

January 25, 2006 version

**TOWN BOARD AGENDA**  
MEETING OF THE TOWN BOARD OF THE TOWN OF HARRISON,  
TO BE HELD AT THE MUNICIPAL BUILDING,  
1 HEINEMAN PLACE, HARRISON, NY., IN WESTCHESTER COUNTY,  
ON JANUARY 26, 2006 AT 7:30 PM, EASTERN STANDARD TIME

January 26, 2006  
2006 --

INTRODUCTON OF THE SENIOR SERVICES COMMITTEE  
OF THE WEST HARRISON NEIGHBORHOOD ASSOCIATION

**Words by steve check tape**

Councilman Cannella, the Town Board liaison to the West Harrison neighborhood Association, also praised the senior Committee who took (this project) upon themselves and did all the legwork and presented what is in effect a ‘turnkey’ project to the town. It is one example of how a community organization can take the complete initiative for a project. He then thanked all the people involved. Mr. Cannella remarked that the program is doing very well in both West Harrison and downtown, it is growing with more people coming every week, and the entire credit goes to the Seniors Committee of the West Harrison Neighborhood Association.

January 26, 2006

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PRESENTATION BY MR. JAMES BURKE AND HIS FAMILY  
TO CERTAIN HARRISON POLICE OFFICERS AND HARRISON EMS PERSONNEL  
FOR SAVING MR. BURKE'S LIFE ON JANUARY 19, 2006

for saving Mr. James Burke's life, after he sustained three (3) separate cardiac arrests on January 19, 2005 while driving on North Street in Harrison.

Mr. Burke made the following remarks:

"My name is Jim Burke, and I thank you allowing me to be here tonight. The Town Board and all residents should be very proud of your Police and Emergency Medical Services personal. As a neighbor and a former member of the Rye City Council, I too am very proud of them because they saved my life. They are my heroes and I will be eternally indebted to them. On January 19<sup>th</sup> last year, about 1 pm in the afternoon, while operating a motor vehicle on Harrison Ave in the vicinity of St. Vincent's Hospital, I blacked out, knocked down a utility pole and crashed through a stone wall and, essentially, died. I brought a lot of attention to myself. I suffered a heart attack, and had no detectable signs of life, but there were some messengers from God. Police Officers, EMS personnel, and a code enforcement officer who quickly responded and brought me back to life. I arrested a total of three times that day, and subsequently had a double by-pass enabling me to be here today. I am also a retired member of the New York City Police Department, and in my twenty-one year law enforcement career, I responded to many tragedies and calls for service. I am familiar with the training and skills required to address these situations. Your police and EMS personnel are the epitome of what is required to professionally handle these cases of emergencies. And you should all be proud, because I am the living proof of their efforts. Accordingly, I feel that I must personally recognize and thank these dedicated men and women, and I would like to name them:

Captain Anthony Marriccini, Police Officer Ed Detlefs, Police Officer William Dufflemeyer, Paramedic Lucinda Velasquez, Paramedic Lou Zacchio, EMT Orlando Rivera, EMT Dave Cox and Code Enforcement Officer Ed DiBuono.

As a token of my and my family's appreciation, I would like to present this plaque and these checks to their respective organizations for their efforts on my behalf. I thank you from the bottom of my slightly damaged heart. My family thanks you. Please keep up the good work and God bless you."

January 26, 2006

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PRESENTATION BY THE NYSDOT OFFICIALS  
RE: WORK TO BE DONE IN THE I-287 CORRIDOR  
PARTICULARLY IN WEST HARRISON  
Project I-287 Stage 3 Pin 8729.52

TOPICS:

Replacement efforts: replacing all the bridges along I-287 from North Broadway to the Anderson Hill overpass as Stage 3 of the reconstruction of I-287

New construction: to construct a concrete sound barrier for this same distance on the westbound side of Westchester Avenue. It will have an immediate impact of the West Harrison homes along Westchester Avenue.

With charts and graphs, George Santana of the NYS Department of Transportation presented to the Board and the audience the State's plans for the upgrade of the part of Interstate 287 that is adjacent to the White Plains and West Harrison neighborhoods, from North Broadway in White Plains to the Anderson Hill Road overpass in West Harrison. Stage One has been completed and Stage Two will be completed in Spring 2006. He stated that Stage Three has been eight years in the planning, and that all property owners in the vicinity have been notified.

He then briefly outlined the work to be done:

- North Broadway/ Route 22 bridge: Bridge replaced. No added lanes
- Grant Avenue:(bridge hit by tanker truck.) Restored to original two-way condition.
- Flyover Ramp G: Stay at 2 lanes, moved slightly to the east in order to lessen impact on traffic.
- Hall Avenue and Lake Street bridges in White Plains: Hall Avenue has little traffic-- it will be eliminated.
- Main Street Bridge: Rehabilitate
- Brockway Place Bridge: Rehabilitate. Carries the Interstate traffic. Three (3) lanes will be open at all times; done in three stages
- Ramps going into the Bloomingdale Ave area: Traffic will be maintained at all time. Ramp will be slightly moved. Minimize impact on traffic
- Westchester Ave westbound: Keep two lanes of traffic and temporary pedestrian walkway
- The "Slip" ramp from Underhill and Locust Avenues: Will be closed off. No traffic but pedestrian access will be maintained.
- On the Eastbound Westchester Avenue: Lengthen acceleration lane from Exit 6 to the flyover bridge.
- Add continuous lane from Bloomingdale Road, with exclusive lanes for exits
- Move the off ramp: Change entrance so there is a frontage road improvement at Old Lake Street.
- Construct a noise wall of exposed aggregate on concrete: 15-16 feet tall, in many areas but in West Harrison it will be on both sides of White Plains Avenue along

Westchester Avenue West, from the access ramp onto I-287 at Locust/Columbus/Underhill to the foot of Anderson Hill Road.

Mr. Santana stated that this wall will bring significant noise reduction.

Mr. Santana concluded by stating that construction will begin in early June 2006, with a duration of about 3.5 years for entire project of 2 miles. He then gave out handouts showing noise wall and bridges.

Lori Wilson, Vice President of the West Harrison Neighborhood Association, expressed her concern about the cutoff (at the intersection of Columbus/Locust/Underhill Avenues) that is being removed. She stated that traffic will back up on Locust Avenue unbelievably all day long, and asked how that will be addressed.

Mr. Santana stated that their first studies have shown that there was not much traffic, that he has now heard differently, and will get new traffic counts. He added that if it needs to be addressed, they will do so.

Supervisor Malfitano stated that, when the DOT made the presentation (to him) this week, his own view is that cutting off that (particular) access and redirecting the traffic onto Locust Avenue is a mistake, and asked them to restudy, that that method of access should continue. He further stated that it would be a serious mistake for traffic to go onto White Plains Ave, and then onto Locust Avenue and across to Underhill Ave to the business district, and charged the DOT to redesign the access routes.

Fire Marshall Steve Surace stated that the Locust/Columbus/Underhill ramp is the only way for the Fire Department to get to certain parts of its districts (the Anderson Hill Road areas and the office buildings on Westchester Avenue). He pointed out that the ladder truck is 39 feet long. Mr. Surace added that when he was a kid, the DOT in its wisdom took away a two way road (the former Westchester Avenue was divided by I-287 and became a service road when I-287 was constructed as a depressed roadway in this area), which added 3-4 minutes to response time for fire calls. Mr. Surace stated that without the ramp, the trucks can't get to those people. He also stated, with regards to traffic, that about 600 new homes have been constructed in the area since the survey was done.

Mr. Santana stated he was committed to taking a new look at this intersection.

A resident called out that they don't want a new survey, they want a commitment, that there are school buses, Beeline buses and fire trucks as well as garbage trucks, etc. to be considered.

Supervisor Malfitano suggested that the DOT create a new three-way intersection, eliminating the hairpin turn.

Fire Marshall Surrace suggested moving the intersection so it is at right angles to Locust, creating a four corner intersection without a hairpin turn.

DOT official Nicholas Schubba stated that their commitment is to look at it with the Town Engineer, that they will get a new set of numbers and look at the whole concept, and will keep the Supervisor informed of the results. He added that plans have already gone to bid, so the time frame is aggressive.

Councilman Cannella requested a commitment that the DOT not go further with plans until they come back to do a presentation to the whole West Harrison neighborhood. He also asked, if there were changes, would the project need to be rebid?

Mr. Schubbs stated that the DOT has until two weeks prior to April 6<sup>th</sup> to make amendments/changes in the bids.

Resident Lucille Held also pointed out the dangers of making these turns, and that numbers say one thing, but one accident is more important than numbers. She added that she does not feel safe driving at that intersection.

Kathy Sanchez, the resident on the corner of Locust Avenue and White Plains Avenue, stated that she and her family cannot even get out of our driveway (on White Plains Avenue) in the AM and PM, adding that the DOT is talking about numbers, we are talking about people. Consider the school buses, fire trucks, Bee-line buses, ambulances. The Bee Line buses make her house vibrate as they pass. We want to move ahead with the community, and you are asking us to box ourselves in.

Supervisor Malfitano then moved the discussion to the matter of the sound barrier, asking those in the audience how they felt about it, adding that the barrier will be erected unless every property owner along that corridor agrees that it should not be erected.

Councilman Vetere asked for information about the decibel readings, and asked if there had been any calls from residents regarding noise.

Mr. Santana replied that such calls would not go to his office, but that there have been many calls. He then gave the following figures from their study:

- 6-9 decibels reduction on Columbus Ave
  - 7-10 decibel reduction east of White Plains Avenue
- The criteria for reduction is 5 decibels.
- Loudest hour is 71 decibels without the barrier between 8-9 AM with that being an average of the readings taken at multiple locations and hours taken at edge of property, some in the front and some at the back of various properties.
  - Barrier shows substantial reductions with barrier affecting 40 houses.
  - Cost is \$50,000 per resident (house) Since the DOT is constructing a major corridor, DOT is obligated to construct a noise barrier.

Mr. Malfitano suggest to residents that they have discussions amongst themselves to accept or not accept to noise barrier.

Rose Grosskopf, who lives at the intersection of White Plains Avenue and Westchester Avenue West stated that she has a bad enough time now to pull out of her driveway due to people coming off Westchester Avenue and Anderson Hill Road. She asked how close to the intersection will the barrier be, will it block her vision (of traffic turning in from Westchester Avenue) as she tries to pull out of her driveway? She also asked how far off Westchester Avenue is the barrier?

Mr. Santana said that the barrier will not go up to the corner, but the more openings

between the parts of the noise barrier, the less effective it is.

Another resident asked if the wall will be in front of the telephone pole, in front of the trees, where will it be in relation to the bus stop?

Mr. Schubba stated that the sight distance will trump the noise barrier, and that it will be ten (10) feet from the edge of the pavement. He added that the telephone poles, boxes and bus stop will be in front of the wall. In response to a question about the type of wall, he stated that it can't be wood as that is not a noise barrier, it is an environmental wall. The barrier must be aggregate concrete.

Mr. Malfitano asked for a show of hands as to who wants the barrier, and who is opposed.

Supervisor Malfitano stated that, regardless of a person's feeling about the noise barrier, they should be thinking about the esthetics, that esthetically this wall makes it look like the South Bronx. He assured the neighbors that the Town will do what they want us to do but urged them to think carefully about it.

Mrs. Grosskopf asked how this (wall) will affect the value of their homes.

Mr. Malfitano replied that it can be argued from both sides, it depends on the buyer.

Resident Robert Robinson pointed out that his house and the other three houses in his area are in a valley (at the end of Locust Avenue), adding that he now has a 10' foot grass hill (between his home and the bottom of Anderson Hill Road – where the wall being proposed would end). He added that if you add a 15' wall – he would have a 25 –30 foot wall in front of him, and that there aren't any houses between his house and the roadway. He questioned if the wall is needed in front of his house, and, if yes, can it be lowered in their area.

Mr. Schubba replied that the height of the wall is determined by the height of the stack on a truck, and anything that takes away from the effectiveness of the barrier can't be done, that noise doesn't come at 90 degrees, so the wall must protect all 40 houses.

Sam Lagano of Locust Ave said they are talking about the roadway barrier, but no one has brought up the issue of egress to their properties, that the houses are at the bottom of a hill, what will happen about drainage, stating that recent changes have eliminated some drainage problems, will they now reoccur? Will they left out to dry? These are their backyards. He pointed out that water comes from up the hill, that there is storm sewer in back of #85 Locust Avenue. What happens to that? Will our backyards flood? What happens to the trees and shrubs that are there now?

Another resident asked if the barrier is not built, will a new fence be built?

Mr. Schubba stated that the wall will prevent water from coming from the roadway. He did not address the other questions.

Mr. Malfitano strongly suggested that every resident in this corridor meet collectively, perhaps

under the West Harrison Neighborhood Association, and discuss the issue, and communicate their decision to him.

Councilman Cannella said that their decision might depend on the final design or other consideration, and asked if DOT would come to another meeting, to be held at the Mintzer Center or nearby, a meeting that will be focused on the wall and asked if there is flexibility in the design. He also asked when the DOT officials would be available for such a meeting. He added that he lives on the I-95 corridor so knows more than he wants to about noise barriers, and that it is very difficult to reach consensus. Mr. Cannella also stated that residents need a lot of patience to do this.

Councilman Paladino asked what happens if the wall is lower? Can you come back with variations, 10' ? 8'?, if it still meets the criteria for decibel reduction and cost? The only reason for a meeting is if there are options to be considered.

Mr. Schubba replied that if the wall is lower, houses drop out, and cost becomes more than \$50,000 per house. He added that there is flexibility but it has to meet the criteria of cost and decibels, and they will look into it.. He then said that they will discuss dates with the Supervisor for a meeting, but that they are obliged to notify only the abutting property owners.

Councilman Cannella said the town would see to it that people in the area are notified of the meeting and will coordinate the meeting.

End of presentation.

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman ???, seconded by Councilman ???

it was

RESOLVED to accept the following correspondence and reports:

1. Monthly report by the Police Department.
2. Letter from Valerie Zygmunt, National Alliance for Autism Research (NAAR) Walk Manager, thanking the Board for their continued support, and reporting that they had approximately 7,000 participants in the Walk-A-Thon, and raised approximately \$705,000. They are looking forward to the Board's participation for the June 4, 2006 Walk at Manhattanville College.

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

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PUBLIC HEARING RE: REQUEST OF THE NOKIA CORPORATION  
FOR A SPECIAL EXCEPTION USE PERMIT FOR THE CONSTRUCTION  
OF COVERED PARKING LOT ON PROPERTY OWNED BY NOKIA  
AT 102 CORPORATE PARK DRIVE.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was opened.

**David XXX** appeared for NOKIA. He stated that NOKIA is constructing an office building at 102 Corporate Park Drive. He added that the corporation is requesting a Permit to construct Teflon, all-season-fabric, covered parking areas for 85 vehicles, with lights in the roof of the lot.

In response to a question, XXX stated that the parking lot backs up to another office park on West Red Oak Lane.

On motion of Councilman Vetere, seconded by Councilman Cannella, with all members voting in favor, the Hearing was closed.

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APPROVAL OF THE REQUEST OF THE NOKIA CORPORATION  
FOR A SPECIAL EXCEPTION USE PERMIT FOR THE CONSTRUCTION  
OF COVERED PARKING AT PROPERTY OWNED BY NOKIA  
AT 102 CORPORATE PARK DRIVE.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of the NOKIA Corporation for a Special Exception Use Permit for the construction of a covered parking at property owned by NOKIA at 102 Corporate Park Drive.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Town Attorneys and the Town Engineer as the well as NOKIA officials.

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

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PUBLIC HEARING: RE: APPLICATION OF MANHATTANVILLE COLLEGE  
FOR A SPECIAL EXCEPTION USE PERMIT TO BUILD A NEW THREE-STORY  
STUDENT CENTER OF APPROXIMATELY 30,000 SQUARE FEET

On motion of Councilman Scappaticci, seconded by Councilman Cannella , with all members voting in favor, the Hearing was opened.

Attorney Linda Whitehead, a partner of the law firm of McCullough, Goldberg and Staudt appeared for the College. Jerry Schwabbe of the firm of Divney Schwabbe was also present to answer any questions. Ms. Whitehead stated that approvals from the Zoning Board of Appeals and the Planning Board have been received. The facility will serve the existing student population. Ms. Whitehead stated that the new Student Center will have approximately 30,000 square feet and will be located between the cafeteria and the Founders Hall dormitory. She added that it will be a “green building,” an environmentally friendly building. She added that the College will reconfigure one of the present parking areas, restoring the 100 foot buffer zone that should exist between the parking lot and Anderson Hill Road.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was closed.

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APPROVAL OF THE APPLICATION OF MANHATTANVILLE COLLEGE  
FOR A SPECIAL EXCEPTION USE PERMIT TO BUILD A NEW THREE-STORY  
STUDENT CENTER OF APPROXIMATELY 30,000 SQUARE FEET

This Special Exception Use Permit received a Negative Declaration for the purposes of the State Environmental Quality Review Act.

On motion of Councilman Vetere, seconded by Councilman Scappaticci,

it was

RESOLVED to grant the application of Manhattanville College for a Special Exception Use Permit pursuant to Sections 235-14, 235-16 and 235-17 of the Zoning Ordinance of the Town of Harrison, to build a new three-story Student Center, consisting of approximately 30,000 square feet, which will be used primarily for the College's existing Arts and Communications program.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Town Attorneys and the Town Engineer as the well as NOKIA officials.

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

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PUBLIC HEARING RE: CONTINUATION OF PUBLIC HEARING PURSUANT TO  
ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME  
RULE LAW FOR THE PURPOSE OF ADDING CHAPTER 199, ENTITLED "STEEP  
SLOPE PROTECTION" TO THE CODE OF THE TOWN OF HARRISON,  
SECTIONS 199-1 THROUGH 199-14, AS LOCAL LAW NO. \_\_\_\_ OF 2006.

On motion of Councilman **Cannella????**, seconded by Councilman **Scappaticci????**, with all members voting in favor, the Hearing was opened.

Supervisor Malfitano stated that this new Law had previously been presented to the Town Board (in September 2005), and then sent to the Planning Board, the Law Department, the Town Engineer and the Building Inspector as well as each Board member for review and comment. He continued that the Planning Board had recommended adoption without modification.

Town Engineer Greechan recommended that the new Law requirements be incorporated into the Site Plan Review process, and that Item C be changed to read that any excavation of more than 100 square feet, rather than 100 cubic yards. Mr. Greechan stated that they have been using that standard now, and will continue to do so.

Building Inspector FitzSimmons recommended that, as the Town Engineer presently reviews site plans for compliance with storm water regulations and chapter 130 of the Town Code on Erosion and Sediment Control, that determinations regarding slopes be incorporated into their site plan review process. Mr. FitzSimmons further recommended that in Section 199-11 Exemptions -- that #C be changed to "any excavation disturbing no more than 100 square feet in area.

Engineer Greechan agreed that his Department could do this.

Councilman Paladino asked that the draft law be reviewed for clerical errors and clarification before adoption. He also asked that there be clarification (of the following:) In an instance where there is a subdivision where steep slopes are involved, but the proposed activity does not enter into the slope area and does not disturb more than 100 square feet of the slope, does the law apply. He asked if the purpose is to cause the applicant to design his plan so that he does not disturb any more than 100 sq feet, (so that) an applicant can avoid the provisions of this law.

Supervisor Malfitano pointed out that the law will be applied.

Councilman Cannella stated the answer is Yes, depending on the circumstances. He continued that, when the application is in front of Planning Board, that (placement) will be considered, but it would be exempt if the steep slope is not disturbed.

Supervisor Malfitano added that the Building Inspector also can issue a permit for a single house in the lowest instance (of the regulations) if the slope is not disturbed, but in the higher two categories, the review would go to the Planning Board.

Village Attorney Joe Latwin stated that if there is a disturbance of the slope in excess of 100 square feet, Section 199-6C-2 is the Section that would govern.

Cannella said that if there was a very significant disturbance a building permit may never be issued, and that would have to go to the Planning Board, and there is an appeal process.

Paladino also asked if, under Section 199-6-e, do people have to look at various alternatives and if there are none that could further adduce any further impact, will a variance be granted? can (the applicants) go ahead and build? He further asked if there is no way to do anything except terrace, does that mean (the applicants) can't get the permit?

Councilman Cannella agreed that the Section E-2 reads the Building Inspector must deny the permit, and then read other Sections.

Attorney Latwin stated that Section E-1-a reads that if reasonable alternatives are not used, then the application must be denied.

Councilman Paladino asked if a reasonable alternative is a no build alternative? If it does not trigger a review under Section 2. must the permit be granted?

Councilman Cannella pointed out that minimization is subjective. When looking at an application, whether it be the Planning Board or the Building Inspector, they may make a judgment that terracing is acceptable and less offensive than other (solutions), and it is not a no-build site. On the other hand, if it is a no-build site, then a building permit will not be issued.

Mrs. **Ventura????** of Forrest lake Drive in the Park Lane section of West Harrison asked the purpose of this law.

Councilman Cannella replied that the purpose is to deal with various build-out issues that are of concern to this Board, that are unacceptable to the community and to this Board. It is a combination of lot coverage, steep slopes, grading, various other leg initiative that will result in a better building environment for the Town.

Mrs Ventura said that she likes the idea (of this legislation), but there is too much grey area, that the builder in her area just seems to get what he wants. she further asked if that builder had been given permits for the lots that are near her property.)

Councilman Cannella commented that the town cannot just wake up one morning and draw a line and say thou shall not build, adding that is unconstitutional, it is seizure of property. He continued that the Board is putting in place a series of rules that put in place fair and reasonable and will result in fair and responsible construction in the Town. He added that no permits had been given for the lots she referred to.

Mrs. Ventura asked if there was a chance that this law would take effect before these permits can be granted, as the lots are (actually) in the water.

Mr. Cannella stated that the law would take effect before that happened.

Former Supervisor Ron Bianchi asked if you already have a building lot, and are building the house on the level land, but below (the building envelope) there is a steep slope on the same property, is the steep slope law effective on that lot?

Supervisor Malfitano replied that it is only effective for the building envelope, that the builder may choose to move the envelope outside the steep slope area, then be granted a permit. If there is an impact on the steep slope, there is a review.

Councilman Paladino added that if the construction does not impact more than 100 sq feet of the slope, 100 square feet of disturbance, then the permit will be granted.

Mr. Bianchi also asked if there is runoff that affects the steep slope, is that (factor) considered? He also asked if the law applies to all building lots, (whether)in a subdivision or not? Further, he asked for a definition of the term: “disturbance.”

Village Attorney Latwin stated that, by definition, if the steep slope goes across lot lines, then it triggers the review. He added that “disturbance” refers to any removal of vegetation, excavation, or fill, or any conditions affected by the above. .

Councilman Paladino again questioned the wording, pointing out that the law does not trigger a review, unless the building activity enters the disturbed area. He added that he is trying to create a record, that establishes what everyone understand what is applied her.

Councilman Cannella pointed out that the law will apply to all permit applications, that it applies to everything. He then asked if Mr. Bianchi was suggesting that the trigger of the review be narrowed, He then asked the Town Attorneys if other communities are being more aggressive about triggering the review.

Mr. Bianchi then presented to the Board some photos of the property of some of his neighbors after the recent heavy rains. (The photos showed widespread flooding in yards in December 2005.)

Attorney Latwin reminded the Board that the Building Inspectors will be overwhelmed if required to review every lot, and verify every quantity, adding that the verification was difficult when (the measurement) was cubic yards, with a measurement of square feet being (the) better (choice).

Councilman Paladino stated that the if a review triggers a Steep Slope permit, then the permit fee should be substantial fee, not \$100 or so. He suggested that it be raised. He also ask that the Attorneys look at Section 199-5-b-3 for a correction of the English.

Attorney Latwin stated that the law calls for a \$250 fee for the application plus a \$250 fee per lot for an inspection.

Supervisor Malfitano suggested that the Town Attorneys incorporate the changes (as discussed), review the language and that the Board again hear the matter on February 9<sup>th</sup> at the next Town Board meeting.

On motion of Supervisor Malfitano, seconded by Councilman Scappaticci with all members voting in favor, the Hearing was adjourned to February 9, 2006, in anticipation of adoption at that meeting.

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APPROVAL TO AGAIN CONTINUE THE PUBLIC HEARING PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME RULE, AMENDING CHAPTER 235 TO THE CODE OF THE TOWN OF HARRISON ZONING ORDINANCE TO AMEND THE PARKING REQUIREMENTS OF CERTAIN USES AND LOCATIONS AS LOCAL LAW NO. \_\_\_\_ OF 2006.  
§235-37, SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS FOR NONRESIDENTIAL USES.

Supervisor Malfitano suggested, and the other members of the Board agreed, that this Hearing be continued again until the February 9<sup>th</sup> Town Board Meeting due to the number of Hearings on this night's Meeting.

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APPROVAL TO AGAIN CONTINUE THE PUBLIC HEARING  
PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE  
MUNICIPAL HOME RULE LAW, AMENDING CHAPTER 235 TO THE CODE OF THE  
TOWN OF HARRISON ZONING ORDINANCE TO ADD DEFINITIONS AND AMEND  
THE PARKING REQUIREMENTS FOR CERTAIN USES AND LOCATIONS  
AS LOCAL LAW NO. \_\_\_ OF 2006

Supervisor Malfitano suggested, and the other members of the Board agreed, that this Hearing be continued again until the February 9<sup>th</sup> Town Board Meeting due to the number of Hearings on this night's Meeting.

January 26, 2006

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PUBLIC HEARING: CONTINUATION OF PUBLIC HEARING PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME RULE LAW FOR THE PURPOSE OF ADDING CHAPTER 200 ENTITLED "SIGNS" TO THE CODE OF THE TOWN OF HARRISON, SECTIONS 200-1 THROUGH 200-10, AS LOCAL LAW NO. \_\_\_\_ OF 2006 OF THE TOWN OF HARRISON

Supervisor Malfitano suggested, and the other members of the Board agreed, that this Hearing be continued again until the February 9<sup>th</sup> Town Board Meeting due to the number of Hearings on this night's Meeting.

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PUBLIC HEARING: CONTINUATION OF PUBLIC HEARING PURSUANT TO ARTICLE 2, SECTION 10 AND ARTICLE 3, SECTION 20 OF THE MUNICIPAL HOME RULE LAW, TO RE-ENACT CERTAIN SECTIONS OF CHAPTER 143 OF THE TOWN/VILLAGE CODE ENTITLED “**FIRE SPRINKLER SYSTEMS**” BY LOCAL LAW NO. \_\_\_\_ OF 2006.

On motion of Councilman Cannella, seconded by Councilman Scappaticci, with all members voting in favor, the Hearing was opened.

Supervisor Malfitano stated that the Board was being asked to again adopt and refile with New York State the original Fire Sprinkler Law, Chapter 143 of 1989, and then adopt an addition to that law.

Councilman Scappaticci asked what would now be the effective date of this law, and was told

that the effective date is when the law is filed with the Secretary of State, and it still needs the approval of the Codes Council.

Fire Marshall Surace stated that the existing law was approved (in 1989) and that he has the documentation as to that. There was a clerical error made at that time. He said that he would file it when he gets the Resolution from this meeting. He stated that the change to the underlying law was administrative, changing the definition of alternation floor area which triggers the instalation of sprinklers. He added that the only problem was in definitions.

Supervisor Malfitano stated that the law now uses the State Code definitions as used in the current verions of the State Code. 143-28-a added today, system shall meet the requirements of the NYS Fire Code.

In response to a question, Mr. Surace said that pre-fab houses did not need sprinkler systems if the design had been approved by the State, but that if it is modified in any way, and it is not approved by the State, the sprinklers would be required.

Councilman Cannella had questions, statng that he had just received these papers tonight. and asked if it now reads that a biennial inspection is required for fire sprinklers.

On motion of councilman Cannella, secded by Councilman Scappaticci, with all members voting in favor, the Hearing was closed.

January 26, 2006

2006 -- -- b

ADOPTION OF CHAPTER 143 OF THE TOWN/VILLAGE CODE ENTITLED  
**“FIRE SPRINKLER SYSTEMS” AS LOCAL LAW NO. 1 OF 2006.**

On motin of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to adopt Chapter 143 of the Town Code of the Town of Harrison entitled Fire Sprinkler Systems law as follows:

Adopt amendments the 2006 law pat/Joe

January 26, 2006

2006 -- 0

AUTHORIZATION FOR POLICE OFFICER ANTONY SALOV  
TO HAVE TAKEN COURSES AT WESTCHESTER COMMUNITY COLLEGE  
DURING THE FALL 2005 SEMESTER COST: \$1,091.20

It was pointed out that Police Officer Salov should have requested authorization before he enrolled in the course.

On motion of Councilman seconded by Councilman

it was

RESOLVED to approve the request of Chief of Police Dave Hall that P.O. Antony Salov receive authorization for two courses he took at Westchester Community College for the 2005 Fall Semester for the following courses: 1.Composition & Literature I; and 2.Intro to Criminology

FURTHER RESOLVED that, upon submission of P.O. Salov's attendance at the above listed courses, and satisfactory completion of the course and upon submission of proof of payment for tuition and books, the Comptroller be authorized to audit and upon audit, pay same.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 -- 0

AUTHORIZATION FOR POLICE OFFICER ANTONY SALOV TO TAKE COURSES AT  
WESTCHESTER COMMUNITY COLLEGE SPRING SEMESTER 2006

COST: \$1,067.50

On motion of Councilman seconded by Councilman

it was

RESOLVED to approve the request of Chief of Police Dave Hall for authorization for P.O. Antony Salov to take the following courses at Westchester Community College for the 2006 Spring Semester, at a total cost of \$1,067.50 for tuition and books:  
English Composition & Literature 2; and Biology of Human Sexuality

FURTHER RESOLVED that upon satisfactory completion and submission of P.O. Salov's attendance at the above listed courses, and upon submission of payment, the Comptroller be authorized to audit, and upon audit, to pay same.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 -- 0

CONFIRMATION OF THE APPOINTMENT OF GRAZIA MADONIA  
AS A LIBRARY PAGE

On motion of Councilman seconded by Councilman it was

RESOLVED to approve the request of the Library Board of Trustees and confirm the appointment of Grazia Madonia to the position of Library Page, effective January 30, 2006, at the hourly rate of \$8.50.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 -- 0

ACCEPTANCE OF THE RESIGNATION OF DEBRA GILBERT, LIBRARIAN I

On motion of Councilman seconded by Councilman

it was

RESOLVED to accept, with regret, the resignation of Debra Gilbert as a Librarian I in the Harrison Library, effective February 17, 2006.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 --0

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE PURCHASE OF  
TREES, SHRUBS, FLOWERS AND MISCELLANEOUS SUPPLIES

On motion of Councilman seconded by Councilman, it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization to advertise and receive bids for the purchase of trees, shrubs, flowers and miscellaneous supplies.

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 -- 0

APPROVAL OF THE 2006 INTER-AGENCY AGREEMENT BETWEEN THE SOUTHEAST  
CONSORTIUM AND THE TOWN OF HARRISON FOR RECREATION SERVICES  
COST: \$18,257

On motion of Councilman seconded by Councilman,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for approval for the 2006 Inter-Agency Agreement between the South East Consortium and the Town of Harrison in the amount of \$18,257.00.

FURTHER RESOLVED that, upon, Town Board approval the Supervisor be authorized to execute same. (Certificate of Insurance is attached.)

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

Adopted by the following vote:

AYES: Councilmen Vetere, Paladino, Scappaticci and Cannella  
Supervisor Malfitano

NAYS: None

ABSENT: None

January 26, 2006

2006 -- 0

DISCUSSION OF THE DESIGN AND INSTALLATION OF NEW GATEWAY SIGNS FOR THE TOWN OF HARRISON AS PROPOSED BY THE BEAUTIFICATION COMMITTEE

Supervisor Malfitano stated that over the last year, the Beautification Committee has been proposing that the town replace our Gateway signs. They commissioned ~~xxxxxxx~~ to design the signs, adding that, at this time, he was recommending that the Board accept two of the designs for the signs. He added that one design reads: Welcome to West Harrison, Town of Harrison; the second design reads: Welcome to Harrison, established 1696.

Councilmen Cannella and Scappaticci pointed out that the wording seems to make us look like two different communities.

Supervisor Malfitano stated that the Board tonight was being asked to approve only two signs for downtown Harrison which say Welcome to Harrison. He added that former Town Attorney Arthur Schreier, now a consultant to the Law Department, suggested that there be a slight modification, and that the signs read Town and Village of Harrison to recognize the true entities, and that the Town seal be used, and perhaps the Village seal as well. He added that the location for the signs had not yet been determined.

Councilman Paladino queried why both seals would be put on the signs other than to differentiate the dates each was established.

Supervisor Malfitano asked the Board members to review the designs and contemplate what they want to see for downtown, as well as the West Harrison and Purchase areas and comment back to his office.

January 26, 2006

2006 -- 0

TABLED: DONATIONS TO THE POLICE DEPARTMENT AND/OR THE POLICE  
BENEVOLENT ASSOCIATION

Chief Hall requested that the acceptance of these donations be tabled until the intentions of the donors are more clearly understood.

1. Request by Police Chief Dave Hall for approval of various donations to the Police Department and or the Police Benevolent Association.

On motion of Councilman seconded by Councilman, with all members voting in favor, the matter was tabled.

January 26, 2006

2006 --

TABLED INDEFINITELY: REQUEST TO ADOPT A RESOLUTION  
EXPRESSING CONCERN ABOUT THE CONTINUED OPERATION  
OF THE INDIAN POINT NUCLEAR ENERGY CENTER.

On motion of Councilman seconded by Councilman with Councilman Vetere and Supervisor Malfitano voting in favor, the matter was tabled.

Councilman Paladino recused himself from the discussion and vote as he is a County Commissioner on Public Utilities

January 26, 2006

2006 -- 0

DISCUSSIONS

PROPOSED PLANS FOR THE NEW COURTHOUSE

Resident Lucille Held stated that she had had to wait three months to receive the plans for the new courthouse, and then they do not have either sizes or costs. She went on to say that the

Court

personnel, all women, will be alone in the new court building for three days every week, with Court sessions being held on (the other) two days and then only monthly meetings of various Boards at night. She continued that the needs of the court are only about 2,000 square feet, and asked why do they need more (space in this new facility), and why do they need two elevators. Mrs. Held also questioned why spaces were reduced in the present commuter parking lot and why there wasn't direct access to the building from the new (elevated) parking lot.

Supervisor Malfitano asked Mrs. Held that, rather than (the Board) taking time (to listen to her now), to please submit to her questions to his office, and not here.

Miss Hurley: Melissa or lisa 7 park Lane bordering Forest Lake

Forrest alake is contentious, and discuss dredging of that lake. Lived there for 10 years and have watched the integrity of that lake going down and down due to the construction.

Gave page of facts. Dredged as phase 9 of the lake, now into phase 10.

Seems clear from the record that the developer was allowed to go ahead as the DEC said the upper part had changed to a wetlands. Developer had asked for a permit to do some dredging in one portion, seems that town has not responded. Lake is spreading as the bottom is getting filled up. Full of lily pads. Developer is destroying the entire landscape of the lake. Our view is like a strip mining town in western PA.

Bob – isn't the intention that what they are seeing now will eventually be a home? The area between the roadbed and the lake will have a home.

Joe?? someone missed the fact that phase9 should have been dredged before phase 10 started.

Kraut has looked for a letter saying saying DEC said dredging not needed, can't find letter. Since 1986, when development started, has gone from a ----- to an emerging wetlands.

BOB this whole lake is a designated wetlands, with DEC oversight. Permit needs  
Is there 100 feet between the silt fence and the road.

??? the road is actually within the 100 buffer.

Cannella: have been working on this for 1.5 years. The ability to affect anything there is uncertain.

Lisa: shouldn't not any change be documented?

Cannella; there are 7 lots adjacent to the lake Group walked the road in Sept and certainly understand the conditions. Developer had applications filed with DEC right adjacent to the lake and would be within any buffer zone. Town sent letter to DEC expressing grave concerns re any permits for those lots specifically. Answer late Dec that wetland permits had been issued. Question then became preemption between town and NYS as to who has control of permits. Town needs to grant a building permit and the BI responsibility and interpretation of the Town's regulation is that there is 100' buffer, and the sites are within the 100'. Town can preempt and can adopt regulations. Law is now looking into it.

Need to go back to Planning Board, and what is needed to get their approval. What is there now as opposed to what was there in the beginning. Law is looking at dredging. Was on the PLB when this started, there were proposals to mitigate, don't know all the details of the actual construction. Now are at a crossroads.

Lisa: there is actual construction. Bridge is like a 287 overpass! People working on the site say they have the permits.

Can there may be a jurisdictional issue.

Steve: In the original approvals many of these issues were not contemplated. It is very difficult almost 20 years later to review the original decisions.

Vvvv

Can the planning of Park Lane in 87-88, the planning environment waqs far different than today.

A lot of the things that happened then simply doesn't happen today. The regulations were different. We will do what we can do.

Lisa took a walk with the developer, and his comments were the town lets us do it.

Can Nothing is being issued now.

January 26, 2006

2006 --

MATTERS FOR EXECUTIVE SESSION:

Settlement of litigation	2
Personnel history	2
Settlement of claims	7

On motion duly made and seconded,  
with all members voting in favor,  
the meeting was recessed at 10:35 PM

