



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING MINUTES**  
TUESDAY, JANUARY 10, 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 Calling for a Public Hearing on Local Law No. 1 of 2023 to Override the Real Property Tax Levy Limit Established in General Municipal Law § 3-c
9.	Resolution Authorizing Budget Amendment for Cost Actualization Fee for Garbage Truck Bodies
10.	Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at 46 Second Avenue
11.	Other Business
<b>Recurring Items</b>	
12.	Authorizing Accounts Payable
13.	Authorizing Minutes of: December 13, 2022, Work Session, Regular Meeting, Executive Session, and Organizational Meeting
14.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, January 24, 2023**  
**Tuesday, February 14, 2023**

**Item # 1 - Meeting Called to Order:** Mayor Mullen called the meeting to order at 8:04 PM

**Item # 2 - Pledge of Allegiance:** Mayor Mullen led the Pledge of Allegiance at 8:04 PM

**Item # 3 - Roll Call:**

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

**Item # 4 - Village Trustees' Report:**

Village Trustee Hill-Ries – Nothing to report.

Village Trustee Kamal Eldahry – Nothing to report.

Village Trustee McGreal – Nothing to report, but well done to Chief Benkwitt for giving his time for an interview for a school project for her daughter.

Village Trustee Otondi – An update from Fire Chief Benkwitt was provided, in November the FD handled 67 calls, the most notable being a garage fire on Loring Ave, quick response and automatic aid response from Pelham Manor. December the FD handled 102 calls, the most notable being a fire on Benedict Place, quick notification and automatic aid response. We assisted Pelham Manor on Christmas Eve. The Town is looking to change their EMS provider.

Village Trustee Solomon – The Eagle Scout project pertaining to the Highbrook Highline is complete and thank you to the Board for their support. A "Save the Date" for January 21<sup>st</sup>, the Pelham Music Festival is back, and will be a great opportunity to support our local children.

Deputy Mayor Carpenter – Nothing to report.

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

A reminder to all the Christmas tree recycling program will continue Village Wide until January 31<sup>st</sup>. Trees must be curbside and free of all ornaments, lights, stands, tinsel or they will not be collected. Three out of the four garbage trucks will be delivered this week; looking forward to a successful

launch this year. The sewer re-lining project is well underway and anticipate it will be completed in the next 45 days. A project kick-off meeting will occur regarding the Village wide storm water infrastructure project. The 2023-2024 Budget process will begin soon.

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

The Pelham Art Center has a faculty exhibition that will run through February 4<sup>th</sup>. WinterFest 2023 sponsored by Pelham Together is happening on February 4<sup>th</sup> which is occurring at the Gazebo and Townhouse, including live music and a chili contest.

**Item # 7 - Public Comments**

Don Bollin, 484 Clifford Ave – Wanted to confirm there was no plan to take any formal next step regarding the Washington Ave Church?

The Mayor responded that no, there are steps that would need to be taken, including a public hearing, etc. Confirmed they are no where near any considerations regarding the church.

Mr. Bollin posed a follow up question regarding the Food Scrap composting program. Has there been any initial read or analysis on how it is working? Any sense of success or lack of success of the program?

The Mayor responded that there was no specific metric when the program was initiated, and we do not have any current numbers regarding tonnage. There are hundreds of Pelham residents who have adopted the Food Scrap program.

**Non-Recurring Items**

**Item # 8 – Resolution Calling for a Public Hearing on Local Law No. 1 of 2023 to Override the Real Property Tax Levy Limit Established in General Municipal Law § 3-c**

**Whereas**, the Board of Trustees of the Village of Pelham has proposed a local law to override the limit on the amount of real property taxes that may be levied by the Village of Pelham pursuant to General Municipal Law § 3-c, and to allow the Village of Pelham to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c; 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, January 24, 2023 at 8:00 p.m. or soon thereafter on a proposed local law to override the real property tax levy limit established in General Municipal Law § 3-c. 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.

<b>Vote Record – Item # 8 – Resolution Calling for a Public Hearing on Local Law No. 1 of 2023 to Override the Real Property Tax Levy Limit Established in General Municipal Law § 3-c – 8:24 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, January 10, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Approved	Mayor Mullen		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 9 - Resolution Authorizing Budget Amendment for Cost Actualization Fee for Garbage Truck Bodies**

**Whereas**, via resolution dated July 13, 2021, a capital project budget was established for the estimated cost of purchasing four (4) garbage trucks at \$1,375,000.00; and

**Whereas**, due to increases in supply chain and commodity acquisition costs for all orders received, but with builds not in process as of February 4, 2022, a \$3,900 cost actualization fee is applied to each order totaling \$15,600.00.

**Now, therefore, be it resolved**, the respective capital project and project budget is amended in the amount of \$15,600.00, to be funded by a transfer from the General Fund, as follows:

<u>Decrease: General Fund Expense</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
A.1990.990	Contingency	\$15,600.00
<u>Increase: General Fund Expense</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
A.9550.800	Inter-Fund Transfer to Capital Projects Fund	\$15,600.00

<u>Increase: Capital Projects Fund Revenue</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
H.2850	Inter-Fund Transfer from General Fund	\$15,600.00
<u>Increase: Capital Projects Fund Expense</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
H.8160.201	Refuse Trucks	\$15,600.00

<b>Vote Record - Item # 9 - Resolution Authorizing Budget Amendment for Cost Actualization Fee for Garbage Truck Bodies – 8:25 pm</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, January 10, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Approved	Mayor Mullen		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 10 – Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at 46 Second Avenue**

**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 contiguous 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 # 10 – Resolution Approving Zoning and Site Plan Application for Jessie Development Co., LLC. at 46 Second Avenue						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, January 10, 2023		
			Yes/Aye	No/Nay	Abstain	Absent
<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 checked="" 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"/>

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

**Item # 11 – Other Business**

No other business noted.

**Recurring Items**

**Item # 12 - Authorizing Accounts Payable**

Deputy Mayor Carpenter 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)	\$185,572.23
Capital Projects Fund (H)	\$357,583.12
Trust & Agency (T)	\$ 14,350.00
<b>Grand Total</b>	<b>\$557,505.35</b>

**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 # 12 - Resolution Authorizing the Accounts Payable – 8:28PM						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, January 10, 2023		
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Approved	Mayor Mullen		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 13 - Authorizing Minutes of: December 13, 2022, Work Session, Regular Meeting, Executive Session, and Organizational Meeting**

Vote Record - Item # 13 – December 13, 2022, Work Session, Regular Meeting, Executive Session, and Organizational Meeting – 8:30 PM						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, January 10, 2023		
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Approved	Mayor Mullen		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 14 - Adjournment**

A Motion was made by Village Trustee Solomon and seconded by Village Trustee Eldahry and confirmed by all at 8:31 PM to adjourn to Executive Session to discuss personnel matters in the Police Department and the Department of Public Works.

Respectfully Submitted,  
 Sarah LoPuzzo  
 Village Clerk