willing to consider granting what was being requested but subject to the review of the Zoning Board and the granting of a variance.

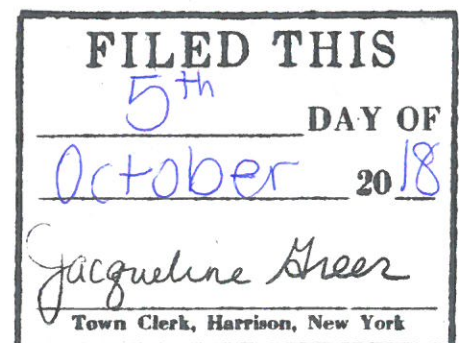
Councilman Gordon said he would also like to table consideration of this for similar reasons until the controversy between the neighbors has been worked out. He likewise would rather not take sides in a neighbor controversy and he hoped they could work this out and then come back to the Board.

Councilman Malfitano said it has been brought to the Board's attention that there may be an illegal use on one of the properties. If that is true the, Town of Harrison should be investigating this and if there is an illegal use it needs to be removed immediately.

Councilman Gordon made a motion to table this and Councilman Malfitano seconded the motion.

Councilman Malfitano said one more thing, "With respect to the variance that is required, you would have to do that anyway."

Anthony Gioffre from the law firm, Cuddy & Feder, said conceivably the home could be built there without the variance; the need for the variance is so the home could line up with the other homes on the street. In order to establish the pattern of land and have the homes set back the same distance, either all the homes were granted those variances or are existing non-confirming with respect to those setbacks.



October 4, 2018

2018 - - 402

AUTHORIZATION TO REJECT ALL BID PROPOSALS
FOR VARIOUS PRINTING SERVICES

On motion of Councilman Gordon, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Purchasing Department to reject all bid proposals for various printing services.

FURTHER RESOLVED to re-advertise and receive bids for various printing services for all Town of Harrison departments.

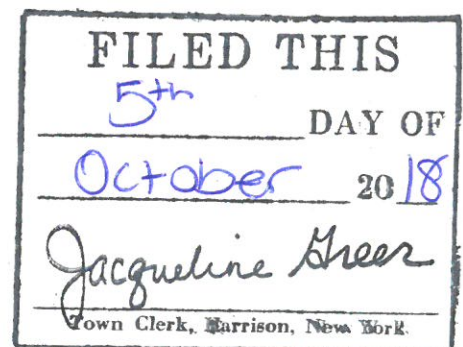
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 403

AUTHORIZATION FOR THE CONSIGLIERE FAMILY TO HOLD
THEIR ANNUAL HAUNTED HOUSE

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by the Consigliere Family to close Webster Avenue, between Ellsworth Avenue and Post Place in order to hold their annual haunted house on Wednesday, October 31, 2018 between the times of 6PM-10PM. All proceeds/donations will go to wounded USMC Veteran Joshua Hotaling and the Harrison Food Pantry. Insurance will be provided.

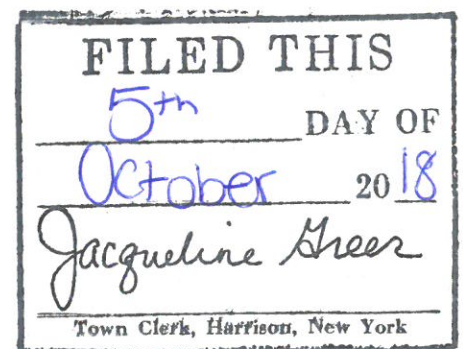
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, Chief of Police, and the Consigliere family.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

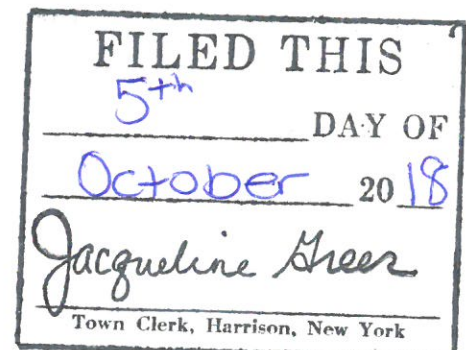


October 4, 2018

2018 - - 404
MATTERS FOR EXECUTIVE SESSION

Litigation: 1
Personnel: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 7:41 PM.



October 4, 2018

2018 - - 405

AUTHORIZATION TO ADD MONIKA SHKRELI TO THE
PART-TIME AVAILABILITY LIST

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to add Monika Shkreli to the part-time availability list at and hourly rate of \$12.00 effective Octoctober 8, 2018 with hours worked not to exceed 17.5 weekly.

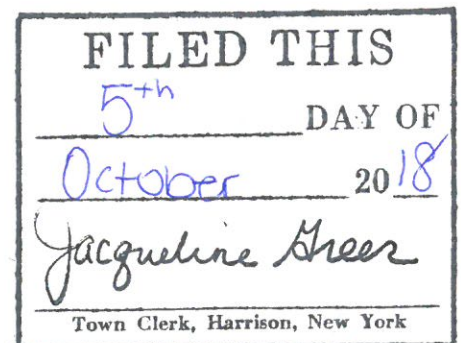
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and Director of Community Services.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



October 4, 2018

2018 - - 406

AUTHORIZATION TO SET THE DATE FOR A PUBLIC HEARING

On motion of Councilman Dionisio, seconded by Councilman Malfitano,

it was

RESOLVED to set the date for a Public Hearing of November 1, 2018 for the purpose of determining the amount and extent of the real property to be acquired by the Town by condemnation on real property known as Block 131, Lot 21, and more commonly known as 249 Halstead Avenue. Condemnation is necessary for the installation of a parking lot and related improvements to the property.

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

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 8:21 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

