

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, OCTOBER 21, 2008 – 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 | | Approximate |
| 6. | Public Comment | | Starting Time |
| # | Agenda Items: | | of Discussion |

	Committee Reports		7:45 p.m.
7.	Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements; Hank White).		Discussed
8.	Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc.).		Discussed
9.	Environmental – (LED light status report).		Discussed
10.	Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee).		Discussed
11.	Human Resources & Administration, incl. Dept. Risk Assessments.		Discussed
	Audit Presentation		8:15 p.m.
12.	Financial Audit of the Village of Pelham, by auditors from O’Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD)		Presented; Accepted.
	Site Plan Application		8:45 p.m.
13.	Site Plan application by Lippolis Electric to change the intensity of use at 25 7 th Street (formerly MVM construction).		Approved.
	Public Hearings		9:00 p.m.
14.	Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV.		Hearing continued.
15.	Continued Public Hearing on a Proposed Local Law amending the Site Plan Code Ch. 79 and 98 of the Pelham Village Code to delegate the Planning Board authority to approve certain Site Plan applications.		Hearing closed to revise the draft law.
16.	Continued Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding creating Hardship Overnight Parking Exemption Permits for handicapped drivers.		Hearing continued.
	Parking Regulations		9:15 p.m.
17.	Considering a Code Change to extend the 2-hour parking limit in the Heights from 2 nd Street East, to Boulevard, for several streets including Corona, Monterey, Loring, Cliff and Highbrook Avenues.		Approved.
	Housekeeping		9:30 p.m.
18.	Authorizing the Accounts Payable		Approved.
19.	Other Business		Discussed
20.	Minutes: Aug. 5, 2008, Sept. 9 2008, Sept. 23, 2008, Oct. 7, 2008.		Tabled.
21.	Adjournment – at 8:45 p.m.		Adjourned

Next Scheduled Board Meetings are Wednesday, November 5, 2008; and
Tuesdays, November 18, December 2, and December 16, 2008.

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

The Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING MINUTES
TUESDAY, OCTOBER 21, 2008 – 7:30 P.M.
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 Edward Hotchkiss at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Lewis, Morris and Potocki. Trustees Breskin and Homan were absent. Trustee Weinstein arrived at 8:45 p.m.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, Financial Director Shirley Brown, and Deputy Treasurer Deborah DelGrosso.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report:

Mayor Hotchkiss reported that Trustee Homan was not able to attend the board meeting because she is tending to her father who is sick. He also mentioned that Trustee Breskin was not able to attend the board meeting because he is representing the village at a Junior League meeting.

Item #4 – Trustees' Reports:

Trustee Potocki had nothing to report that was not included on the agenda.

Trustee Lewis had nothing to report that was not included on the agenda.

Trustee Morris reminded everyone about the fire inspection that is taking place on November 8, 2008 at 7pm at the firehouse.

Item #5 – Village Administrator's Report – including VOP Quarterly Financial Report:

Village Administrator Richard Slingerland had nothing to report that was not included on the agenda.

Item #6 – Public Comment:

Robert Hoch of Cablevision reported that Cablevision has extended their cable box offer to analog customers who need to convert to a digital box through December 31st. Residential customers can call (800)-353-9821 and select option #3. This offer is only available to residential customers who do not have a digital box. Those people who have basic analog service would be able to receive digital access channels with the cable box.

Mayor Hotchkiss thanked Cablevision for extending this offer to help subscribers.

Trustee Morris reported that she, Mayor Hotchkiss, Administrator Slingerland, and Barbara Bartlett met with Hank White immediately before the board meeting to discuss plans for Wolfs Lane Park. Administrator Slingerland will coordinate with Hank White to have Mr. White make a presentation at the November 5th or November 18th board meeting.

Item #7 – Open Spaces (Purchase of trash /recycling cans and benches, and bike racks; business Façade improvements; Hank White):

Administrator Slingerland mentioned that the cans and benches will be delivered to the village soon. Mr. Slingerland and Trustees Homan and Morris are coordinating the locations for the bicycle racks. Mr. Slingerland also mentioned that the Main Street Grant Project is moving along and businesses are starting to go before the ARB with their façade plans.

Item #8 – Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc):

Administrator Slingerland mentioned that he and Trustee Morris will be meeting with the Westchester County Flood Summit Task Force this Thursday October 23rd. Mr. Slingerland is also working with Westchester County to develop a more specific request for proposals (RFP) for engineering services, to obtain the most valuable and appropriate analysis and recommendations for improvements to the Village's stormwater sewer system.

Item #9 – Environmental – (LED light status report):

Administrator Slingerland mentioned that he had scheduled to meet with an L.E.D. vendor this morning. The meeting was cancelled by the vendor, and will need to be rescheduled. Mr. Slingerland also mentioned that the New York Power Authority (NYPA) has expressed a willingness to help the village with its L.E.D. project.

Item #10 – Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee):

Administrator Slingerland reported that Pelham Medical Group is proceeding with their Phase 2 plans. The village is expecting to receive a report on the stability of the concrete that was poured by the contractors for Pelham Medical group. Lordae Realty is in the process of submitting plans to continue remediation work.

Item #11 – Human Resources & Administration, incl. Dept. Risk Assessments:

Administrator Slingerland mentioned that he and Trustee Homan are working on a human resources manual and a risk assessment report for the village.

Item #13 – Site Plan application by Lippolis Electric to change the intensity of use at 25 7th Street (formerly MVM Construction):

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

Fred Jeremy (architect for the project) spoke about the project for a change in use on the ground floor from office space, to warehouse mixed with office space.

Planning Board Chairwoman Richard Veith reported that the planning board had reviewed and approved the plan. The proposed changes to the property are small with minor changes in parking and installation of a door on the west side of the building.

A motion was made by Trustee Lewis, with a second by Trustee Potocki to approve the site plan. The resolution was approved unanimously by vote of four in favor, none opposed. Trustees Breskin, Homan, and Weinstein were absent.

RESOLUTION
AUTHORIZING THE SITE PLAN (FRED GEREMIA ARCHITECTS) FOR CHANGE OF USE
OF 1ST FLOOR AT 25 SEVENTH ST

RESOLVED, that the application for change of use of 1st fl at 25 7th Street is approved, based on the review and recommendations by the Planning Board and;

BE IT FURTHER RESOLVED, that conditions apply as follows:

1. That work shall be performed as shown on Project Drawing A-1, A-2, A-3, A-4, and A-5 (dated 9/30/2008.), prepared by Fred Geremia Architect. That all elements of the proposed change be in compliance with the site plan as approved by the Planning Board.
2. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
3. At no time may construction commence without strictly adhering to the construction timeline. Noncompliance will be considered a violation of the Planning Board approval;
4. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per the Village Noise Ordinance.
5. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
6. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
7. At no time may construction commence without strictly adhering to the construction timeline. Noncompliance will be considered a violation of the Planning Board approval;
8. Fred Geremia ,Architect will certify compliance with all specifications on the plan and provide a written and stamped sign off of all certifications in order to obtain certificate of occupancy;

AND, BE IT FURTHER RESOLVED, that this application for a site plan by Fred Geremia, Architect for 25 7th Street, 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 officials of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Planning Board Memo is attached to and made a part of this approval, following here:

MEMO

Date: October 15, 2008

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: Applicant: Lippolis Electric, represented by Fred Geremia Architects
Property: 25 Seventh Street
Application for a Change of Use of first floor (no exterior changes)

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the Proposed change of use for the first floor of the premises at 25 Seventh Street from office space to warehouse mixed with office space. The Planning Board unanimously approved the application for the proposed change of use for the first floor submitted by the applicant.

All work relating to the renovation to change the use for the first floor shall be performed as shown on Plan Drawings A-1, A-2, A-3, A-4 and A-5 dated 9/30/2008 by Fred Geremia Architect.

RV

Item #12 – Financial Audit of the Village of Pelham, by auditors from O’Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD):

Tom Kennedy and Catherine Rapfogel of O’Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis were present and gave a presentation about the villages’ financial audit.

In summation they mentioned that the audit went well, the Village’s financial policies and procedures are sound and well managed, and there was no evidence of fraud. The auditors made a few comments that the Village’s fund balance is within an acceptable range for the general fund, but that it is rather high at about thirty percent for the water fund. Administrator/Treasurer Slingerland mentioned that the amount is appropriate to provide for the operations and cash-flow for the water fund. The water fund cash flow requires payment for three months (one quarter) of water usage to United Water, before the Village bills our customers for their usage. Also, the Village is maintaining that balance to cover two minor, or one major water main break. The auditors found both these and the rest of the explanations to be acceptable.

The audit report made some additional recommendations for the village to improve, but found for the most part that all financial records were well maintained and recorded. Based on that assessment, the Board unanimously accepted the financial report for FY 2007-2008.

Item #14 – Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV:

The board agreed unanimously to continue this hearing through the November 5, 2008 board meeting.

Item #15 – Continued Public Hearing on a Proposed Local Law amending the Site Plan Code Ch. 79 and 98 of the Pelham Village Code to delegate the Planning Board authority to approve certain Site Plan applications:

A motion was made by Trustee Lewis, with a second by Trustee Morris to close the public hearing and table the proposed local law for revision. The motion was approved unanimously by vote of four in favor, none opposed. Trustees Breskin, Homan, and Weinstein were absent.

Note: Change recommended by the Building Inspector and the Administrator to 79-4, G. 2.

LOCAL LAW NUMBER OF 2008

A local law to repeal Chapter 79, to adopt a new Chapter 79 Site Plan and to amend Chapter 98 to make it consistent with the new Chapter 79

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

SECTION 1

Chapter 79 of the Code of the Village of Pelham is repealed, and the following new Chapter 79 Site Plan is adopted:

Chapter 79, SITE PLAN APPROVAL

§ 79-1. Title.

The chapter shall be known as "Chapter 79 Site Plan Approval of the Code of the Village of Pelham."

§ 79-2. Purpose.

This chapter is enacted pursuant to the provisions of § 7-725a of the Village Law of the State of New York to ensure that proposed development and land use within the Village of Pelham will be harmonious with the existing or permitted use of contiguous land and of adjacent neighborhoods and that proposed development takes into consideration public health, safety, welfare, comfort and convenience.

§ 79-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVAL AUTHORITY – The board with the authority to give final approval of a site plan.

SITE PLAN -- A plan which shows a proposed development and/or use of land within the Village of Pelham. Such plan shall consist of a map or maps and supporting documentation as set forth in § 79-9 herein.

§ 79-4. Applicability.

The types of development or use set forth below shall require site plan approval by the Village of Pelham as specified in §79-5:

- A. The erection of any building in a non-residential district
- B. The erection of any building for a principal use in a residential district
- C. The erection of any permitted accessory building which is located in a residential district and has a building area of more than 275 square feet.
- D. The enlargement of any residential building that results in the expansion of living space, as defined by the NYS Building Code, by more than 35% or 750 square feet.
- E. The substantial alteration or modification of land from its natural state, whether by regrading or the addition of structures other than buildings.
- F. Any change in the use or intensity of the use of premises which will require a modification of existing means of ingress or egress, parking or loading facilities, drainage, utilities, landscaping, screening or outdoor lighting unless the work performed is pursuant to a previously approved site plan that is still valid. Excluded from review under this Chapter are changes of signs, awnings, canopies, marquees and barber poles and the lighting thereof which are regulated by Chapter 77.
- G. Any alteration or modification of a building in a non-residential district with the following exceptions:
 - 1. Work performed pursuant to a previously approved site plan that is still valid;
 - 2. Repainting a previously painted exterior surface that is visible from the street, with the same color;
 - 3. Replacement of any window or door with one that has the same style, size and location;

4. Maintenance of an exterior surface of brick or stone work, stucco, steps or platforms, wood shingles, trim and other protective finishes, but not the replacement of exterior surface finishes that result in the change of the material of the exterior surface, of the finishes or of the design; and
5. Pointing of brick or stone work and measures to prevent the entry of water into a building that do not require covering any portion of the existing design features or the exterior surface materials.
6. Changes of signs, awnings, canopies, marquees and barber poles and the lighting thereof which must be approved by the Architectural Review Board pursuant to Chapter 77.

H. Creation of a driveway.

I. Installation of an in-ground pool

§ 79-5. Designation of the approval authority for site plans.

- A. The Planning Board shall be the approval authority for site plans for the types of development described in § 79-4C, D, E, H and I.
- B. The Board of Trustees shall be the approval authority for site plans for the types of development described in § 79-4A, B, F, and G.

§ 79-6. Standards for review; objectives.

- A. The Board of Trustees, Planning Board, all other Village Boards and agents, whether considering and approving applications or preparing recommendations and findings, shall take into consideration:
 - (1) Public health, safety and general welfare; and
 - (2) The comfort and convenience of the general public, of the residents or users of the proposed development, and of the immediate neighborhood.
- B. The Board of Trustees, Planning Board, all other Village Boards and agents shall also prescribe appropriate conditions and safeguards consistent with the general purpose and intent of this chapter and Chapter 98 of the Code of the Village of Pelham, and all other applicable law to achieve the following objectives:
 - (1) That all proposed traffic access ways
 - (a) Have sufficient, but not excessive, capacity;
 - (b) Are adequate in width, grade, alignment and visibility;

- (c) Are not located too near street corners or places of public assembly;
 - (d) Are designed with due regard to other similar safety considerations; and
 - (e) Are provided with all traffic safety devices needed for the protection of motorists, cyclists and pedestrians.
- (2). That the interior circulation system is adequate to provide safe access to all required off-street parking spaces, loading bays and building services.
 - (3) That the locations of areas for play and other active use take into consideration the users' safety and welfare.
 - (4) That at all seasons of the year all playground, parking and service areas are reasonably screened from the view of adjacent residential lots and streets where such screening is necessary for the protection of such lots and streets and is practical;
 - (5) That the general landscaping of the site is consistent with or superior to that of the neighborhood and will enhance the aesthetics of the abutting street or streets;
 - (6) That all existing trees over eight inches in diameter, measured three feet above the base of the trunk, are retained to the maximum extent possible.
 - (7) That all plazas and other paved areas use decorative pavements and/or plant materials so as to avoid the creation of vast expanses of pavement.
 - (8) That all outdoor lighting is designed and placed to:
 - (a). Harmonize with the character of the neighborhood; and
 - (b) Limit, to the extent reasonable, the diffusion of glare onto adjoining properties and streets.
 - (9) That the drainage and sewerage systems comply with all applicable law. Such compliance includes, but is not limited to, drainage and sewer systems that are adequate to accommodate any expected loads which include all runoff from the tributary watershed at full development under the existing zoning. This includes, when practical, on-site retention for rains up to 2 inches within a 24 hour period for all the increased impervious surfaces caused by the improvements.
 - (10) That the planned development will include no illegal discharges or illicit connections to the village separate storm sewer system and complies with Chapter 57 of the Village of Pelham Code and all other applicable laws.
 - (11) That all proposed structures, equipment or materials will be readily accessible for fire protection and will not constitute a fire hazard to adjacent structures.

- (12) That the site plan and building design consider energy conservation.
- (13) That the site layout and overall appearance of buildings on the site will have no reasonably avoidable adverse impact on the established character, desirability, or value of the adjacent properties.
- (14) That the building designed is responsive to the design characteristics of the adjoining lots, other structures within 200 feet of the site or the Village as a whole, whichever is more appropriate.

§ 79-7. Procedure.

All applications for site plan approval shall follow the following procedure:

- A. Presubmission conference to determine zoning compliance and contents of site plan and supporting information,
 - (1) Prior to submitting a formal site plan, the applicant shall meet in a presubmission conference with the Building Inspector so that the Building Inspector can determine whether the proposed development complies with Chapter 98 of the Code of the Village of Pelham or whether the applicant must apply for a variance from the Zoning Board of Appeals.
 - (2) After the Building Inspector determines that proposed development does not require a variance from the Zoning Board of Appeals or after the required variance from the Zoning Board of Appeals has been obtained, the Building Inspector will determine what information listed in § 79-9 must be included in the site plan application
 - (a) If the applicant agrees with the Building Inspector's determination of what information must be supplied to the Planning Board, then the applicant shall prepare the site plan and required supporting information.
 - (b) If the applicant disagrees with the Building Inspector's determination of what information must be provided with the site plan, then the applicant may apply to the Planning Board to review solely what information must be submitted with the site plan.
 - (c) The Building Inspector or Planning Board may revise or waive the provisions of any of the required information listed in § 79-09. Such revisions or waivers may be granted only after a finding that:

- [1] Such requirement is inappropriate or unnecessary due to the limited nature of the proposed development, special conditions particular to the site or the fact that strict compliance with such requirement will cause such unnecessary work, expense or hardship.

[2] The granting of such revisions or waiver does not interfere with the accomplishment of the purposes and intent of this chapter nor have a detrimental effect on the public health, safety or general welfare.

- B. Submission. After the scope of the information required for submission of the site plan is determined, the applicant shall submit to the Building Inspector
- (1) A completed declaration of intent to develop form that is provided by the Village;
 - (2) One copy of the site plan with related and supporting information;
 - (3) The fee set by resolution of the Board of Trustees; and
 - (4) Proof of 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 10 days prior to the date of the scheduled consideration by the Planning Board. Proof of the notice will be an affidavit, or other proof of delivery, or proof of mailing, which must be provided by the applicant to the Village Clerk prior to the Planning Board meeting.
- C. Then the Building Inspector shall review the original or amended site plan to determine whether the architect has designed a structure that complies with all applicable laws. The Building Inspector shall also confirm that the application contains all the required elements set forth in § 79-9 which were not specifically waived by the Building Inspector or Planning Board. If the Building Inspector finds that the application is incomplete or fails to comply with all applicable requirements, within 15 working days of its receipt, he shall return the application to the applicant and indicate the specific deficiencies to be remedied.
- D. Once the Building Inspector determines that the application is complete and complies with all applicable laws, an applicant will supply additional copies of the site plan and its supporting documentation. Applicants submitting a site plan for a type of development described in § 79-4C, D, E, H or I must supply the Building Inspector with seven (7) complete copies of the site plan and its supporting documentation. Applicants submitting a site plan for a type of development described in § 79-4A, B, F, or G will supply the Building Inspector with fifteen (15) complete copies of the site plan and its supporting documentation.
- E. Delivery of completed site plans to the approval authority. In cases of site plans for development of the type described in § 79-4C, D, E, H or I, the Building Inspector will forward the copies of the site plan and its supporting documentation to the Planning Board within five (5) working days from the time the Building Inspector receives the required number of completed plans. In cases of site plans for development described in § 79-4A, B, F, or G, the Building Inspector will forward the copies of the completed site plan and its supporting documentation to the Planning Board and the Board of Trustees within five (5) working days from the time the Building Inspector receives the required number of completed plans. The date

of submission of the site plan to the Board with approval authority shall be considered the official submission date.

- F. Upon receipt of the copies of the site plan, the Planning Board will forward the application to those Village Boards that it deems appropriate. The Building Inspector and any board to which the site plan is forwarded shall submit its written recommendations and findings to the Planning Board. Such recommendations and findings must consider the standards set forth in § 79-6, and be submitted to the Planning Board no later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.
- G. Planning Board Review of Site Plans.
- (1) In cases of site plans for the types of development described in § 79-4C, D, E, H or I, the Planning Board shall approve, approve with conditions or disapprove any such site plan within 30 days following the close of the public hearing or if no hearing is held, within 60 days of the official submission date. These time periods may be extended with the consent of the applicant. In reviewing the application, the Planning Board shall request that the applicant make revisions which the Planning Board deems necessary to ensure that the proposed development will conform to the intent and requirements of this chapter. If the Planning Board disapproves the application, within 10 days of its decision it shall give the applicant a written decision setting forth the reasons for the disapproval and deliver a copy of the decision to the Building Inspector for the permanent building file.
- (2) In cases of site plans for the types of development described in § 79-4A, B, F or G, the Planning Board shall submit its written recommendations and finding as well as the written recommendations and findings of the Building Inspector and any other village boards, to the Board of Trustees. Such recommendations and finding must consider the standards set forth in § 79-6, and be submitted to the Board of Trustees no later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.
- H. The Board of Trustees and/or Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If held, such a hearing shall be held within 60 days of the official submission date. Notice of such hearing shall be given by the applicant to the owners of the adjacent or surrounding properties within 200 feet and proof of such notice shall be filed with the Board holding the public hearing. Notice of such hearing shall also be published at least five days prior to the date of such hearing in the official newspaper of the Village by the Village Clerk, and the cost of such application shall be paid by the applicant prior to the hearing.
- I. The Board of Trustees shall approve, approve with conditions or disapprove any such site plan within 30 days following the close of the public hearing or if no hearing is held, within 60 days of the official submission date. These time periods may be extended with the consent of the applicant. In reviewing the application, the Board of Trustees shall request that the applicant make revisions which the Board of Trustees deems necessary to ensure that the proposed

development will conform to the intent and requirements of this chapter. If the Board of Trustees disapproves the application, within 10 working days of its decision, it shall give the applicant a written decision setting forth the reasons for the disapproval and deliver a copy of the decision to the Building Inspector for the permanent building file and an additional copy to the Planning Board. If, after its review, the Planning Board unanimously recommended disapproval of the submitted plan, to approve the site plan the Board of Trustees must vote by at least a majority plus one to approve the plan.

- J. An application for an amendment to a previously approved site plan shall be acted upon in the same manner as the application for approval of the original site plan.
- K. Performance bond.
- (1) Following approval of the site plan by the approval authority, in addition to any other fees required by the Village of Pelham, the applicant shall file with the Village Clerk a performance bond in which the Village is named as obligee in an amount set by the Building Inspector sufficient to cover the full cost of all required work, planting, and improvements. If the value of the work, planting, and improvements required in the final site plan approved by the Board of Trustees is less than \$10,000, the Building Inspector, with the concurrence of approval authority, may waive the bonding requirements.
 - (2) A performance bond shall be in a form satisfactory to the Village Attorney and may be in the form of surety company bonds. The performance bond may be required to cover any work specified in the site plan, including but not limited to, stormwater drainage systems; streets and lighting; off-street parking and loading areas; means of vehicular access and egress to and from the site onto public streets; recreation areas, including playgrounds; garbage collection stations; fire alarm systems; proposed screening and landscaping; and at the discretion of the approval authority, the planting and maintenance of such screening and landscaping for a minimum of one year and a maximum of three years. Said bonds shall be conditioned upon the property owner or developer completing all the work set forth on the approved site plan in a matter satisfactory to the Building Inspector and upon the proper functioning of all work for a period of one year following its completion.
 - (3) In case of default, the performance bond shall be forfeited to the Village, and the Village shall use the proceeds to do any or all of the following: to complete any incomplete portions of the required work, planting and improvements, to make repairs or corrections necessary to ensure the proper functioning of the work and improvements, and to maintain the required plantings. Any moneys in excess of that necessary for completing, repairing, and/or correcting such work and/or maintaining said plantings will be returned to the surety. Said surety bond may be reduced by the Building Inspector upon certification to the approval authority that one or more of the particular items required by the approval authority has been satisfactorily completed, and is functioning properly and that in its reduced amount the bond is sufficient to cover the full cost of the remainder of the required work, planting and improvements.

- (4) The installation of all required improvements shall be under the direct supervision of a registered architect or licensed engineer, unless this requirement is waived in writing by the Building Inspector.

§ 79-8. Time limit on validity of approval.

Unless a building permit is obtained within 120 days of the date of approval of the site plan, such approval shall become null and void. Upon application and for good reason shown, the approval authority may extend the validity of the approval by no more than two consecutive one-hundred-twenty-day periods from the date of original approval.

§ 79-9. Submission requirements.

The information to be submitted and which, in total, constitutes a site plan, is listed below. All maps must be at a scale of not less than 30 feet to the inch.

A. Legal data.

- (1) The lot, block, section number, street, street number of the property and the names of all owners of record of adjacent properties located within 200 feet of the extreme limits of the subject property, all as shown on the Village's official assessment maps.
- (2) A current survey of the boundaries of the property tied to at least two permanent monuments not less than 300 feet apart showing all lengths in feet and decimals of a foot and all angles given to the nearest minute or closer if deemed necessary by the surveyor so that the error of closure will not exceed 1:10,000.
- (3) The location of all required building or setback lines and lines of existing streets and lots as shown on the Village's official assessment maps. Any relevant existing deed restrictions or covenants, reservations, easements and areas dedicated to public use, if known, shall be noted.
- (4) A map showing the area within 500 feet from the perimeter of the site, at a scale of not more than 50 feet to the inch, showing:
 - (a) Existing zoning and special district boundaries; and
 - (b) Location of traffic safety devices and directional flow of traffic.
- (5) The location of all existing structures on the subject lot and on all lots having a common boundary therewith.
- (6) A copy of any proposed covenants or deed restrictions that are intended to cover all or any part of the tract.

- (7) Location of existing water mains, culverts and drains on or serving the property, with pipe sizes, grades and direction of flow.

B. Topographic data.

- (1) Existing contours and proposed grade elevations at intervals of two feet or less, referred to a datum satisfactory to the Board, showing retaining walls, if any, and methods to be used to retain, stabilize or replant regraded areas.
- (2) Location of existing watercourses, wetland areas, intermittent streams, wooded areas, rock outcrops, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.

C. Development data.

- (1) Title of development, date, North point, scale, name and address of record owner or owner or of the individuals holding the controlling interest if the owner is a corporation; and the name and address of the engineer, architect, land planner or surveyor preparing the site plan.
- (2) The proposed use or uses of land and buildings and location, height and design of all existing and proposed buildings. Any proposed subdivision of the property and any division of any building or structure into units of separate occupancy shall also be shown.
- (3) All means of vehicular ingress and egress to and from the site onto public streets and the location of all existing and proposed public and private roads, drives and walkways on the site.
- (4) The location and layout of all proposed off-street parking and loading areas.
- (5) The location and intended use of any proposed outdoor storage area.
- (6) The proposed method of storage and disposal of solid waste.
- (7) The size and location of all proposed waterlines, valves and hydrants and all sewer lines or of alternative means of water supply and sewage disposal and treatment.
- (8) The location, direction, intensity and time of operation of proposed outdoor lighting.
- (9) The location, dimensions and design of all existing and proposed signs.
- (10) A planting plan, prepared by a qualified landscape architect, showing all existing and proposed screening and landscaping, fences or dividers.

- (11) The proposed stormwater drainage system and associated calculations, prepared by a licensed professional engineer and furnished under his seal.
- (12) Any proposed easements and public areas.
- (13) Building materials to be used on all structures and landscaping.
- (14) Current photographs of the site showing adjacent properties.
- (15) Elevation of adjacent properties.
- (16) The construction schedule, staging information, mechanical equipment to be used, and screening for the construction site.

D. Financial data.

- (1) Current taxes on the site.
- (2) Proposed taxes after site improvement.
- (3) Current employment and/or occupancy on the improved site.
- (4) Projected employment and/or occupancy on the improved site.

§ 79-10. Conflict with other Village laws.

In the event that this chapter conflicts or is inconsistent with any other Village law, the more comprehensive or strict requirements shall apply.

§ 79-11. Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

SECTION 2.

Section 98-4 of the Code of the Village of Pelham is repealed, and the following new Section 98-4 is adopted:

§ 98-4. Site plan approval required.

In addition to complying with all the provisions of this chapter, the types of development or use set forth below shall require site plan approval by the Village of Pelham in accordance with Chapter 79 of the Code of the Village of Pelham:

- A. The erection of any building in a non-residential district.
- B. The erection of any building for a principal use in a residential district
- C. The erection of any permitted accessory building which is located in a residential district and has a building area of more than 275 square feet.
- D. The enlargement of any residential building that results in the expansion of living space, as defined by the NYS Building Code, by more than 35% or 750 square feet..
- E. The substantial alteration or modification of land from its natural state, whether by regrading or the addition of structures other than buildings.
- F. Any change in the use or intensity of the use of premises which will require a modification of existing means of ingress or egress, parking or loading facilities, drainage, utilities, landscaping, screening or outdoor lighting unless the work is performed pursuant to a previously approved site plan that is still valid. Excluded from review under this Chapter are changes of signs, awnings, canopies, marquees and barber poles and the lighting thereof which are regulated by Chapter 77.
- G. Any alteration or modification of a building in a non-residential district with the following exceptions:
 - 1. Work performed pursuant to a previously approved site plan that is still valid;
 - 2. Repainting of a previously painted exterior surface;
 - 3. Replacement of any window or door with one that has the same style, size and location;
 - 4. Maintenance of an exterior surface of brick or stone work, stucco, steps or platforms, wood shingles, trim and other protective finishes, but not the replacement of exterior surface finishes that result in change of the material of the exterior surface, of the finishes or of the design; and
 - 5. Pointing of brick or stone work and measures to prevent the entry of water into a building that do not require covering any portion of the existing design features or the exterior surface materials.
 - 5. Changes of signs, awnings, canopies, marquees and barber poles and the lighting thereof which must be approved by the Architectural Review Board pursuant to Chapter 77.
- H. Creation of a driveway.
- I. Installation of an in-ground pool.

SECTION 3. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Item #16 – Continued Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding creating Hardship Overnight Parking Exemption Permits for handicapped drivers:

A motion was made by Trustee Potocki, with a second by Trustee Lewis to continue the public hearing. The motion was approved unanimously by vote of four in favor, none opposed. Trustees Breskin, Homan, and Weinstein were absent.

Continued Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding overnight parking for drivers who have handicapped parking permits.

LOCAL LAW NUMBER OF 2008

A local law to repeal Section 90-16 and to adopt a new Section 90-16 regarding overnight on-street parking

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

SECTION 1

Section 90-16 of the Code of the Village of Pelham is repealed, and the following new Section 90-16 is adopted:

§ 90-16. Restrictions on parking motor vehicles overnight on the streets.

A. The Board of Trustees of the Village of Pelham has determined that:

- 1, Parking motor vehicles overnight on the streets within the Village of Pelham hinders governmental operations, including but not limited to cleaning and sweeping streets, removing snow and ice from the roadways, locating and identifying stolen or abandoned vehicles, and protecting residents and their property.
2. Many buildings located in the Village are old and were constructed without providing adequate off-street parking facilities for the users of the property;
3. The owner of a premises is responsible for providing adequate off-street parking facilities for the users of the premises;
4. The complete and absolute prohibition of overnight parking on the streets within the Village may create an extreme hardship to some owners and/or operators of motor vehicles.

5. A partial prohibition of overnight parking with a narrow exception for hardship will allow the Village to perform its governmental functions and provide relief to those who would otherwise suffer undue hardship.
- B. It is prohibited to park motor vehicles on the streets within the Village of Pelham between the hours of 2:00 a.m. and 6:00 a.m. except as set forth below:
1. All-night parking of passenger vehicles is permitted at those locations which the Village Board of Trustees has specifically authorized for that purpose.
 2. Parking at the long-term parking meters on First Street east of Wolf's Lane is only prohibited between the hours of 2:00 a.m. and 5:00 a.m.
 3. An individual who has been granted a Hardship Overnight Parking Exemption (HOPE) may park on the street overnight.
- C. A HOPE will be granted if:
1. No driveway or parking area is provided on the premises, and there is no area on the premises where a driveway or parking area can be constructed by the owner, and
 - a. The applicant is disabled, cannot walk to the nearest municipal lot, and either owns a motor vehicle registered pursuant to § 404-a of the Vehicle and Traffic Law of New York State or holds a valid permanent or temporary handicapped parking permit issued by the Town of Pelham pursuant to § 1203-a of the Vehicle and Traffic Law of New York State; or
- D. A temporary HOPE is available to the owner or operator of a motor vehicle who has a temporary need to park a motor vehicle at a premises where no parking is provided or available. A temporary HOPE allows the holder to park a passenger motor vehicle overnight on the street at a specific address for a maximum of five consecutive nights, provided that the applicant is not a regular occupant or user of such premises. A temporary HOPE may be obtained from the Police Department, which shall obtain the name and address of the applicant, license plate number of the vehicle to be parked on the street overnight and the address of the premises near which the vehicle will be parked. A temporary HOPE granted pursuant to this subsection shall not be renewable or granted to the same applicant or vehicle for a period of one month from the date of the expiration of the temporary HOPE .
- E. No HOPE shall be granted to:
1. Any vehicle with a gross weight of 5,000 pounds or more;
 2. Any commercial vehicle.
 3. Any tractor or trailer.

4. Any vehicle used primarily for livery or commercial purposes.
 5. Any vehicle for which there are three or more outstanding unanswered parking summonses issued by the Village of Pelham.
- F. Procedure to apply for a Hardship Overnight Parking Exemption (HOPE)
1. An applicant for a HOPE shall obtain the application form from the Village, submit to the Village Clerk a completed application form and the nonrefundable administrative fee to be set by resolution of the Board of Trustees.
 2. The Village Clerk shall process the HOPE application and investigate whether the applicant meets the requirements for a HOPE. If so, the Village Clerk will issue a HOPE that will be valid until the end of the calendar year. The permit will cover one vehicle owned or operated by the applicant and is to be parked at a specific address. No more than one HOPE will be issued to any dwelling unit. Any appeals of the Village Clerk's decision will be heard and decided by the Village Administrator.
- G. To renew the HOPE the applicant must submit an updated application form and pay the annual renewal fee set by resolution of the Board of Trustees.
- H. A HOPE will terminate if the updated application form is not submitted, and/or if the renewal fee is not paid, or upon the sale or transfer of the title of such vehicle, the suspension or revocation of the applicant's driver's license or vehicle registration, or the cancellation of insurance for the vehicle. The HOPE will also terminate if any of the facts set forth in the application change materially, and the changed circumstances no longer satisfy the requirements for a HOPE.
- I. Whenever the vehicle is parked on the street overnight, the HOPE permit must be displayed conspicuously in the applicant's vehicle so that it is easily visible through the front windshield.

SECTION 2. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION SETTING HANDICAPPED OVERNIGHT PARKING PERMIT RATE AT \$25 PER CALENDAR YEAR

RESOLVED, by the Board of Trustees of the Village of Pelham, that the handicapped overnight parking permit rate is established at twenty-five dollars (\$25) per calendar year.

Item #17 – Considering a Code Change to extend the 2-hour parking limit in the Heights from 2nd Street East, to Boulevard, for several streets including Corona, Monterey, Loring and Highbrook Avenues:

Administrator Slingerland reported that at the request of Trustee Breskin, and some of his neighbors, we evaluated the signs in the field and the provisions of the Code, regarding limited time parking in the 200-blocks of several streets in the Heights area.

We found some gaps in the local regulations and/or in the Code regarding 2-hour limited time parking, where some streets have unlimited parking, and commuters have begun parking on these streets all day long. Therefore, at the requests of residents, we are recommending that the 2-hour parking provisions for Corona, Monterey, Loring and Highbrook Avenues be extended down to Boulevard.

A motion was made by Trustee Potocki, with a second by Trustee Lewis to adopt the resolution. The motion was approved unanimously by vote of four in favor, none opposed. Trustees Breskin, Homan, and Weinstein were absent.

RESOLUTION

AMENDING THE VILLAGE CODE § 90-53 ON LIMITED TIME PARKING
TO EXTEND THE 2-HOUR PARKING LIMIT IN THE HEIGHTS FROM 2ND STREET EAST,
TO BOULEVARD, FOR SEVERAL STREETS INCLUDING CORONA, MONTEREY, LORING
AND HIGHBROOK AVENUES

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby enacts the following amendment to the Pelham Village Code § 90-53 On Limited Time Parking, as follows:

Name of Street	Side	Time Limit	Hours/ Days	Location
Corona Ave.	Both	2 hrs.	8:00 a.m. to 6:00 p.m.	From First St. to Second St.
Highbrook Ave	Both	2 hrs.	All times	From First St. to Irving Place
Loring Ave.	Both	2 hrs.	All times	From First St. to Second St.
Monterey Ave.	Both	2 hrs.	8:00 a.m. to 6:00 p.m.	From First St. to Second St.

Delete the following:

New Language to be added is on the next page.

Upon review with the Police Chief, we recommend the following:

Add the following:

Name of Street	Side	Time Limit	Hours/ Days	Location
Corona Ave.	Both	2 hrs.	8 a.m. to 6 p.m.	From First St. to Boulevard Except Sat., Sun. & Holidays
Highbrook Ave	Both	2 hrs.	8 a.m. to 6 p.m.	From First St. to Boulevard Except Sat., Sun. & Holidays
Loring Ave.	Both	2 hrs.	8 a.m. to 6 p.m.	From First St. to Boulevard Except Sat., Sun. & Holidays
Monterey Ave.	Both	2 hrs.	8 a.m. to 6 p.m.	From First St. to Boulevard Except Sat., Sun. & Holidays

Item #18 – Authorizing the Accounts Payable:

A motion was made by Trustee Potocki, with a second by Trustee Morris to adopt the resolution. The motion was approved unanimously by vote of four in favor, none opposed. Trustees Breskin, Homan, and Weinstein were absent.

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	\$ 159,876.91
Water Fund	\$ 1,440.00
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$ 1,756.25
H3 Fund	\$ 0.00
TE Expanded Trust Fund (DARE)	\$ 398.71
Grand Total	\$ 163,471.87

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

Item #19 – Other Business:

Mayor Hotchkiss mentioned that sales tax, property tax, and mortgage tax could be affected as a result of our nation's rapidly declining economy. He also mentioned however that the Village of Pelham is not as dependent on income type related taxes as other municipalities.

Administrator Slingerland reported that he attended a tour of the Federal Reserve building in New York City this week, with reports by some Fed economists. He further mentioned that the federal government is trying to determine the extent and value of another stimulus package on the economy, and how much it might help reduce the extent and time frame for the recession.

Trustee Potocki asked about the status of the pedestrian signs. Mr. Slingerland informed everyone that signs are here, but the bases for the signs aren't here yet. Trustee Potocki asked if anything had been done about the noise emanating from the Metro North Railroad tracks. Administrative Aide Devron Wilson and Administrator Slingerland informed everyone that the village is coordinating with Metro North to take care of the noise situation. Some repair work has been done to the tracks and more work is being scheduled to reduce the noise.

Item #20 – Minutes: Aug. 5, 2008, Sept. 9 2008, Sept. 23, 2008, Oct. 7, 2008:

The minutes were tabled until the next scheduled Board of Trustees meeting on Wednesday, November 5, 2008.

Item #21 – Adjournment:

On the motion of Trustee Weinstein, seconded by Trustee Potocki, the Board voted to adjourn the board meeting at 8:50 p.m.

The motion was approved unanimously by vote of five in favor, none opposed. Trustees Breskin and Homan were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk