



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING**  
TUESDAY, MAY 23, 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

<b>Non-Recurring Items</b>	
8.	Resolution Approving a Modification to an Approved Site Plan for a Proposed "Ann and Jack's Treehouse" Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) <i>Tabled from 5/09/2023</i>
9.	Sustainability Advisory Board Annual Report
10.	Resolution Accepting the 2022-23 Annual MS4 Report
11.	Resolution Authorizing the Use of Funds for the 2023 New York Power Authority Fall Tree Planting Program from the Thomas Fenlon Memorial Street Tree Fund
12.	Other Business
<b>Recurring Items</b>	
13.	Authorizing Accounts Payable
14.	Authorizing Minutes of: May 9, 2023 Work Session, Regular Meeting & Executive Session
15.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, June 13, 2023**

**Tuesday, June 27, 2023**

**Item # 1 - Meeting Called to Order:**

**Item # 2 - Pledge of Allegiance:**

**Item # 3 - Roll Call:**

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
Mayor Mullen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Carpenter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Hill-Ries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Eldahry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee McGreal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Otondi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Solomon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Administrator Scelza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asst. to the Village Administrator Zia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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

**Item # 5 - Village Administrator's Report:**

**Item # 6 - Mayor's Report**

**Item # 7 - Public Comments**

**Non-Recurring Items****Item # 8 – Resolution Approving a Modification to an Approved Site Plan for a Proposed “Ann and Jack’s Treehouse” Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) Tabled from 5/09/2023****Tax Designation: Section 1: Block 125: Lot 2**

**Whereas**, in accordance with Chapter 79 of the Code of the Village of Pelham, the Board of Trustees has found and determines it to be desirable to encourage property owners to improve property with accessory uses that take into consideration the public health, safety and general welfare and the comfort and convenience of the public and the immediate neighborhood and prescribe appropriate conditions and safeguards to preserve, complement and be compatible with the character, massing, and scale of adjacent land uses; and

**Whereas**, Village Code § 98-4 authorizes the Village Board of Trustees to permit and grant site plan approval for proposed improvements that comply with Village Code; and

**Whereas**, *629 Fifth Avenue Realty LLC* (or the “applicant”) submitted the required site plan approval documents and requested approval of a modification to an approved site plan to install an approximately 60’ x 60’ (3,600 sf) playground on the lawn area to the north (rear) of the n/f Sanborn building at 629 Fifth Avenue; and

**Whereas**, the proposed playground will consist of a Swing Set, Cedar Tree Fort Climber, and a Racetrack all located on permeable chips and/or poured-in-place permeable rubber play surface; and

**Whereas**, the applicant has represented to the Village Board of Trustees that it is the lawful owner or contract vendee of the 629 Fifth Avenue property; and

**Whereas**, *629 Fifth Avenue LLC* has further submitted a formal and complete proposed site plan prepared by Gallen Beeler Design Studio, P.C., dated 04-05-2023 and last revised 05-15-2023 satisfying the requirements of Village Code Chapter 79, showing a proposed playground for the 629 Fifth Avenue property; and

**Whereas**, *629 Fifth Avenue LLC* proposes to create an approximately 3,600 sf (60’ x 60’) area to be improved with a permeable surface for the placement of a swing set, cedar tree fort climber, and a racetrack; and

**Whereas**, *629 Fifth Avenue LLC* consists of one tax parcels located in the Office-2 Zoning District; and

**Whereas**, Gallen Beeler Design Studio, P.C. has submitted the following documents and plans in support of the application:

Site Plan Application and Intent to Develop Form;

Existing Site Plan, A10, prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 4-19-2023;

New Grading Plan, A11 prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 4-19-2023;

New Site Plan, A12, prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 5-15-2023;

Illustration of proposed permeable "Pour in Place" playground surface.

**Whereas**, the Village Board of Trustees determined the Code of the Village of Pelham requires the proposed action be referred to the Planning Board; and

**Whereas**, the applicant submitted the application to the Planning Board for the purpose of obtaining their recommendations with respect to the application in accordance with Village Code; and

**Whereas**, the Planning Board reviewed the proposed playground on 4-18-2023 and recommended approval subject to the following:

1. Clarify on the site plan that the proposed 'racetrack' will also be fully permeable;
2. Note on the plans that the slope in the northeast corner will be graded into the existing contours and will not require a retaining wall;
3. Two clusters of trees are being removed and shall be noted on the site plan.

**Whereas**, *629 Fifth Avenue LLC* submitted the fees required in accordance with the schedule of fees for the Village of Pelham; and

**Whereas**, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is less than 4,000 sf and is considered a Type 2 Action, thus exempt from SEQRA review; and

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

- A. The proposed playground satisfies the requirements for consideration under the Village Code; and
- B. Site plan approval is granted pursuant to this resolution and shall be conditioned on the proposed project being installed/constructed in accordance with the drawings listed above.
- C. Site plan approval is granted subject to the following conditions:
  1. The area to be improved shall be staked off by survey and noted on the plans;
  2. This modification to an approved site plan 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 modification to an approved site plan shall be null and void if the applicant fails to obtain a building permit within 120 days of this resolution unless the Village Board of Trustees extends, by resolution, the time within which to do so; and

**Be it further resolved** that this modification to an approved site plan shall 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.

<b>Vote Record - Item # 8 – Resolution Approving a Modification to an Approved Site Plan for a Proposed “Ann and Jack’s Treehouse” Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) Tabled from 5/09/2023</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 23, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 9 – Sustainability Advisory Board Annual Report**

**Item # 10 – Resolution Accepting the 2022-23 Annual MS4 Report**

**Whereas**, the Village of Pelham (“Village”) has been identified as a Municipal Separate Storm Sewer System (“MS-4”) under the Environmental Protection Agency’s Regulations pursuant to the Clean Water Act of 1999; and

**Whereas**, as part of the MS-4 permit requirements, the Village must submit an Annual Report on its efforts to protect and improve the water quality of its adjacent streams and water bodies; and

**Whereas**, the public is invited to review the Annual Report and provide input; and

**Whereas**, the Village’s 2022-23 report has been prepared by its consulting engineer, Dolph Rotfeld Engineering, P.C., and

**Whereas**, the Annual Report must be submitted to the New York Department of Environmental Conservation Offices in Albany, New York by June 1, 2023.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby accepts the 2022-23 Annual M-S4 report.

<b>Vote Record - Item # 10 – Resolution Accepting the 2022-23 Annual MS4 Report</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 23, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Item # 11 - Resolution Authorizing the Use of Funds for the 2023 New York Power Authority Fall Tree Planting Program from the Thomas Fenlon Memorial Street Tree Fund**

**Whereas**, the Village of Pelham orders trees from the New York Power Authority two-for-one tree plan in which the Village can receive two trees for every one it purchases for the amount of \$2,881.00.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes that payment of \$2,881.00 to the New York Power Authority from a special trust account bequeathed to the Village of Pelham by Thomas B. Fenlon and known as the Thomas B. Fenlon Memorial Street Tree Fund Account # TE.0923 for the purchase of these trees; and

**Be it further resolved**, that the Village Administrator is authorized to take the necessary and appropriate actions to affect this resolution.

<b>Vote Record - Item # 11 – Resolution Authorizing the Use of Funds for the 2023 New York Power Authority Fall Tree Planting Program from the Thomas Fenlon Memorial Street Tree Fund</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 23, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 12 – Other Business**

**Recurring Items**

**Item # 13 - Authorizing Accounts Payable**

*Trustee McGreal 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:

<u>Fund Name:</u>	<u>Amount</u>
General Fund (A)	\$ 74,162.27
Capital Projects Fund (H)	\$ 28,556.85
Trust & Agency (T)	\$ 9,660.00
<b>Grand Total</b>	<b>\$ 112,379.12</b>

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

<b>Vote Record - Item # 13 - Resolution Authorizing the Accounts Payable</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 23, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Discussed	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 14 - Authorizing Minutes of: May 9, 2023 Work Session, Regular Meeting and Executive Session**

<b>Vote Record - Item # 14 – May 9, 2023 Work Session, Regular Meeting and Executive Session</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 23, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 15 - Adjournment**