

September 20, 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, September 20, 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).....Arrived at 7:10PM

Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney

Michael Amodeo.....Town Engineer

Nelson Canter.....Deputy Town Attorney

Andrea Rendo.....Deputy Village Attorney

Maureen MacKenzie.....Comptroller

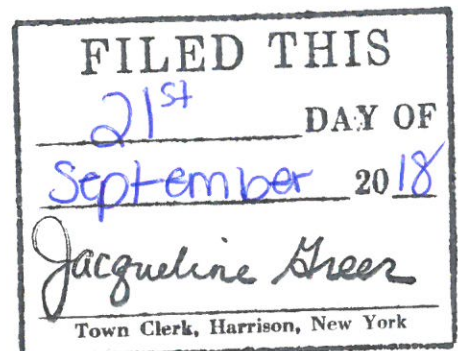
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CERTIFICATE OF ACHIEVEMENTS PRESENTED TO THE
KNIFTY KNITTERS CLUB

On behalf of the Town Board, Supervisor Belmont presented Certificates of Achievement to members of the Knifty Knitters. The group consists of hard-working senior citizens from Harrison who dedicate their time and skills crocheting and knitting specialty items for those in need. To support their efforts, the Knifty Knitters hold fundraisers and accept donations from area benefactors. Certificates were issued to the following:

Vickie Acampora, Dolores Ballasides, Angela D'Ambrosio, Patricia Ellis, Mary Faillace, Ann Fiorelli, Anna Marie Fusca, Gloria Gangemi, Barbara Guarno, Diane Kain, Marie LeDonne, Angie Magnotta, Barbara Magnotta, Ann Nardi, Josie Palumbo, Julia Prezioso, Ivana Raniero, Rina Rigino, Bobbie Sassano, Phyllis Schroeder, Rose Selina, Rosanne Stufano, Joe Surace, Helen Swenson, Fran Tiso, Marie Zilembo, Louise Calo, Gloria Fava, Camee Holdefehr, Phyllis Marino, Marie Orsini, Pat Pelliccio, Maggie Quadagno, Adele Riccio, Angela Tamucci and Anna Gianetti.



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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Dionisio, seconded by Councilman Gordon,
it was

RESOLVED to accept the following correspondence and reports:

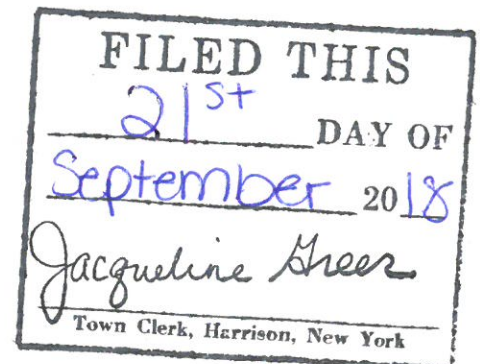
1. Monthly report by the Acting Fire Marshal for August 2018
2. Monthly report by the Superintendent of Recreation for August 2018
3. Monthly report by the Building Inspector for August 2018
4. Monthly report by the Commissioner of Public Works for August 2018
5. Monthly report by the Harrison Police Department for August 2018
6. Monthly report by the Town Clerk for August 2018

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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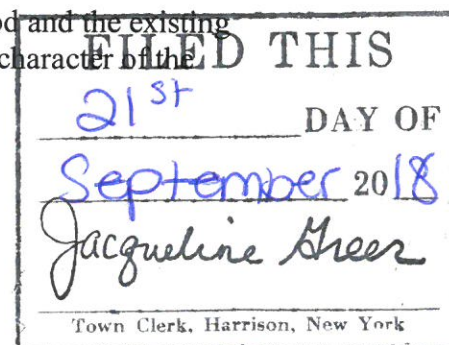
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PUBLIC HEARING REGARDING: VERIFIED PETITION FOR ZONING MAP
AMENDMENT- SOVERATO, LLC PREMISES:
280 HARRISON AVENUE, HARRISON, NEW YORK

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

Anthony Gioffre from the Law Firm, Cuddy & Feder, represented the applicant and petitioner Soverato, LLC. The petition that is before the Board involves the premises diagonally across the street (280 Harrison Avenue), which is currently improved with a mixed office and single-family residence building and two parking areas. The premises are currently classified in the R75, one-family residence zoning district. The petition before the Board is for a simple request for a zoning map amendment, which seeks to re-establish the original lot line that separated the premises into two lots. The Applicant is seeking to remap and ultimately sub-divide a 5,000 square foot portion of the rear of the premises. The existing structure on the lot facing Harrison Avenue will remain and be used as it is today. The new lot to the rear is proposed to be classified in the R50 district, which is a single-family district and is what the rest of the block is classified as. The area, which is proposed to be divided, is currently used as a parking lot. The Petitioner proposes to construct a single-family home to replace the parking area. Other approvals that they would need with the application are minor. They consist of a sub division, site plan and a variance. The minor variance they would need is for the front yard set back, and the only reason they are proposing this is so that the home they are constructing would be consistent with the front line of the existing homes on Orchard Street. The Planning Board previously issued a position recommendation to this Board and adopted a Negative Declaration. The Petitioner previously submitted seven letters in support of this application and petition.

Mark Blanchard with the Law Firm, Blanchard & Wilson, said he was representing the owners of 282 Harrison Avenue and spoke on their behalf. Mr. Blanchard noted some concerns his client had with the proposed project and submitted a letter and two maps for the record. His client's position is from a policy standpoint as to the existing conditions in the neighborhood. While the proposed R50 would meet the dimensional requirements by a few inches, if the Board look at the entirety of the neighborhood, putting the house in the R50 zone compared to the lots as they exist now would result in a change of the character in the neighborhood. The lots that exist right now enjoy deep lots with much green space. Their concern is that the Board would be approving this new R50 extension where a variance would automatically be required; that is against the fundamental principals of zoning. Their concern is the character of the neighborhood and the existing lot sizes. They feel that if approved, it would result in a change of the character of the neighborhood.



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Councilman Malfitano said he had a question with respect to zoning variance, asking if it would be required and if this Board should choose to rule in favor of the applicant, what is the variance and how significant might that variance be?

Mark Blanchard with the Law Firm, Blanchard & Wilson, said the variance as the project is currently proposed is a front yard deficiency. The area variance asks the Board to weigh the benefit to the applicant against the detriment to the remainder of the neighborhood.

Anthony Gioffre from the Law Firm, Cuddy & Feder, said in the R50 district the front yard setback that is required is a 25-foot set back. They are proposing a 15-foot setback, which is consistent of all the other homes on Orchard Street. While the house could be narrower and the setback is to meet the 25-foot requirement, then that house would be out of character with all the existing homes. They are just proposing to do what exists. This could be built without a variance but then it would be setback further then the other existing homes and out of character.

Councilman Malfitano asked if there was any information going back to 1957 when there was a change made to the lot sizes and what the purpose might have been.

Anthony Gioffre from the Law Firm, Cuddy & Feder, said a lot of the records are not clear as the why the lots were consolidated at that time.

Councilman Malfitano said this was done back then and done for a reason. He said, "I would like to know the reason. The use of this property has multiple uses, office and residential. The parking that was associated with this building at the rear was there to support the office use. I'm going to guess that when these buildings were considered, the lot size adjustment was made with respect to requiring additional parking for the associated use of the building."

Anthony Gioffre from the Law Firm, Cuddy & Feder, said the parking meets the requirements and there would be no deficiency. The property at 282 Harrison Avenue does not front on Orchard Street and the variance that they are requesting is not one that would impact his property. Mr. Gioffre wanted to remind this Board that in May 2018, Dr. Rutkowski submitted a letter to this Board and specifically stated in the letter that he is not opposed to the concept and that he bought the property in 1984 with knowledge of the license agreement that exists now. There is an issue that he has which is unrelated to the petition before the Board. He submitted letters that are in support of this application and would like to identify the addresses for the record, 21, 20, 18, 15, 11, 24 Orchard Street.

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Mark Blanchard with the Law Firm, Blanchard & Wilson, said he had one more brief comment. The letter that was submitted back in May 2018 was a position taken at that time before he drilled deeper into the specifics. What they are concerned about with the result of this project is the disturbance of a 100-year-old sewer line running from the Rutkowski property out to Orchard Street. It appears that this is going to be an issue moving forward with construction. While the opposing side makes valid points about the house fitting in with the current dimensions, their point is slightly different. They are talking about lot sizes fitting in with other lot sizes around. That, to him, is the character issue.

Harrison resident, Robert Porto, said he was at the Planning Board meeting for the building that is there now, and he remembers they talked about it as only being one building and that is why they approved it. He thinks changing a parking lot into a house is going to change the character of the neighborhood.

Councilman Sciliano asked if the sewer line at 283 Harrison was running through the property at 280 Harrison Avenue and if there is an easement proposed.

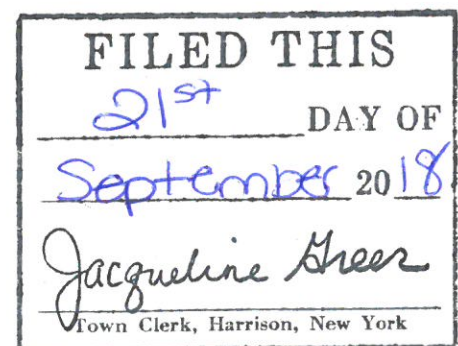
Anthony Gioffre from the Law Firm, Cuddy & Feder, said there is an existing trunk sewer running through the parking lot portion of the property pursuant to a license agreement, not an easement agreement dating back to 1949 and the parties agreed that it can be revoked.

Mark Blanchard with the Law Firm, Blanchard & Wilson, said the existence of the license agreement is of course something that we will be seeking judicial intervention. The sewer was in existence for almost 50 years before that license agreement was even entered by parties that have long since left the properties.

Village Attorney Kraut asked Mr. Blanchard if he knew if any other properties were connected to this sewer.

Mark Blanchard with the Law Firm, Blanchard & Wilson, said the only property as it exists now is 282 Harrison Avenue.

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



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

On motion of Councilman Sciliano, seconded by Councilman Dionisio ,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to appoint Anne Marie Gentile to the Seasonal Availability List for the Recreation Department at an hourly rate of \$11.00, effective the month of October, 2018.

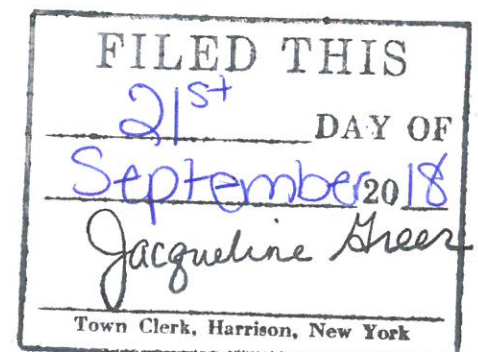
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager and the Superintendent of Recreation.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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LETTER OF RESIGNATION

On motion of Councilman Dionisio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the letter of Resignation from Patsy DeFonce from his position of Road Maintainer in the Department of Public Works, effective September 21, 2018.

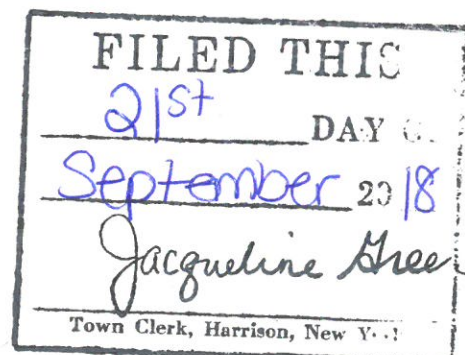
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO HOLD A HALLOWEEN BLOCK PARTY

On motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Kingsley Rooney for authorization to hold a Halloween block party for the school-age children of the Sunnyridge community on Highfield Road between Crawford and Bates Road and to close the street on Wednesday, October 31st, from 4:30PM to 6:30PM. Insurance will be submitted.

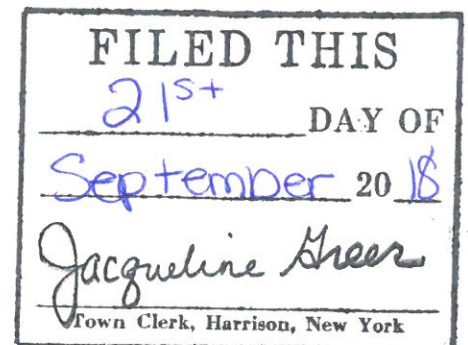
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, Chief of Police, and Kingsley Rooney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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NOTIFICATION OF A BUILDING PERMIT APPLICATION FOR 116-118
ELLSWORTH AVENUE, BLOCK 381, LOT 1.1 LOCATED WITHIN
FEMA DESIGNATED FLOOD PLAINS

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to approve a building permit application for 116-118 Ellsworth Avenue, Block 381, Lot 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 recommendations for the development of this property are as follows:

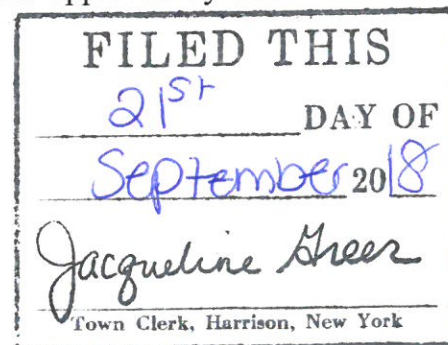
The existing FEMA Flood Plain Elevation at this property is 64.2 feet (NGVD 1988), as shown on the FEMA Flood Insurance Study dated September 28, 2007

The proposed First Floor Elevation shall be 72.7 feet as shown on site plans dated August 14, 2018, prepared by George Mottarella, P.E.

The proposed Garage Floor Elevation shall be 63.7 feet as shown on site plans dated August 14, 2018, prepared by George Mottarella, P.E.

As reflected in the above mentioned plan, there shall be no grade change permitted on this property.

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.



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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.

Flood resistant materials must be used within all areas permitted below the Base Flood Elevation. All building materials and utilities below this level must be certified by the design professional upon completion of construction.

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.

FURTHER RESOLVED that the Town Board approve the recommendations of the Town Engineer for development of 116-118 Ellsworth Avenue, Block 381, Lot 1.

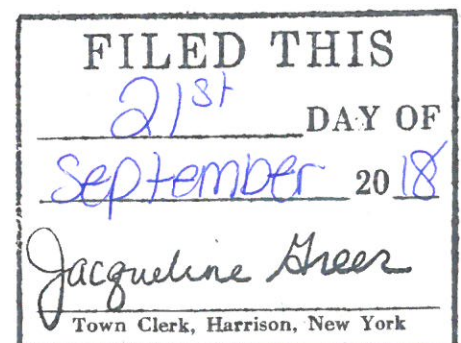
FURTHER RESOLVED to forward a copy of this Resolution to Town Engineer and Building Inspector.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO RELEASE A PERFORMANCE BOND
AND A SURETY BOND AND ACCEPT A SITE IMPROVEMENT BOND

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Village Attorney, Jonathan Kraut, to release Performance Bond number SU2257767 in the amount of \$68,595.00 dated November 24, 1998, and Surety Bond number SU2257768 in the amount of \$5,000.00, dated November 24, 1998.

FURTHER RESOLVED to accept Site Improvement Bond number 602-118397-8, in the amount of \$240,000.00 in connection with the Cascino Subdivision- Site Improvement Project.

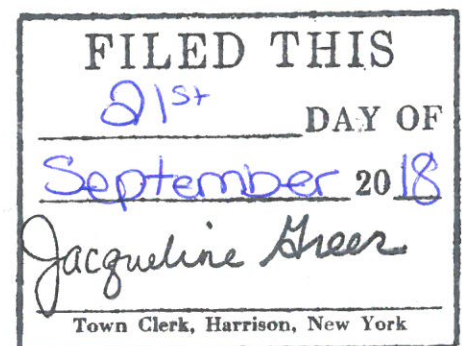
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO REFER ADDITIONS AND REVISIONS TO THE B-ZONE
SECTION 235-33.3 TO THE PLANNING BOARD

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Supervisor Belmont to refer additions and revisions to the B-Zone Section 235-33.3 to the Planning Board and to calendar the Public Hearing for the October 4, 2018 Town Board Meeting.

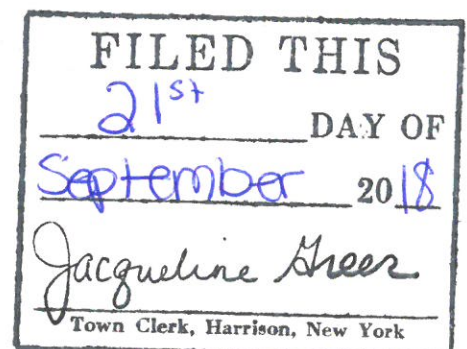
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, Town Engineer, and Planning Board Secretary.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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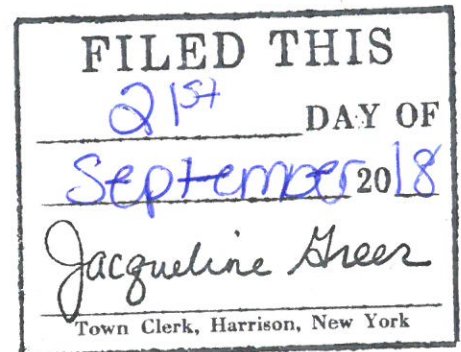
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OLD BUSINESS

Harrison resident, Rob Porto, asked about the conveyance of land to AvalonBay and the County getting money for it. He asked why the town wasn't getting any money for this land.

Supervisor Belmont explained where the land was and that the County owned the land, so the town wouldn't get any money for it.

Deputy Town Attorney Rendo explained the agreement to Mr. Porto.

Harrison resident Rob Porto said he wasn't in favor of the proposed amendment to the Building Code Section 235.



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MATTERS FOR EXECUTIVE SESSION

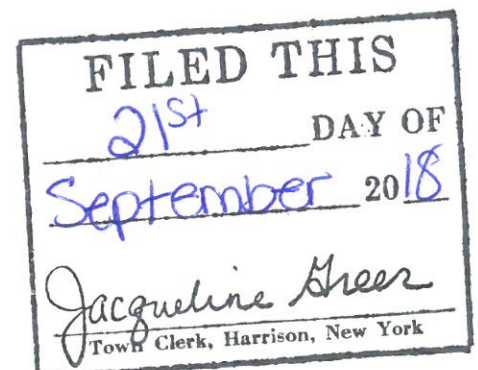
Litigation: 3

Personnel: 2

Claims: 3

Advice of Council: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 7:33 PM.



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AUTHORIZATION TO SETTLE THE CLAIM IN THE MATTER OF
CIARDULLO V. TOWN OF HARRISON

On motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to settle the claim in the matter of Ciardullo v. Town of Harrison in the amount of \$2,411.15 subject to claimant signing a general release.

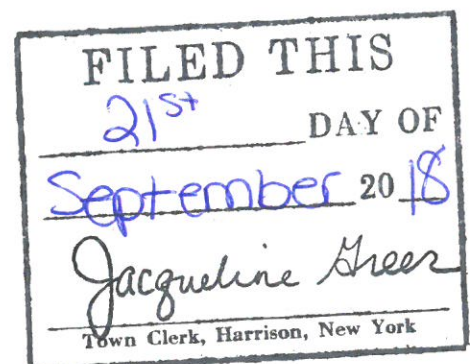
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO SETTLE THE CLAIM IN THE MATTER OF
ANGARANO V. TOWN OF HARRISON

On motion of Councilman Dionisio, seconded by Councilman Malfitano,

it was

RESOLVED to settle the claim in the matter of Angarano v. Town of Harrison in the amount of \$3,089.77 subject to claimant signing a general release.

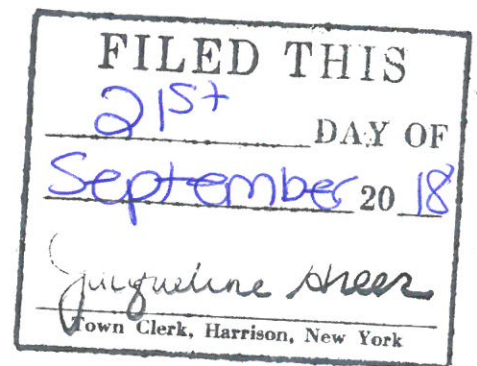
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO RESCIND TOWN BOARD RESOLUTION 2018-356
ACCEPTING A DONATION TO THE HARRISON POLICE DEPARTMENT

On motion of Councilman Malfitano, seconded by Councilman Dionisio,

it was

RESOLVED to rescind Town Board Resolution 2018-356 accepting a donation to the Harrison Police Department in the amount of \$10,000.

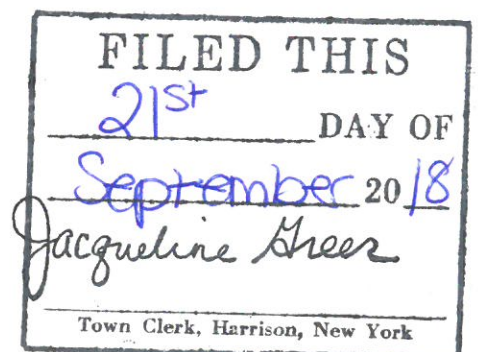
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None



September 20, 2018

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

On motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to appoint the to the following Seasonal Availability List with the listed rate of pay for the Recreation Department effective October 1, 2018 as follows:

<u>Name</u>	<u>Hourly Rate of Pay</u>
Rocky Lovallo	\$11.00
Jeff Marcone	\$11.00
Mark Perri	\$11.00
Danielle Santiago	\$11.00

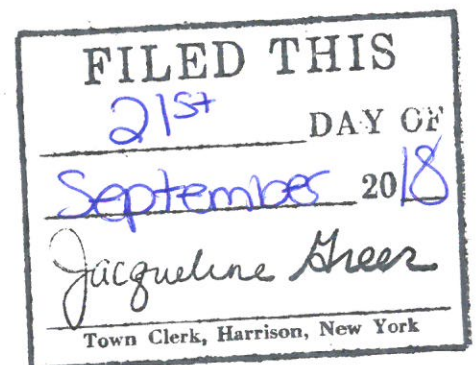
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager and the Superintendent of Recreation.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO RECLASSIFY THE CURRENT PART-TIME
FIRE INSPECTOR TITLE OF ANDY MENTRASTI
FROM PART-TIME TO PERMANENT PART-TIME

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

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to reclassify the current part-time Fire Inspector title of Andy Mentrasti from part-time to permanent part-time at an hourly rate increased to \$42.32, effective October 1, 2018.

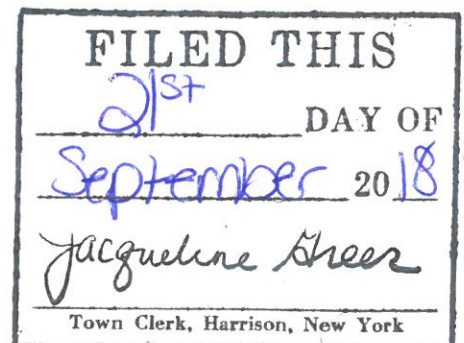
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and Acting Fire Marshal.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO PAY JUDGES, COURT CLERK, AND
DEPUTY COURT CLERK ADDITIONAL SALARY FOR FOUR ADDITIONAL
COURT DATES

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to approve to pay additional salary for four additional court dates as follows:

<u>Title</u>	<u>Additional Salary</u>
2 Judges	\$1,600 each
Court Clerk	\$1,320
Deputy Court Clerk	\$1,000

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

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 8:48 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

