

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 ADDITIONAL REGULAR MEETING  
 WEDNESDAY, NOVEMBER 12, 2014, 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

# Agenda Items:

<b>Non-Recurring Items</b>		
7.	Site Plan Application by Rothschild for 141 Loring Avenue for a Proposed Additions	<b>Approved</b>
8.	Site Plan Application by Exquisite Properties for 435 Seventh Avenue for a Proposed Single-Family Dwelling	<b>Approved</b>
9.	Presentation on Proposed Woodland Park Children’s Play Area in Wolfs Lane Park	<b>Discussed</b>
10.	Resolution to Amend New York State Law Section 11-1128 to Allow the Board of Trustees to Authorize the Sale of the Village of Pelham’s Water System.	<b>Approved</b>
11.	Authorizing The Village-Wide Bagging Of Short-Term 2 And 3-Hour Limit Parking Meters For Holiday Shopping Starting On Friday, December 12th Through Monday, December 29th	<b>Approved</b>
12.	Other Business	<b>None</b>
<b>Recurring Items</b>		
13.	Authorizing Minutes of: October 21,2014	<b>Approved</b>
14.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

Tuesday, November 18, 2014  
 Tuesday, December 2, 2014

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

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

The following members of the Board of Trustees were present:

Mayor Cassidy, Trustees Senerchia, Mutti, Reim, and Kagan

The following members of the Board of Trustees were absent:

Trustees Marty and Volpe

Village staff in attendance:

Village Administrator Robert Yamuder, Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Cassidy.

Reports:

Mayor Cassidy Report

Mayor Cassidy stated the public hearing regarding the ExteNet special permit application will be continued at the next Board meeting on November 18<sup>th</sup>.

He thanked Detective Rick Deere, who will be retiring this year, for his 30 years of service to the Village.

Trustees Reports:

Trustee Kagan

None

Trustee Marty

Absent

Trustee Mutti

Trustee Mutti reported that the Clock Tower by Harmon Avenue has been repainted thanks to the funds donated by the Pelham Preservation and Garden Society.

She stated there has been a coyote sighting in Pelham. She advised residents to be vigilant especially with dogs and small children.

She stated that there will be an MTA onsite meeting to discuss track noise and other issues.

Trustee Reim

None

Trustee Senerchia

Trustee Senerchia stated he attended the Pelham Civic's Dinner and stated it was good to see the Pelham community come together for this event.

With regard to Veterans Day, he thanked all Pelham veterans for their service.

Trustee Senerchia stated that after 30 years of service, Detective Rick Deere will be retiring from the Pelham Police Department at the end of the month. He thanked Detective Deere for his service. He also reminded the public that it may be discussing future police hires at coming meetings.

Trustee Volpe

Absent

Village Administrator's Report

None

Item #6– Public Comment

None

Item #7– Site Plan Application by Rothschild for 141 Loring Avenue for Proposed Additions

Justin Minery, the architect, spoke the Board about the site plan for 141 Loring Avenue. He said the owners are proposing additions to the property that are all within the zoning ordinances.

Trustee Kagan asked if there would be a height change in the building.

Mr. Minery stated there would be no increase to the building's height as the result of these additions. Administrator Yamuder stated that all setback requirements were confirmed by the Building Inspector.

Trustee Senerchia stated he felt that the additions were an improvement to the house.

Trustee Reim added that there was no dissenting vote from the ARB or Planning Board.

A motion was made by Trustee Mutti and seconded by Trustee Senerchia to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Volpe were absent.

RESOLVED, that the application for a Site Plan by Rothschild is approved, based on the review and recommendations by the Planning Board (hereinafter "Planning"), Architectural Review Board (hereinafter "the ARB") which the Planning and ARB approval memos are attached to and made a part of this approval; and

BE IT FURTHER RESOLVED, that the conditions applied by Planning and ARB are as follows:

1. All work shall be performed in compliance with Planning approval, NY State Building Code and Village of Pelham Zoning Code, as noted on plan drawings, dated September 24, 2014 as prepared by Justin Minieri, Architect;
2. Builder required to provide foundation location survey with all top of foundation elevations given to verify compliance with site plan with respect to location of addition and approved setbacks and approved height of foundation before framing commences, failure to provide foundation location survey at time specified can cause a stop work order until foundation location is certified to be in accordance with approved site plan
3. All plantings for the addition be as per approved plans;
4. These additions will be built in accordance with the plans which are approved by the Planning Board and/or the Architectural Review Board of the Village Of Pelham ; and

BE IT FURTHER RESOLVED, that this application for a site plan to include two 2 story and one 1 story additions at 141 Loring Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval, including the imposition of additional conditions and requirements as may be necessary. No deviations from the site plan without prior approvals from applicable board or agency.

# MEMO

Date: October 23, 2014

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed additions at 141 Loring Avenue

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Rothschild for two 2 story and one 1 story additions at 141 Loring Avenue.

Work shall be performed as shown on drawings A01, A02, S1, A04, A05, A10, A11, A12, A17, A18, A19, A20, A21, Plans prepared by Justin Minieri, Architect are dated 9/24/2014, with revisions on 10/21/2014 as per ARB comments.

Item #8– Site Plan Application by Exquisite Properties for 435 Seventh Avenue for a Proposed Single-Family Dwelling

Eric Osborne, the architect, and Mike Bealy, the engineer, stated they intend to build a single family dwelling at the 435 7<sup>th</sup> Avenue location.

Trustee Senerchia stated he had asked about proper drainage and drywells and his questions were answered by the Administrator and Building Inspector. He stated he felt that this dwelling would be a great improvement to the block.

A motion was made by Trustee Senerchia and seconded by Trustee Mutti to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Volpe were absent.

RESOLVED, that the application for a Site Plan by Exquisite Properties is approved, based on the review and recommendations by the Planning Board (hereinafter “Planning”), Architectural Review Board (hereinafter “the ARB”) which the Planning and ARB approval memos are attached to and made a part of this approval; and

BE IT FURTHER RESOLVED, that the conditions applied by Planning and ARB are as follows:

1. All work shall be performed in compliance with Planning approval, NY State Building Code and Village of Pelham Zoning Code, as noted on plan drawings, dated December 2, 2013 as prepared by Eric Knute Osborn, Architect;
2. Builder to notify all neighbors of start date and must comply with noise ordinance;
3. Builder required to have property staked out by surveyor prior to excavation to show location of house as per site plan;
4. Builder required to use vibration monitoring devices set up and overseen by engineer during excavation and rock removal;
5. Builder required to provide foundation location survey with all top of foundation elevations given to verify compliance with site plan with respect to location of house and approved setbacks and approved height of foundation before framing commences, failure to provide foundation location survey at time specified can cause a stop work order until foundation location is certified to be in accordance with approved site plan ;
6. All roof and other surfaces must drain into approved drywells as per plans;
7. All plantings for the one family house be as per approved plans;
8. The house will be built in accordance with the plans which are approved by the Planning Board and/or the Architectural Review Board of the Village Of Pelham ; and

BE IT FURTHER RESOLVED, that this application for a site plan to include a single family dwelling and landscaping at 435 Seventh Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval, including the imposition of additional conditions and requirements as may be necessary. No deviations from the site plan without prior approvals from applicable board or agency.

# MEMO

Date: July 21, 2014

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 435 7<sup>th</sup> Avenue  
Application for new single family residence  
Applicant: David Makan/Harry Pallett

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new single family residence at 435 7<sup>th</sup> Avenue

The Planning Board unanimously (5-0) approved the application conditioned upon Applicant providing: a) architectural treatment shown on drawing for facade of rear retaining wall b) screening shown on drawing for base of rear retaining wall; c) construction time line and d) lighting information.

The Applicant has provided the detail and information requested.

Work shall be performed as shown on Project Drawings Sheets A-1, A-2, A-3, A-4 dated December 16, 2013, prepared by Eric Knute Osborn, Architect and Plot Plan Sheets 1 and 2 dated December 2, 2103 and redated January 30, 2014, March 20, 2014, May 9, 2014 and July 9, 2014 prepared by Michael E. Miele, P.E., and on the Planting Plan dated March 12, 2014 prepared by Robert G. Torgersen, Landscape Architect & Environmental Services.

R Veith for the Planning Board

# MEMO

Date: October 15, 2014

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed single-family dwelling at 435 Seventh Avenue

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Exquisite Properties for a proposed single-family dwelling at 435 Seventh Avenue.

Work shall be performed as shown on drawings A-1, A-2, A-3, A-4. Plans prepared by Eric Knute Osborn, Architect are dated 12/2/2013, with revisions on 3/20/2014, 5/9/2014, 6/8/2014, 10/23/2014 as per ARB comments.

## Item #9– Presentation on Proposed Woodland Park Children’s Play Area in Wolfs Lane Park

Trustee Mutti gave a presentation on the proposed Woodland Park area of Wolfs Lane Park. She outlined the background of events and changes that have taken place that has led to the partnership with the Junior League and retaining Fred Martin as the landscape architect.

She stated that she and the Junior League have worked hard to address concerns raised by residents who live nearby. She stated the Police will patrol around the park on a regular basis, the DPW will perform the necessary maintenance, and the R&S waste will empty any garbage cans regularly.

She added that an ADA playground inspector has reviewed the schematics and an errors and omissions statement is forthcoming.

Trustee Reim asked about whether security cameras would look into houses lining the park. Trustee Mutti responded that cameras will be included as part of the overall park design. Trustee Senerchia added that cameras usually come equipped with infrared capability.

Mayor Cassidy stated that this project helps a number of objectives of the Board such as promoting the downtown and increasing foot traffic. He said he recognizes that this proposed park effects some residents more than others however the Board must balance their considerations with the rest of the community as a whole.

Jessica Dibendito, the President of the Junior League, stated a great deal of time, energy, and patience went into this process so far. She said this project would be a big benefit to local communities and fulfill their desire for a signature project.

Zoe Enriquez of the Junior League said she has been involved with this process since 2012 and had worked with the prior administration on this project. She said much of the traction is thanks to this administration however and she thanked Trustee Mutti for her efforts.

Mayor Cassidy added that the Board has received many letters of support from non-Junior League members in support of this project. He added that the Junior League will be paying for this project with no cost to the Village taxpayers.

Trustee Senerchia reminded the public that this park would be another place for neighborhood kids to go and asked residents to keep that in mind.

Tom Farley of 142 Nyac Avenue asked about the communication the Village has had between the ADA inspector on this issue.

Trustee Mutti stated the Village had received an initial report after a site visit by the Inspector. She said this brought about some design changes as well as a yearly site visit to ensure compliance.

Mr. Farley stated that he felt many issues were not addressed in terms of making the park handicapped accessible. He said he was concerned that the Village could be liable under the law for this.

Trustee Mutti stated that the park plans will have to be signed off on by a professional. She said she will be having more conversations with them after the initial report. She said she felt comfortable that the Village has done its due diligence. When the report is done, she said she will share it with the public.

Mayor Cassidy stated the Village has done its best to be compliant and hired an expert to ensure compliance.

Trustee Reim asked if Mr. Farley was in favor of the park in principle.

Mr. Farley stated that he is not in favor of it because of where it is.

Trustee Senerchia asked if Mr. Farley would be concerned about the ADA requirements if the park was moved elsewhere.

Mr. Farley stated that he was primarily concerned about lawsuits that the Village could be held liable for.

Trustee Mutti stated the Board is primarily concerned with safety of residents and visitors to this proposed park.

Catherine Quiller of Stellar Avenue in Pelham Manor said this park will serve both communities well.

Mayor Cassidy stated that the Board will plan to discuss and vote on this proposal at one of the upcoming meetings.

Item #10– Resolution to Amend New York State Law Section 11-1128 to Allow the Board of Trustees to Authorize the Sale of the Village of Pelham’s Water System.

Trustee Kagan stated the Board has been in discussion with United Water to transfer control of the Heights water district to them. He said the Board is making the following resolution, amended a previous law to allow for the sale of the water district to a waterworks corporation.

Trustee Kagan stated after this step is taken the agreement is ready to be signed and will be sent to the Public Service Commission (P.S.C.) for their approval.

Trustee Reim stated this agreement reflects well on the Board and the Village’s counsel.

A motion was made by Trustee Kagan and seconded by Trustee Mutti to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Volpe were absent.

WHEREAS, pursuant to Section 10 of the New York State Municipal Home Rule Law, the Board of Trustees may invoke its Home Rule power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government; and

WHEREAS, the Board of Trustees desires to amend the New York Village Law Section 11-1128 as applied to the Village of Pelham so that the Board of Trustees may authorize a sale of the Village of Pelham water distribution system, to a water-works corporation established pursuant to article four of the Transportation Corporation Law; and

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 22 of the New York State Municipal Home Rule Law, the Village of Pelham Board of Trustees invokes its Home Rule power to authorize the amendment of New York Village Law Section 11-1128 as applied to the Village of Pelham, as follows:

In the first sentence, after the words ‘county water district’ the following shall be added: **“a water-works corporation established pursuant to article four of the transportation corporation law,”**

**Notwithstanding the provisions of any other law, general or special, a village may (1) sell or lease its water supply and distribution system, or any part thereof, to a water authority, a county water district [,**

**a water-works corporation established pursuant to article four of the transportation corporation law], a water-works corporation established pursuant to article four of the transportation corporation law, or a joint water works system established pursuant to Article Five-B of the General Municipal Law or (2) sell, transfer or lease properties constituting its water supply and distribution system, or any part thereof, for a fair consideration, to any person or public corporation for any use other than the supply or distribution of water for potable purposes upon a determination by the Board of Trustees of the village that the properties to be sold, transferred or leased are no longer necessary for water supply or other village purposes. The proceeds of such sale, transfer or lease shall be deposited in a reserve fund established for the purpose of retiring outstanding obligations issued by the village to finance the cost of the facilities sold and shall be expended only for such purpose, except as provided below. If the proceeds exceed the sum of all installments of principal of and interest on such indebtedness due or to become due, or if, when all such outstanding obligations shall have been retired, any moneys remain unexpended in the reserve fund, such excess moneys may be used for any village purpose.**

Item #11– Authorizing the Village-Wide Bagging of Short-Term 2 And 3-Hour Limit Parking Meters For Holiday Shopping Starting on Friday, December 12th through Monday, December 29<sup>th</sup>

Administrator Yamuder stated that he received a request from the Village Chamber of Commerce asking to bag the parking meters along 5<sup>th</sup> Avenue and Wolfs Lane for a two week period during the holidays.

Mayor Cassidy stated this has been a traditional request that the Village has honored to support the merchants. He said the Village gives up approximately \$5,000 to \$7,000 in revenue from these meters to encourage more shopping downtown. He encouraged residents to shop locally this holiday season.

Trustee Senerchia stated the meter bagging is not for overnight parking and not to allow merchants to park in front of their stores during the day.

Trustee Kagan stated that the two-hour limit is still in effect during the meter bagging.

A motion was made by Trustee Reim and seconded by Trustee Senerchia to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Volpe were absent.

RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the Public Works and the Police Departments to coordinate and implement the Village-wide bagging of on-street, short term, two & three-hour limit parking meters in the Downtown during the holidays, for holiday shopping from Friday, December 12<sup>th</sup> through Friday, December 29<sup>th</sup>. Vehicles may park free-of-charge at short-term two or three hour limit parking meters for a maximum of two hours.

Item #12– Other Business

None

Item #13– Authorizing Minutes of: October 21, 2014, November 6, 2014

A motion was made by Trustee Senerchia and seconded by Trustee Kagan to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Volpe were absent.

October 21, 2014- Approved

The Board decided to table this resolution until a later meeting.

November 6, 2014- Tabled

Item #13– Adjournment to Executive Session

A motion was made by Trustee Senerchia with a second by Trustee Mutti to adjourn the public portion of the Board meeting at 8:28 pm and go into Executive Session to discuss a pending legal matter after which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustee Marty and Volpe were absent.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator