

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JANUARY 15, 2013, 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
Starting Time
of Discussion

#	Agenda Items:	
	Non-Recurring Items	7:40 p.m.
7.	Presentation by Leonard Jackson Associates on Stormwater Remediation Projects in Pelham	Discussed
8.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Continuation Approved
	Reports and Other Business	9:15 p.m.
9.	Monthly Budget Review	Discussed
10.	Grants- Status Report	Discussed
11.	Other Business	None
	Recurring Items	9:30 p.m.
12.	Authorizing Accounts Payable	Approved
13.	Authorizing Minutes of: December 18, 2012, January 2, 2013	Approved
14.	Adjournment to Executive Session	10:00 p.m.

Next Regularly Scheduled BOT Meeting:

Tuesday, February 5, 2013

Tuesday, February 19, 2013

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

* The Agenda is subject to change

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Kagan, Marciona, McGoldrick, Marty, Morris

The following members of the Board of Trustees were absent:

Village staff in attendance:

Village Administrator Robert Yamuder, Secretary to the Village Administrator Peter Bonington, and Building Inspector Russo

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss said that residents can leave Christmas trees and wreaths out at the curb for collection until the end of January.

Trustees Reports:

Trustee Lewis

None

Trustee Kagan

None

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

None

Trustee Morris

None

Village Administrator's Report

Administrator Yamuder stated the Village underwent its MS4 audit for proper disposal of stormwater. He said the Village received an A+ for the audit which was the same grade it received last year. He said resources here at Village for residents to learn more about stormwater and its proper disposal.

Trustee Marciona asked with the flooding issue in Pelham how the Village could get high marks on the MS4 audit. The Administrator responded that the MS4 pertains more to the preservation and proper disposal of stormwater as opposed to flooding remediation. He said in past years there have been illicit discharges from residences into the stormwater system. He reported that this year, no illicit discharges were found.

The Administrator added that the Village is a member of a consortium to complete mapping of stormwater systems throughout Westchester County. He said 75% of this mapping was done from the air but the remained 25% will be completed as part of a ground survey. He said these surveys will provide a helpful tool for municipalities.

Administrator Yamuder finished his report by saying that Dennis Rocks of Leonard Jackson Associates (LJA) would be giving a presentation on the phases of the flooding remediation plan in Pelham.

Item #6–Public Comment

None

Item #7– Presentation by Leonard Jackson Associates on Stormwater Remediation Projects in Pelham

Mayor Hotchkiss said the Village has four grant opportunities currently that the Village is pursuing to remediate flooding conditions in the Village of Pelham. He said the Village has received notice of the award of a \$340,000 grant from the EPA as well as a confirmation of a 2008 application as part of the Local Pre-Disaster Mitigation (LPDM) grant programs for \$125,000. He said in some cases a Village matching contribution is required for these grants.

Administrator Yamuder said there are two other 2009 and 2010 LPDM applications the Village is still pursuing. He invited Mr. Dennis Rocks of Leonard Jackson Associates (LJA) to make a presentation regarding the 3rd Street relief drain project.

Dennis Rocks of LJA said his firm was hired by the Village in 2009 to provide conceptual improvements to the Village stormwater system. He said the plan has been to break the project down into seven phases with the idea of bringing the water from the New Rochelle border to the Hutchinson River. Mr. Rocks stated the two questions that must be answered in assessing the capacity of a stormwater system; how much water is coming into the system and how much water can the pipe handle at full capacity. He said based on the assessment made by LJA, the current stormwater

system is equipped to handle a one year storm. By the end of this project, it is hoped that the new system will be able to accommodate a 50 year storm.

Mr. Rocks said Phase 1 of this overall project is to install a 72" pipe alongside an existing 12" pipe on 3rd Street between 4th Avenue and 1st Avenue. This new 72" pipe will take the excess water and deposit it into the river.

At this time, Mr. Rocks said his firm is preparing plans and specifications to be used as bid documents. He is in contact with utility companies about the placement of their utilities and said they have been cooperative thus far.

Trustee Marciona asked if this increased waterflow would cause problems downstream from 3rd Street. Mr. Rocks responded that the Hutchinson River has a massive drainage basin and expected it would be able to absorb the increased waterflow. Administrator Yamuder added that as this is an EPA administered project, the Agency would not sign-off on a project that created or aggravated an issue downstream.

Trustee Marciona asked if Mr. Rocks' firm had explored detention and retention options for stormwater remediation. Mr. Rocks said his firm looked into these options however these options require large areas of land to act as detention areas for stormwater. He said that amount of land is not available in Pelham and so detention/retention is not a viable option for this stormwater improvement.

Trustee Lewis asked if replacing existing catch basins would make a difference in capturing more stormwater as well as replacing the pipes. Trustee Marciona added that using pervious surfaces such as gravel for driveways would be a good practice to institute as well. Mr. Rocks replied that both of these ideas would have benefits but the real assistance would come through these stormwater improvement projects. Mayor Hotchkiss responded that these ideas would both be good as long-term plans.

Administrator Yamuder said the 3rd Street project is the first project in the design phase. He said however, that the Village was recently notified that a 2008 LPDM application is being reviewed in the contractual phases for use along 7th Avenue between 7th Street and 6th Street generally. He said Village also has two other LPDM grants from 2009 and 2010 for other phases of the project. He said there are still three phases of the project that require funding in order to complete. Mayor Hotchkiss added that each grant has a specific phase of the project allocated to it.

Trustee Kagan asked if it would be worthwhile to wait on certain sections of the project and obtain grants for the other unallocated phases before proceeding with construction. Mayor Hotchkiss said the Village should complete the projects as they receive the grants saying that this improvement to the stormwater system has been planned for many years.

Trustee Marciona and Trustee Kagan were concerned that by completing the stormwater projects out of sequence, that the run-off would be transferred downstream to 4th Avenue. Mr. Rocks responded that there could be some transference however he said there are answers to these questions and they will be looked at in the plan making process.

Mr. Hodges of 7th Avenue said he was happy that the Village was moving forward on this initiative. He said however that the Village must divert the water from coming down the hillsides in New Rochelle surrounding 7th Avenue in order to solve the problem.

Administrator Yamuder stated the water is partially originating from Glenwood Lake in New Rochelle but from a weir where the water in the lake trickles down to 7th Avenue. He said in working with the City of New Rochelle, the Village has managed to lower the lake level in anticipation of heavy rains as an added measure against flooding in the area. Mayor Hotchkiss said the best way to relieve the flooding in these flood prone areas is to allow more water to pass through the stormwater system.

Tom Riccio of 4th Avenue said he is also concerned about transferring the water run-off to 4th Avenue.

Valerie James of 7th Avenue said she it is good to see progress on this improvement plan. She urged that whatever can be done to move this process along would be appreciated.

Cherry Charlton of 7th Avenue said she hoped to see flooding relief efforts on 7th Avenue become a reality.

Thelma Boling of 7th Avenue said she hopes the flooding problems can be solved for everyone affected in Pelham.

Mayor Hotchkiss said residents who have concerns or questions can always reach out to the Board of the Administrator. He cannot promise that all the flooding will be alleviated by this improvement but he was confident that it would be greatly reduced.

Item #8– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Mayor Hotchkiss said the Village is incorporating more changes to the draft of the proposed zoning changes. He said the incorporation of these changes would require Spinnaker to apply for a variance and therefore is not a matter for discussion at this time. He stated the purpose of these changes is to promote development in the downtown which he believes is not up to the standards of the community.

Trustee Marty said the Board would like to respond to the two major questions that were raised on the latest public hearings which pertained to the “as or right” question and the concern about 4th Avenue becoming more commercial through development on 5th Avenue. Trustee Marty gave a brief powerpoint presentation summarizing the changes made since the last meeting on January 2, 2013.

Ray Beeler of 254 Ancon Avenue stated his support for the proposed zoning changes citing the principles of Smart Growth which is an urban planning concept for promoting mixed use development in communities. He stated he is a member of the Architectural Review Board (ARB) but is not speaking for the ARB at this assembly. Trustee Kagan added that Mr. Beeler's firm completed the shadow studies which are currently up on the Village website although he did not know whether Mr. Beeler performed the work personally.

Joe Marciona of 50 Clifford Avenue said he had several concerns about increasing density in the downtown of Pelham. He said the close clustering of homes, loss of green space, parking restrictions, and confined streets would create a tightly packed urban environment to the downtown of Pelham.

Tom O'Malley of Manor Lane in Pelham Manor complimented the Board on its approach to changing the zoning code in Pelham. He said from his personal perspective, Pelham would represent a fertile investment opportunity.

Carol Spawn Desmond of the Pelham Preservation Society said her organization opposes the proposed changes as written. She suggested the Board look into senior housing and townhouses as possible development in the downtown. She added that the Saratoga Associates Pelham Comprehensive Plan would be a valuable source of ideas as well.

Mike Carpenter of 50 Central Avenue asked if the impetus behind these proposed changes were a budget issue with the intent to increase the tax base in the Village. Mayor Hotchkiss responded that it is not only to increase the tax base but to provide more variety and diversity in the downtown in terms of shops and restaurants.

Trustee Lewis said that former Town Supervisor Joe Solimine has said that the current situation in Pelham does need to change and that no one proposed project can facilitate that change. Trustee Kagan said there may be empty-nesters and seniors who would like to utilize local merchants and shops. Trustee Marciona added that kids on break from school would also benefit from having a greater variety of shops to choose from.

Trustee Marty said increased tax revenue would assist the Village however as it would shore up the fund balance which was at an all-time low last fiscal year.

Michael Mackay of 42 Maple Avenue said he was concerned about the allowable uses provisions north of Lincoln Avenue. He said he was concerned a franchise like a McDonald's could spring up not far from his residence. He asked the Board why they could not have prohibited uses as well as allowable uses.

Mayor Hotchkiss said the concept behind the permitted uses is that anything not specifically named in the permitted uses is determined to be prohibited until it is brought before the land use boards.

Building Inspector Len Russo said there is no law in the books against franchises coming into Pelham and said only take-away businesses.

Mr. Mackay asked if the Board had confirmed that they have a legal defense against a potential development that the community does not want. Trustee Kagan said the Board reached out to an additional attorney who worked with the Village on past cases of opposing projects. He added the Village is looking at other municipalities which have incorporated some provisions into their codes regarding development. He cited the City of White Plains and the Town of Rye Brook as examples.

Brian Valente of 38 Birch Avenue stressed increased Board dialogue with the community saying that this process needs to be done right. Mayor Hotchkiss said the Board has solicited community input and the Trustees are always happy to discuss these proposals with residents.

Wendy Scott-Williams of 5 Pine Avenue expressed concerns regarding creating density in the downtown such as parking, taller buildings, and the loss of the small town feel.

Art Scinta of Cliff Avenue stated that past Village Boards have struggled with these same issues. He stressed a need for the implementation of correct zoning as part of the smart growth principles.

Item #9– Monthly Budget Review

Administrator Yamuder stated the Village is approximately seven months through the current Fiscal Year and is approximately 60% on its budgeted expenditures. He said that last year at the same time the Village was approximately 61% spent which shows the Village is in a good place with its financials thus far. He added that the projected sales tax collection is expected to be higher than usual.

The Administrator said the overtime for the Village departments was 72% for the Police, 61% for the DPW, and 78% for the Fire Department. He said the Fire Department overtime for last year was almost 95% which serves to show that the overtime for that department has been greatly reduced.

Item #10– Grants- Status Report

Secretary Bonington gave the grant status report. He stated that the Village is still pursuing four funding opportunities for flooding remediation.

He said the Village is also asking for updates on the Economic Development Program (EDP) for Wolfs Lane Park. He said the latest information is that the application has been passed up to the State legislature for approval. After that approval is given, it will be transferred to the Division of Budget for their review. Once their review is complete, a Grant Disbursement Agreement will be provided to the Village to retrieve the awarded funds.

The Secretary also stated the contracts and additional documentation for the Urban Forestry Grant 2013 were returned to the Department of Environmental Conservation (DEC). He said the Village will be receiving more paperwork once they have completed their review.

Item #11–Other Business

Trustee Marty asked if the Village was moving forward on the purchase of the State owned property next to the Post Office. Administrator Yamuder stated he had spoken to the State and Westchester County contacts regarding this inquiry and said that the County will resume the dialogue with the State in hopes of moving these negotiations along.

Trustee Marciona said she is not in favor of making that parcel of land into a parking lot. She said the Village should explore other options including parking structures.

Item #12– Authorizing the Accounts Payable

Trustee Morris audited the Accounts Payable.

A motion was made by Trustee Morris and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a 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	\$ 122,449.38
Water Fund	\$474.00
Capital Projects Fund	\$38,642.68
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE ExpendableTrust Fund	\$0.00
Grand Total	\$161,566.06

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

Item #13– Authorizing Minutes of: December 18, 2012, January 2, 2013

A motion was made by Trustee Morris and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

December 18, 2013- Approved

January 2, 2013- Tabled

Item #14– Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Morris to adjourn the public portion of the Board meeting and go into Executive Session to discuss a personnel matter at 10:50 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator