



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING MINUTES**  
TUESDAY, OCTOBER 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 Approving a Modification to an Approved Site Plan for a Proposed "Anna and Jack's Treehouse" Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) Tabled from 5/23/2023
9.	Public Hearing on Proposed Local Law No. 4 of 2023 Amending the Pelham Village Code Pertaining to Outdoor Dining in the B-2 and B-3 Zoning Districts
10.	Resolution Amending § 90-56 Schedule XVII: On-Street Parking Meter Zones, as Authorized by § 90-28, to create On-Street Parking Meter Zones on Pelhamwood Avenue
11.	Other Business
<b>Recurring Items</b>	
12.	Authorizing Accounts Payable
13.	Authorizing Minutes of: September 26, 2023 Work Session, Regular Meeting & Executive Session
14.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, October 24, 2023**  
**Tuesday, November 14, 2023**

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

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

**Item # 3 - Roll Call:**

Attendee Name	Present	Absent	Late
Mayor Mullen (Virtual)	<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 type="checkbox"/>	<input checked="" 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"/>

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

Village Trustee Hill-Ries – Absent.

Village Trustee Kamal Eldahry – nothing to report.

Village Trustee McGreal – nothing to report.

Village Trustee Otondi – nothing to report.

Village Trustee Solomon – nothing to report.

Deputy Mayor Carpenter – nothing to report.

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

Fall leaf collection begins on October 15<sup>th</sup>. Please visit the Village of Pelham website for a list of do's and don'ts for fall leaf collection. Any other organics needs to be bagged and left at the curb. The DPW will be making it's way around the Village to collect leaves and organics.

New York State is collecting data on the flood damage – the survey is located on our website.

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

As folks have seen, the people of Israel have been attacked by Hamas resulting in an unprecedented number of deaths and horrible acts. Please join Mayor Mullen in a moment of silence for all those experiencing this and for those who have family in the region.

**Item # 7 - Public Comments**

No public comment.

**Non-Recurring Items****Item # 8 - Resolution Approving a Modification to an Approved Site Plan for a Proposed "Anna and Jack's Treehouse" Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) Tabled from 5/23/2023****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 4-05-2023 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 “Anna and Jack’s Treehouse” Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue) Tabled from 5/23/2023 –_8:11 PM</b> <b>Village of Pelham Board of Trustees Regular Meeting</b> <span style="float: right;"><b>Tuesday, October 10, 2023</b></span>						
			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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry	Motion	<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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 9 – Public Hearing on Proposed Local Law No. 4 of 2023 Amending the Pelham Village Code Pertaining to Outdoor Dining in the B-2 and B-3 Zoning Districts**

Vote Record - Item # 9 – Open Public Hearing on Proposed Local Law No. 4 of 2023 Amending the Pelham Village Code Pertaining to Outdoor Dining in the B-2 and B-3 Zoning Districts – 8:15 PM						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, October 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry	Motion	<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"/>

David Cooper of Law firm of Zarin and Steinmetz – representing joint petitioners of Sergio’s and The Railhouse who are seeking a zoning text amendment to create a special permit to allow restaurants in the Business districts to allow outdoor dining on private property. Other restaurants in the Village are permitted to utilize the sidewalk in front of their restaurants to have a sidewalk **café**. The proposal to create a special permit to allow restaurants to make use of the outdoor private space to have outdoor dining for those who can’t use their sidewalk.

Deanna Zammit – 322 Sixth Ave – Member of the Chamber of Commerce – Deanna advocates for the change. Feels this is a really nice step in leveling the playing field for the restaurants who right now cannot utilize the sidewalk **café**. Also feels it will be a draw for the community and encourages the restaurants to beautify and gives them the opportunity to grow their businesses.

Cristina Chianese – 535 Stellar Ave – Runs the Chamber of Commerce – Expressed the owners of the restaurants are very community minded and knows that if these two restaurants are permitted to get the special permit, they will do the right thing and work with the community to address any concerns and make sure it is a comfortable environment with anybody. They work well with the other businesses in Pelham and are two of the most generous restaurants in Pelham. It will be a great boost for the economy and will have a ripple effect throughout the Village. Cristina feels there is a nice pull for outdoor dining and the community is really looking for this and will allow for a competitive edge for Pelham. Cristina feels that we are working against old zoning laws, at some point those laws need to be reconsidered across the board.

A motion was made by Village Trustee Solomon and seconded by Village Trustee Eldahry and voted unanimously by all to adjourn the public hearing until the October 24<sup>th</sup> Board Meeting.

**Item # 10 – Resolution Amending § 90-56 Schedule XVII: On-Street Parking Meter Zones, as Authorized by § 90-28, to Create On-Street Parking Meter Zones on Pelhamwood Avenue**

**Whereas**, the Board of Trustees of the Village of Pelham is desirous of creating On-Street Parking Meter Zones on portions of Pelhamwood Avenue.

**Now, therefore, be it resolved**, that § 90-56 Schedule XVII: On-Street Parking Meter Zones, As Authorized by § 90-28 of the Code of the Village of Pelham is amended to add the following locations:

<b>Street Name</b>	<b>Side</b>	<b>Time Limit</b>	<b>Location</b>
Pelhamwood Avenue	North	12 hrs.	From a point 106 feet West of Highbrook Avenue to Harmon Place
			From 5:00 a.m. to 5:00 p.m. Monday through Saturday
Pelhamwood Avenue	North	2 hrs.	From a point 103 feet West of Harmon Place to Fifth Ave. to Fifth Avenue
			From 8:00 a.m. to 6:00 p.m. Monday through Saturday

<b>Vote Record - Item # 10 – Resolution Amending § 90-56 Schedule XVII: On-Street Parking Meter Zones, as Authorized by § 90-28, to Create On-Street Parking Meter Zones on Pelhamwood Avenue – 8:34 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, October 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 # 11 – Other Business**

No other business.

**Recurring Items**

**Item # 12 - Authorizing Accounts Payable**

Trustee Otondi 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)	\$125,132.26
Capital Projects Fund (H)	\$ 12,082.18
Trust & Agency (T)	\$ 945.00
<b>Grand Total</b>	<b>\$ 138,159.44</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 # 12 - Resolution Authorizing the Accounts Payable – 8:35 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, October 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: September 26, 2023 Work Session, Regular Meeting and Executive Session**

Vote Record - Item # 13 – Authorizing the Minutes of September 26, 2023 Work Session, Regular Meeting and Executive Session – 8:36 PM						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, October 10, 2023		
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 # 14 - Adjournment**

A motion was made by Village Trustee Solomon and seconded by Village Trustee Eldahry, voted unanimously by all to adjourn the regular meeting at 8:36 PM.