

VILLAGE OF PELHAM BOARD OF TRUSTEES **REGULAR MEETING**

TUESDAY, FEBRUARY 14, 2023, 8:00 PM VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY 10803

Join by Zoom Video:

https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWEU2Nm9ndWxQSEgwZz09

Join by Telephone: (929) 205-6099 Meeting ID: 989 1740 9392 Passcode: 030699

AGENDA ITEMS

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Village Trustees' Reports
- 5. Village Administrator's Report
- 6. Mayor's Report
- 7. Public Comments

	Non-Recurring Items
8.	Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at
	46 Second Avenue
9.	Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of
	Public Works (1 of 2)
10.	Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of
	Public Works (2 of 2)
11.	Resolution Calling for a Public Hearing on Local Law No. 2 of 2023 to Amend Chapter 73,
	Article II of the Pelham Village Code Entitled "Senior Citizens Tax Exemption" to Increase
	the Income Threshold as Permitted Under New York State Real Property Tax Law
12.	Resolution Authorizing the Abolition of Superintendent of Public Works/Building Inspector
13.	Other Business
	Recurring Items
14.	Authorizing Accounts Payable
15.	Authorizing Minutes of: January 24, 2023, Work Session, Regular Meeting and Executive
	Session
16.	Adjournment

Next Regularly Scheduled BOT Meetings:

Tuesday, February 28, 2023 Tuesday, March 14, 2023

<u>Item # 1 - Meeting Called to Order:</u>

<u>Item # 2 - Pledge of Allegiance:</u>

Item # 3 - Roll Call:

Attendee Name	Present	Absent	Late
Mayor Mullen			
Deputy Mayor Carpenter			
Village Trustee Hill-Ries			
Village Trustee Eldahry			
Village Trustee McGreal			
Village Trustee Otondi			
Village Trustee Solomon			
Village Administrator Scelza			
Asst. to the Village Administrator Zia			

Item # 4 - Village Trustees' Report:

Village Trustee Hill-Ries

Village Trustee Kamal Eldahry

Village Trustee McGreal

Village Trustee Otondi

Village Trustee Solomon

Deputy Mayor Carpenter

<u>Item # 5 - Village Administrator's Report:</u>

Item # 6 - Mayor's Report

Item # 7 - Public Comments

Non-Recurring Items

<u>Item # 8 - Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at 46 Second Avenue</u>

Whereas, the proposed action is a request to approve a two-lot subdivision and grant site plan approval to construct a two-family residence at 46 Second Avenue. The 5,017 square foot property is located in the Residential B-2 District; and

Whereas, the Village Board of Trustees has reviewed and considered the *Site Plan Application and Declaration of Intent to Develop,* received on November 2, 2021; and

Whereas, pursuant to Village Code § 34-23, the applicant has submitted the requisite documents and fees; and

Whereas, Village Code § 98-135.1 authorizes the Village Board of Trustees to approve subdivisions and grant site plan approval for proposed developments that comply with Village Code § 79-5; and

Whereas, Jessie Development Co., LLC ("46 Second Avenue" or the "applicant") has applied to develop the property known as 46 Second Avenue in accordance with those requirements and standards; and

Whereas, Jessie Development Co., LLC has represented to the Village Board of Trustees that it is the lawful owner or contract vendee of the 46 Second Avenue Property; and

Whereas, in furtherance of its application, Jessie Development Co., LLC has submitted to the Building Inspector a *Site Plan Application and Declaration of Intent to Develop* accompanied by the requisite documents, information and fees; and

Whereas, Jessie Development Co., LLC has further submitted a formal and complete proposed site plan prepared by Mastrogiacomo Engineering, P.C., dated 6-01-2022 and last revised 12-07-2022, satisfying the requirements of Village Code Chapter 79, showing a proposed development and use of the 46 Second Avenue; and

Whereas, Jessie Development Co., LLC proposes to create a two-family residential unit with two (2) off-street parking spaces per unit; and

Whereas, Jessie Development Co., LLC consists of one tax parcel, Parcel 158.84-1-57, which is located in the Residence B-2 district; and

Whereas, the proposed application was referred to the Planning Board and the Architectural Review Board; and

Whereas, at the November 16, 2022 meeting of the Architectural Review Board ("ARB"), the ARB reviewed the plans dated November 11, 2022, that responded to previous ARB comments; and

Whereas, at the November 16, 2022 meeting the ARB recommended to the Village Board of Trustees that the site plan be approved; and

Whereas, at the March 15, 2022 meeting of the Planning Board, the Planning Board recommended the subdivision be approved subject to the following conditions:

1. The driveway should be permeable (i.e., gravel) and not asphalt or solid concrete

- 2. Wiring should be in place within garage to support 220v for potential electric vehicle charging
- 3. Landscaping shall be maintained or augmented on at least the east side of the property

Whereas, the Village Board of Trustees affirms that:

- (a) the proposed action is subject to the requirements of SEQRA;
- (b) the proposed action is an Unlisted Action;
- (c) the action is not located in an agricultural district;
- (d) the Westchester County Board of Health is an involved agency, and

Whereas, Jessie Development Co, LLC provided notice of its application to all property owners contiquous to the applicant's property as required; and

Whereas, notice was duly provided to the County of Westchester; and

Whereas, pursuant to the New York State Environmental Quality Review Act (SEQRA), on the Board of Trustees received a short environmental assessment form (EAF), declared itself to be lead agency and identified the proposed action as an unlisted action; and

Whereas, the Board of Trustees (1) considered the action as defined in 6 NYCRR §§617.2(b) and 617.3(g); (2) reviewed the EAF, the criteria for determining significance set forth in 6 NYCRR §617.7(c) and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in this resolution; and

Whereas, the Village Board of Trustees considered the standards for site plan review established by Village Code § 79-5.

Now, therefore, be it resolved, that after considering the documents submitted by the applicant, as recited above, the recommendation from the Architectural Review Board and the Planning Board, the Board of Trustees of the Village of Pelham finds and determines as follows:

- A. The proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required; and
- B. The property satisfies the requirements for consideration under Village Code § 79-5 and § 98-135.1; and
- C. The final site plan approval is based on the following drawings prepared by Mastrogiacomo Engineering P.C., dated 6-01-2022 and last revised on 12-07-2022 that have been submitted by the applicant (collectively, the "Drawings"):
 - A100 Exterior Elevations
 - A001 Street Views
 - A101 Exterior Elevations
 - A102 Window & Door Details and Porch Section
 - A200 Floor Plans
 - A300 Garage Floor Plan & Elevations
 - C101 Drainage Calculations, Proposed Utility Plan & Details
 - D. Site plan approval is granted subject to the following conditions:
 - 1. The driveway shall be permeable (i.e., gravel) and not asphalt or solid concrete

- 2. Wiring shall be in place within garage to support 220v for potential electric vehicle charging
- 3. Landscaping shall be maintained or augmented on at least the east side of the property
- 4. The applicant shall, as a condition of site plan approval and prior to the issuance of a building permit, have the project reviewed by the Village Fire Department to ensure adequate fire safety access and design.
- 5. The applicant shall, as a condition of site plan approval and prior to the issuance of a building permit submit to the Building Inspector a complete and final set of plans and documents, consistent with the conditions articulated above and as required by Chapter 34 of the Village Code. Substantive deviations from the plans approved by the Board of Trustees will require a resubmission to the Village Board of Trustees for a modification to an approved site plan.

This subdivision and site plan approval is binding upon the applicant, the property owner and any subsequent owner of the property and may not be changed without the approval of the Board of Trustees of the Village of Pelham. If any term of this site plan approval is violated, the Building Inspector may stop work, revoke a building permit or deny a certificate of occupancy.

Be it further resolved, that in accordance with Village Code § 79-7, this subdivision and site plan approval shall be null and void if the applicant fails to obtain a building permit within 120 days of this resolution unless the Board of Trustees extends, by resolution, the time within which to do so; and

Be it further resolved, that this subdivision and site pan approval will be null and void if the applicant does not commence construction within six months of the date of the issuance of a building permit, unless the Village Board of Trustees extends, by resolution, the time within which to do so.

Vote Record – Item # 8 – Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at 46 Second Avenue							
Village of Pelha	Village of Pelham Board of Trustees Regular Meeting				February 1		
			Yes/Aye	No/Nay	Abstain	Absent	
□Approved	Mayor Mullen						
□Approved as	Deputy Mayor Carpenter						
Amended	Village Trustee Hill-Ries						
□Tabled	Village Trustee Eldahry						
□Withdrawn □Discussed	Village Trustee McGreal						
	Village Trustee Otondi						
	Village Trustee Solomon						

DROPBOX LINK FOR SUPPORTING DOCUMENTATION:

https://www.dropbox.com/s/1jk5xw0v1our716/46Second--VB Submission-w%20ARB%20Plan%20Build%20Water%20Memos%20%28edited%29.pdf?dl=0

<u>Item # 9 - Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of Public Works (1 of 2)</u>

Be it resolved, that the Board of Trustees of the Village of Pelham hereby confirms the Mayor's appointment of Jeremy Berra of Bronxville, New York to the position of Laborer, First, in the Village of Pelham Department of Public Works, effective Wednesday, February 15, 2023, at an annual starting salary of \$68,530.00, subject to the requirements of Westchester County Civil Service, for a probationary period of one (1) year; and

Be it further resolved, that the Village Administrator is authorized to take the necessary and appropriate actions to effect this appointment.

Vote Record - Item # 9 - Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of Public Works (1 of 2) Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023								
			Yes/Aye	No/Nay	Abstain	Absent		
□Approved	Mayor Mullen							
□Approved as	Deputy Mayor Carpenter							
Amended □Tabled □Withdrawn □Discussed	Village Trustee Hill-Ries							
	Village Trustee Eldahry							
	Village Trustee McGreal							
	Village Trustee Otondi							
	Village Trustee Solomon		П	П	П	П		

<u>Item # 10 - Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of Public Works (2 of 2)</u>

Be it resolved, that the Board of Trustees of the Village of Pelham hereby confirms the Mayor's appointment of Juan Bautista of Port Chester, New York to the position of Laborer, First, in the Village of Pelham Department of Public Works, effective Wednesday, February 15, 2023, at an annual starting salary of \$68,530.00, subject to the requirements of Westchester County Civil Service, for a probationary period of one (1) year; and

Be it further resolved, that the Village Administrator is authorized to take the necessary and appropriate actions to effect this appointment.

Vote Record - Item # 10 - Resolution Authorizing the Appointment of a Laborer in the Village of Pelham Department of Public Works (2 of 2) Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023								
			Yes/Aye	No/Nay	Abstain	Absent		
□Approved	Mayor Mullen	•						
□Approved as	Deputy Mayor Carpenter							
Amended □Tabled □Withdrawn □Discussed	Village Trustee Hill-Ries							
	Village Trustee Eldahry							
	Village Trustee McGreal							
	Village Trustee Otondi							
	Village Trustee Solomon		П	П	П	П		

<u>Item # 11 – Resolution Calling for a Public Hearing on Local Law No. 2 of 2023 to Amend Chapter 73, Article II of the Pelham Village Code Entitled "Senior Citizens Tax Exemption" to Increase the Income Threshold as Permitted Under New York State Real Property Tax Law</u>

Whereas, pursuant to Section 467 of Real Property Tax Law, local governments and school districts in New York State can opt to grant a reduction on the amount of property taxes paid by qualifying senior citizens by reducing the taxable assessment of the senior's home by as much as 50%; and

Whereas, on August 8, 2022, the Governor signed legislation to amend Section 467 of the Real Property Tax Law to increase the amount of income property owners may earn for the purpose of eligibility for the senior citizen property tax exemption from \$29,000 to \$50,000; and

Whereas, the Board of Trustees of the Village of Pelham desires to Amend Chapter 73, Article II of the Village Code to set the income limit to \$50,000 for the 50% senior citizen property tax exemption; and

Whereas, the Board of Trustees of the Village of Pelham wishes to adopt a sliding-scale to provide a benefit to seniors with incomes greater than \$50,000; and

Whereas, the Board of Trustees of the Village of Pelham has determined that the adoption of the local law is a Type II Action and are therefore not subject to the requirements of the New York State Environmental Quality Review Act (SEQRA).

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby calls for a Public Hearing on Tuesday, February 28, 2023 at 8:00 p.m. or soon thereafter on a proposed local law to amend Chapter 73, Article II concerning the senior citizen real property tax exemption. This meeting will be held at Village Hall, 195 Sparks Avenue and virtually on Zoom and members of the public wishing to present comments may do so online during the public comment phase of the public hearing by accessing the meeting at:

Join by Video: https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWEU2Nm9ndWxQSEgwZz09

Join by Telephone: (929) 205-6099

Meeting ID: 989 1740 9392

Passcode: 030699

Be it further resolved, that the Village Clerk is hereby directed to publish notice of said public hearing.

Vote Record - Item # 11 - Resolution Calling for a Public Hearing on Local Law No. 2 of 2023 to Amend Chapter 73, Article II of the Pelham Village Code Entitled "Senior Citizens Tax Exemption" to Increase the Income Threshold as Permitted Under New York State Real Property Tax Law Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023							
			Yes/Aye	No/Nay	Abstain	Absent	
□Approved	Mayor Mullen						
□Approved as	Deputy Mayor Carpenter						
Amended □Tabled □Withdrawn	Village Trustee Hill-Ries						
	Village Trustee Eldahry						
	Village Trustee McGreal						
□Discussed	Village Trustee Otondi						
	Village Trustee Solomon		П	П	П		

<u>Item # 12 - Resolution Authorizing the Abolition of Superintendent of Public Works/Building Inspector</u>

Whereas, Joseph Senerchia is employed by the Village of Pelham ("Village") as the Superintendent of Public Works/Building Inspector; and

Whereas, the Village is transitioning to sanitation services provided directly by the Village rather than through private sector entities; and

Whereas, for reasons of efficiency and economy, the Village Board of Trustees have determined that it is beneficial to abolish the position of Superintendent of Public Works/Building Inspector and create the positions of Building Inspector and General Foreman.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham abolishes the position of Superintendent of Public Works/Building Inspector, effective Tuesday, February 14, 2023, and that the incumbent in that position shall be entitled to eight weeks' severance pay in accordance with his employment agreement and such other applicable benefits as are available to non-union Village employees upon their separation from the Village's employment.

Vote Record - Item # 12 - Resolution Authorizing the Abolition of Superintendent of Public Works/Building Inspector Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023							
			Yes/Aye	No/Nay	Abstain	Absent	
□Approved	Mayor Mullen						
□Approved as	Deputy Mayor Carpenter						
Amended	Village Trustee Hill-Ries						
□Tabled □Withdrawn □Discussed	Village Trustee Eldahry						
	Village Trustee McGreal						
	Village Trustee Otondi						
	Village Trustee Solomon						

<u>Item # 13 – Other Business</u>

Recurring Items

Item # 14 - Authorizing Accounts Payable

Trustee Eldahry is auditing the Accounts Payable.

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

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham after audit of the following vouchers, 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 and Deputy Village Treasurer:

Grand Total	\$ 446,660.67
Trust & Agency (T)	\$ 0.00
Capital Projects Fund (H)	\$ 11,425.00
General Fund (A)	\$435,235.67
Fund Name:	<u>Amount</u>

Be it further resolved, that the Village Board of Trustees hereby approves payment of the above-mentioned claims and authorizes payment thereof.

Vote Record - Item # 14 - Resolution Authorizing the Accounts Payable Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023						4, 2023
			Yes/Aye	No/Nay	Abstain	Absent
□Approved	Mayor Mullen					
□Approved as	Deputy Mayor Carpenter					
Amended	Village Trustee Hill-Ries					
□Tabled	Village Trustee Eldahry					
□Withdrawn □Discussed	Village Trustee McGreal					
	Village Trustee Otondi					
	Village Trustee Solomon					

<u>Item # 15 - Authorizing Minutes of: January 24, 2023 Work Session, Regular Meeting, and Executive Session</u>

Vote Record - Item # 15 - January 24, 2023, Work Session, Regular Meeting, and Executive Session Village of Pelham Board of Trustees Regular Meeting Tuesday, February 14, 2023							
Vinage of 1 cina	Yes/Aye	No/Nay	Abstain	Absent			
□Approved	Mayor Mullen						
□Approved as	Deputy Mayor Carpenter						
Amended	Village Trustee Hill-Ries						
□Tabled	Village Trustee Eldahry						
□Withdrawn □Discussed	Village Trustee McGreal						
	Village Trustee Otondi						
	Village Trustee Solomon						

Item # 16 - Adjournment