

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JANUARY 16, 2007, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Call To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Public Comment

Approximate  
# Agenda Items: Time  
of Discussion

	<b>Greenspace Improvements</b>	<b>7:45 PM</b>
7.	Presentation by Hank White about proposal and budget for Wolfs Lane Park plan and design.	<b>Approved as amended</b>
	<b>Zoning Code Changes</b>	<b>8:15 PM</b>
8.	Continued Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham.	<b>FAR approved. Hearing scheduled 2/6/07 on remainder.</b>
9.	Public Hearing on a local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling.	<b>Approved</b>
	<b>Business</b>	<b>9:15 PM</b>
10.	Authorizing a grant application to the NY State Archives and Records Administration for GIS implementation.	<b>Approved</b>
11.	Discussion – Change Orders for Montesano Brothers re: First St. Storm Drain.	<b>Discussed</b>
12.	Discussion – School District's request to use Village Hall Board Room for the "Twilight Program".	<b>Discussed</b>
13.	Consideration of Murphy, Stecich and Lammers letter agreement.	<b>Tabled until 2/6/07</b>
	<b>Housekeeping</b>	<b>10:00 PM</b>
14.	Authorizing the accounts payable.	<b>Approved</b>
15.	Old Business/New Business	<b>Discussed</b>
16.	Minutes: January 2, 2007	<b>Tabled until</b>

		<b>2/6/07</b>
17.	Adjournment.	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays February 6, 2007 and February 20,  
2007

All meetings start at 7:30 p.m. unless otherwise noted.

\* Agenda is subject to change until the night of the meeting.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
MINUTES  
TUESDAY, JANUARY 16, 2007, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Michael J. Clain at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Trustees Greco, Homan, Hotchkiss, Merrick, Mohan, and Potocki.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, and Building Inspector Len Russo

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Michael J. Clain.

\*\*Mayor Clain swore in two (2) new police officers to the Pelham Police Department. The officers who were sworn in were Daniel Reddy of Pelham, NY and Orlando Baerga of Bronx, NY. The Mayor, Village Administrator, and Board of Trustees welcomed the two (2) new officers with a grand applause.

Item #3 – Mayor's Report:

Mayor Clain had nothing to report.

Item #4 – Trustees Reports:

Trustee Potocki reported that the prior police contract from 2004-2005 and 2005-2006 has been settled. There has been a 5% increase in top patrolman salary and sergeant salary. He also reported that he spoke with Mark Mannix of Metro North Railroad regarding the Pelham Train Station sign. Metro North Railroad has agreed to evenly split the cost up to \$2,000 for the new Pelham Train Station sign.

Trustees Greco, Homan, Hotchkiss, and Mohan had nothing to report.

Item #5 – Village Administrator's Report:

Village Administrator Richard Slingerland reported that Con Edison will mill Lincoln Avenue before they pave it. He also mentioned that fifteen (15) garbage cans will go out to bid this week. He further reported that interviews were conducted for three (3) of the four (4) lowest bidding firms of the FTA Parking/DPW Garage Project. Mr. Slingerland, General Foreman Harry Pallet, Trustee Hotchkiss, and Administrative Aide Devron Wilson conducted the interviews. There is one more interview scheduled for Thursday January 18,

2007 at 3:30pm. Once all the interviews have been conducted, Mr. Slingerland will make a recommendation to the board at the next Board of Trustees meeting scheduled for February 6, 2007.

Item #6 – Public Comment: None.

Item #7 – Presentation by Hank White about proposal and budget for Wolfs Lane Park plan and design:

Note: This matter was last discussed at the December 19, 2006 Board Meeting.

Trustee Merrick mentioned that he along with Village Administrator Richard Slingerland spoke to Hank White of Hank White Site Architects about render his design services to the village for Wolfs Lane Park. Trustee Merrick thanked Mr. White for taking time out of his schedule to come to the village board meeting and give a brief presentation.

Hank White spoke about what his services would entail. He would prepare a pre-bid ready plan outlining the overall plans for the park. The plan would consist of drawings, maps, landscaping options, lighting options, and more. All park improvement work will be spelled out in stages with estimated costs attached to them. Having this pre-plan in place will put the village in a better position when applying for funding.

A motion was made by Trustee Merrick, with a second by Trustee Homan to adopt the resolution, as amended. The motion passed unanimously by vote of seven in favor, none opposed.

## RESOLUTION

AUTHORIZING THE ACCEPTANCE OF A PROPOSAL BY HANK WHITE, R.A.  
TO PREPARE BID-READY PLANS TO IMPROVE WOLFS LANE PARK

RESOLVED, that the Board of Trustees of the Village of Pelham authorize the Village to accept a proposal by Hank White Site Architects, for design services to prepare plans to make improvements to the Wolfs Lane Park, between Boulevard and First Street and along First Street, in an amount not to exceed ten thousand dollars (\$10,000) without additional approval from the Mayor and Board of Trustees, and authorizes the Mayor, the Village Administrator and the Village Clerk to take the necessary and appropriate actions to execute and effect this agreement for these services.

Item #8 – Continued Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham:

Nigel Scott Williams of the Architectural Review Board spoke briefly about the F.A.R. (Floor Area Ratio) changes to the Residential Zoning Code. The Board members discussed the issues regarding FAR at length, and decided to adopt the FAR proposals.

A motion was made by Trustee Hotchkiss, with a second by Trustee Greco to adopt the annotated changes to the F.A.R. for Residential Districts A1, A2, A3, B1 and B2. The motion passed unanimously by vote of seven in favor, none opposed.

SEQ CHAPTER \h \r 1 LOCAL LAW NUMBER OF 2007  
SEQ CHAPTER \h \r 1

A local law that amends Chapters 98 of the Pelham Village Code, regarding Floor Area Ratios.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:

SECTION 1.

The following changes are made in Chapter 98 Zoning of the Code of the Village of Pelham:

- 1) The following definitions are added to Section 98-6:

RESIDENTIAL FLOOR AREA -- The area of all floors of the principal building on the lot of a residence, measured to the exterior of the outside walls.

RESIDENTIAL FLOOR AREA RATIO (R-FAR) --The residential floor area excluding all space in unroofed structures such as decks and patios, unenclosed porches and porticoes, basements, cellars, basement garages, and non-living space in attics, divided by the square footage of the property.

- 2) The title of Article XVI Minimum Residential Floor Area of Chapter 98 is repealed, and the new following new title of Article XVI of Chapter 98 is adopted:

Minimum and Maximum Residential Floor Areas

- 3) Section 98-107 is repealed and the following new Section 98-107 is enacted:

**§ 98 -107. Statement of purpose.**

The requirements contained in this Article are designed to promote and protect the public health, to prevent overcrowded living conditions, to guard against the development of substandard neighborhoods, to conserve established property values and to contribute to the general welfare. **In addition, the character,**

**layout and density of Pelham's neighborhoods rely on its diversity and quality of architectural styles, without homes exceeding certain limits in general scale of lot coverage or overall mass.**

- 4) **Section 98-108 Minimum Schedule** is renumbered: Section 98-108.1.

The following new Section 98-108.2 is adopted:

- 5) **Section 98-108.2 Maximum schedule.**

A.

Residential District	Maximum R-FAR Ratio/Percentage
A 1	35 %
A 2	40 %
A 3	40 %
B 1	45 %
B 2	45 %

SECTION 2. This Local Law shall take effect upon adoption and filing in the office of the Secretary State of the State of New York.

On the second local law making changes, there was a consensus among the board members regarding the other recommended changes to the Residential Zoning Code. The other recommended changes will be placed on the next Board of Trustees Meeting agenda for formal approval.

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The Board determined to call for a public hearing to be held on February 6, 2007, on the outstanding changes.

On the motion of Trustee Hotchkiss, seconded by Trustee Greco, the Board agreed to schedule a public hearing on the revised proposed changes to the Site Plan and Zoning Code, by vote of seven in favor, none opposed.

## RESOLUTION

### SCHEDULING A PUBLIC HEARING A LOCAL LAW THAT AMENDS VARIOUS SECTIONS OF THE CODE

INCLUDING CHAPTERS 79 AND 98

The Board of Trustees of the Village of Pelham hereby schedules a continued public hearing to be held at 7:30 p.m. on Tuesday, February 6, 2007, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a revised draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A LOCAL LAW that amends various sections of the Code including Chapters 79 – regarding limits of construction requiring a site plan, enlargement of a building, amendment of an approved site plan, and sections of the Zoning Code, Chapter 98, applicable to required parking spaces, rear yards and curb-cuts.

A copy of the Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 5 p.m., or an electronic copy may be obtained from the opening page of the Village's website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees

Terri Rouke, Village Clerk

Richard Slingerland, Village Administrator/Deputy Clerk

SEQ CHAPTER \h \r 1 LOCAL LAW NUMBER OF 2006  
SEQ CHAPTER \h \r 1

A local law that amends various sections of the Code including Chapters 79 – regarding limits of construction requiring a site plan, enlargement of a building, amendment of an approved site plan, and sections of the Zoning Code, Chapter 98, applicable to required parking spaces, rear yards and curb-cuts.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:

SECTION 1.

The following changes are made in Chapter 79 Site Plan Approval of the Code of the Village of Pelham:

1) ~~SEQ CHAPTER 1~~ Sections 79-4 A and 79-4B are repealed, and the following new Sections 79-4A and 79-4B are enacted:

A. The erection of any building in any district, other than a permitted accessory building in a residential zone with a building area of less than two hundred and seventy-five square feet (275 s.f.).

B. The enlargement of any residential building resulting in the expansion of living space (as defined by the NYS Building Code) by more than thirty-five percent (35%) or seven hundred and fifty square feet (750 s.f.).

2) Section 79-6 A. 1 is hereby repealed and the following new Section 79-6

A. 1 is enacted:

(1) This process shall be commenced when the applicant files a declaration of intent to develop form, as prescribed by the Village, with the Building Inspector. Copies of this form are to be transmitted to the Planning Board. Upon submission of a declaration of intent to develop form, the applicant shall provide notice to all property-owners contiguous to the applicant's property, including those separated by a street. These notices must be hand delivered or mailed by the applicant at least ten (10) days prior to the date of the scheduled consideration by the Planning Board, with an affidavit, or proof of delivery, or proof of mailing, provided by the applicant to the Village Clerk prior to the Planning Board Meeting.

## SECTION 2.

The following changes are made in Chapter 98 Zoning of the Code of the Village of Pelham:

1) Section 98-10B(1) is repealed and the following new Section 98-10B(1) is adopted:

Detached private garage or garages on site for not more than two cars, provided that no garage which is connected to or a part of a dwelling shall be built nearer than 45 feet to the front street line unless the entrance of such garage faces the rear lot line.

- 2) Section 98-31B(1) is repealed and the following Section 98-31B(1) is adopted:

Detached private garage or garages on site for not more than two cars. No garage which is connected to or a part of a dwelling shall be built nearer than 35 feet to the front street line unless the entrance of such garage faces the rear lot line.

- 3) Section 98-101E is repealed and the following new Section 98-101E is adopted:

In any residence district, accessory buildings may occupy, in the aggregate, not more than 10% of the area of the lot or not more than 35% of the area of the rear yard, whichever is the more restrictive. In any case, the total area of all accessory buildings shall not exceed five hundred and fifty square feet (550 s.f.).

- 4) Sections 98-112C and 98-112D are repealed and the following new Section 98-112C is adopted:

Single- and Two-family dwellings: at least two parking spaces are required on site for each dwelling unit.

- 5) Section 98-115D is repealed and the following new Section 98-115D is enacted:

In any residence district, not more than 600 square feet or 30% of the area of a minimum required rear yard shall be used as a parking area, whichever is more restrictive.

- 6) Section 98-115F is repealed and is "Reserved".

- 7) Section 98-115L is repealed and the following new Section 98-115L is adopted:

In all districts, required parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot, such driveway or easement to have a minimum width of 10 feet. No such easement to a nonresidential use shall be permitted across a lot in a Residence A-1, A-2, A-3, B-

1 or B-2 District. **Curb-cuts in residential districts shall be limited to a maximum of twelve feet (12') in width.**

SECTION 3. This Local Law shall take effect upon adoption and filing in the office of the Secretary State of the State of New York.

Item #9 – Public Hearing on a local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling:

A motion was made by Trustee Hotchkiss, with a second by Trustee Greco to adopt the Local Law. The motion passed unanimously by vote of seven in favor, none opposed.

Public Hearing On A Proposed Amendment To 98-112 Of The Village Zoning Code To Require 1.5 Parking Spaces For Every Multi-Family Dwelling Eliminating The Exception For B-2 Zones.

A local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling (Note: this eliminates the exception for B-2 zones.)

SECTION 1. Section 98-112 Part B is repealed and the following new Section 98-112 Part B is enacted:

(Old Language)

- B. Multifamily house: three parking spaces for each two dwelling units, except in a Business-2 District, where one parking space for each dwelling unit shall be required.

(New Language)

- B. Multifamily dwelling: one and a half (1.5) parking spaces for each dwelling unit.

SECTION 2. This Local Law shall take effect upon adoption and filing in the office of the Secretary State of the State of New York.

Item #10 – Authorizing a grant application to the NY State Archives and Records Administration for GIS implementation:

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the resolution. The motion passed unanimously by vote of seven in favor, none opposed.

## RESOLUTION

AUTHORIZING A GRANT APPLICATION TO THE NEW YORK STATE ARCHIVES AND RECORDS ADMINISTRATION, THROUGH THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND, IN THE AMOUNT OF \$45,000 TO FUND THE IMPLEMENTATION OF A GIS DATA AND INFRASTRUCTURE MANAGEMENT SYSTEM FOR THE VILLAGE OF PELHAM

WHEREAS; The Village Board has identified that an Implementation Plan is needed to explore the benefits of Geographic Information Systems (GIS) in municipal operations and planning; and

WHEREAS; funds are requested to complete the implementation of a Geographic Information Systems (GIS) recommendation, based on the GIS feasibility study performed and funded with a SARA grant in the amount of \$6,500.

THEREFORE, BE IT RESOLVED; that the Mayor and Board of Trustees of the Village of Pelham authorize the submission of an application for a grant in the amount of forty five thousand dollars (\$45,000) by the Village of Pelham to the New York State Archives and Records Administration; and be it

FURTHER RESOLVED; that the Village Administrator is authorized to submit the application, sign all the necessary documents and make all the appropriate and necessary assurances for this application.

### Item #11 – Discussion – Change Orders for Montesano Brothers re:First St. Storm Drain:

This topic was discussed.

It was noted that the Village had received the last requisition from Montesano for all work “billed and stored” to date. This is the last requisition before the request for release of retainage – all work by Montesano Brothers has been completed in Pelham for the First Street Storm Drain Project. Expenses for all of Montesano’s work completed, after reductions for work and items eliminated, was that all the work totaled \$754,806.94.

The Village Administrator was assigned to prepare a full analysis of revenues and expenditures for how much the entire First Street Storm Drain Project will cost by the time it is done, and to submit the report at the February 6, 2007 Board Meeting.

### Item #12 – Discussion – School District’s request to use Village Hall Board Room for the “Twilight Program”:

After a recent meeting about the "Safe Routes to School" program, the Asst. High School Principal Lynn Sabia requested use of unused Village Hall office or meeting space three (3) days per week, from 3:15 – 5:15 p.m.

The Board discussed this request. They mentioned that the Village Board Room is used for meetings on a regular basis. It is also used fairly frequently by the Village administrative staff, including the Building Department. Hosting the "Twilight Program" at this location would create a restriction for Village business. The Village will recommend to the School District that it should consider other options.

Upon review, the board rejected this request.

Item #13 – Consideration of Murphy, Stecich and Lammers letter agreement:

Trustee Greco reminded everyone that the village had difficulties on the Marbury Corners land-swap, which the firm of Murphy, Stecich and Lammers worked on. He mentioned the omission of an easement for the Village's storm drain and sanitary sewer, which the Mayor successfully negotiated. He recommended the village consider hiring other law firms for the Post Office land exchange.

Upon review, this topic was tabled until the February 6, 2007 Board meeting.

Item #14 – Authorizing the accounts payable:

The Board discussed the bills, and asked some questions based on their review.

A motion was made by Trustee Hotchkiss, with a second by Trustee Mohan to adopt the resolution. The motion passed unanimously by vote of seven in favor, none opposed.

RESOLUTION

**WHEREAS**, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$148,888.41
Water Fund	\$29,507.12
Capital Projects Fund	\$46,105.49

Trust and Agency Fund	\$8,344.30
H3 Fund	\$0.00
Grand Total	\$232,845.32

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby approves payment of the above-mentioned claims and authorizes payment thereof.

Item #15 – Old Business/New Business:

Trustee Merrick asked about the status of the Pelham Medical Group building. Mayor Clain mentioned that Pelham Medical Group has provided the village with plans for Geo Foam installation on their property, but still they have not provided plans for the rock removal. They have until January 22, 2007 to submit plans for the rock removal. He reported that Bernard Grossfield had performed an inspection of the building today with the Building Inspector, and that the Village could expect his report soon.

After a short discussion, there was a consensus among the Board members to return the seating arrangement in the board room back to its original formation.

Item #16 – Minutes: January 2, 2007:

On the motion of Trustee Homan, with a second by Trustee Hotchkiss, the Board voted to approve the January 2, 2007 minutes by vote of seven in favor, none opposed.

Item #17 – Adjournment:

The Mayor asked for a motion to go into Executive Session to discuss pending litigation and personnel matters. On the motion of Trustee Homan, seconded by Trustee Hotchkiss, the Board voted to go into Executive Session. The motion passed unanimously by vote of seven in favor, none opposed.

On the motion of Trustee Homan, seconded by Trustee Mohan, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 10:20 p.m. to discuss personnel matters. The motion passed unanimously by vote of seven in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk