



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING MINUTES**  
TUESDAY, OCTOBER 24, 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.	Public Hearing on Local Law No. 4 of 2023 Amending Chapter 98 of the Code of the Village of Pelham Regarding an Amendment to Chapter 98-140 of the Code of the Village of Pelham to Create a Special Permit in the Village's Business – 1, Business – 2, and Business – 3 Zoning Districts to Permit Seasonal Outdoor Dining
9.	Resolution Adopting Local Law No. 4 of 2023 Amending Chapter 98 of the Code of the Village of Pelham Regarding an Amendment to Chapter 98-140 of the Code of the Village of Pelham to Create a Special Permit in the Village's Business – 1, Business – 2, and Business – 3 Zoning Districts to Permit Seasonal Outdoor Dining
10.	Site Plan Application at 101 Wolfs Lane (Vertical Community Development, LLC.)
11.	Resolution Accepting the Filing Audited Financial Statement for Fiscal Year 2022-23
12.	Other Business
<b>Recurring Items</b>	
13.	Authorizing Accounts Payable
14.	Authorizing Minutes of: October 10, 2023 Work Session, Regular Meeting & Executive Session
15.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, November 14, 2023**

**Tuesday, November 28, 2023**

**Item # 1 - Meeting Called to Order:** Mayor Mullen called the meeting to order at 8:09PM.

**Item # 2 - Pledge of Allegiance:** Mayor Mullen led the Pledge at 8:09PM.

**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 - Virtual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Eldahry - Virtual	<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 – nothing to report.

Village Trustee Kamal Eldahry – nothing to report.

Village Trustee McGreal – nothing to report.

Village Trustee Otondi – nothing to report.

Village Trustee Solomon – Updates on Pedestrian Safety – thank you Brian Dempsey, the Traffic Safety Engineer for the Village. Brian completed reviews of Wolfs/Colonial and Cliff/Boulevard. For Wolfs/Colonial, the Village is going to be taking the following actions – adding an additional speed limit sign of 25mph and additional school speed limit sign of 15mph in the Northbound direction closer to the intersection of Wolfs/Colonial. Looking into speed radar signs in both directions. Police enforcement will continue in the area. Also be adding a sign at the NE and SW corners to use the crosswalk, no diagonal crossing unless directed by the crossing guard. Phase 2 is looking into adding flashing beacons on the school speed limit signs in all directions. Looking to engage the county in this as well. Last thing will be examining the traffic signals; Colonial is not synched with Boulevard and could cause additional traffic. An analysis of traffic flow will occur at a later time. In regard to Cliff/Boulevard greenery will be cut back to improve sight distance at the intersections, installing a stop ahead signs on Cliff and painting the word "stop" in front of the stop bars. Chris has reached out to the post office about the green post box which must be addressed directly with them. In terms of the 4-way stop request, the criteria in the MUTCB were not met. A formal engineering study would need to be completed. The Village is taking measures to ensure road safety, but a reminder to drivers to be mindful and more careful of speed limits and pedestrians.

Deputy Mayor Carpenter - the SAB is hosting the 2<sup>nd</sup> annual Pumpkin Smash on the Saturday after Halloween behind Village Hall. In addition, we have been working on a resolution to support the

previously discussed goals for the Village's greenhouse gas emissions. It will be ready for an agenda in the near future.

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

As a result of the severe flooding on September 9<sup>th</sup> – there has been a stretch of road on Second Ave that is going to require paving and will occur on October 27<sup>th</sup> – this will be funded by CHIPS funding. Normal paving schedule will resume in the summer of 2024 and will be based off the Pavement Management Study.

The Hutchinson River Flood and Resiliency Study information gathering session occurred. A statewide initiative from the DEC to make the state more resilient to flooding – it is important that we engage with the DEC consultant and the meeting will occur on Friday, October 27<sup>th</sup> to aid in their data gathering project with a report in approximately 6 months.

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

The first flood session public session was last Thursday, the second one will be on Thursday, October 26<sup>th</sup> via zoom and open to the public. The goal was for the public to be able to hear and weigh in. Tune into the special meeting on Thursday night for more information. Discussions are being held with the School Board for potential work at Julianne's Playground.

**Item # 7 - Public Comments**

No public comment.

**Non-Recurring Items**

**Item # 8 – Public Hearing on Local Law No. 4 of 2023 Amending Chapter 98 of the Code of the Village of Pelham Regarding an Amendment to Chapter 98-140 of the Code of the Village of Pelham to Create a Special Permit in the Village’s Business – 1 , Business – 2, and Business – 3 Zoning Districts to Permit Seasonal Outdoor Dining**

**VILLAGE OF PELHAM**  
**NOTICE OF PUBLIC HEARING**

Scheduling a Public Hearing for Local Law No. 4 of 2023 to Amend Chapter 98 of the Pelham Village Code to Permit the Village Board by Special Permit to Permit Outdoor Dining in the Business-1, Business-2 and Business-3 Zoning Districts

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 8:00 p.m. on Tuesday, October 24, 2023, on a proposed Local Law that would amend the Code of the Village of Pelham, to allow the Village Board by Special Permit to Permit Outdoor Dining in the Business-1, Business-2 and Business-3 Zoning Districts. This meeting will be held virtually on Zoom and members of the public wishing to present comments may do so online during the public comment phase of the hearing by accessing the meeting at:

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Join by Video:

<https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWFEU2Nm9ndWxQSEgwZz09>

Join by Telephone: (929) 205-6099

Meeting ID: 989 1740 9392

Passcode: 030699

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A copy of the proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 9:00 a.m. to 4:30 p.m., or an electronic copy may be obtained from the Village’s website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Village Board of Trustees

Sarah LoPuzzo, Village Clerk

Publication Date: October 13, 2023

<b>Vote Record - Item # 8 – Re-Open Public Hearing on Local Law No. 4 of 2023 – 8:27 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, October 24, 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"/>
	Village Trustee Hill-Ries		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Eldahry		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee McGreal		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> Discussed	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"/>
<b>Vote Record - Item # 8 – Close Public Hearing on Local Law No. 4 of 2023 – 8:28 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>						
<b>Tuesday, October 24, 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	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 # 9 – Resolution Adopting Local Law No. 4 of 2023 Amending Chapter 98 of the Code of the Village of Pelham Regarding an Amendment to Chapter 98-140 of the Code of the Village of Pelham to Create a Special Permit in the Village’s Business – 1, Business – 2, and Business – 3 Zoning Districts to Permit Seasonal Outdoor Dining**

**Whereas**, the Board of Trustees of the Village of Pelham has proposed a local law amending Chapter 98-140 of the Code of the Village of Pelham to create a Special Permit in the Village’s Business – 1, Business – 2, and Business – 3 Zoning Districts to permit seasonal outdoor dining; and

**Whereas**, the Board of Trustees of the Village of Pelham has determined that the adoption of the local law is an Unlisted Action and are therefore not subject to the requirements of the State Environmental Quality Review Act (SEQRA) and;

**Whereas**, a notice of public hearing was duly advertised in the Journal News, the official newspaper of the Village of Pelham; and

**Whereas**, said public hearings were held on October 10, 2023 and October 24, 2023, at or about 8:00 p.m. virtually via Zoom and in Village Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said to proposed local law or any part thereof.

**Now, therefore, be it resolved**, as follows:

1. The Board of Trustees hereby adopts Local Law No. 4 of 2023 of the Village of Pelham amending Chapter 98 in accordance with 98-140 of the Code of the Village of Pelham to create a Special Permit in the Village’s Business – 1, Business – 2, and Business – 3 Zoning Districts to permit seasonal outdoor dining;
2. The Board of Trustees directs the Village Clerk to prepare said Law for filing with the Secretary of State.

<b>Vote Record - Item # 9 – Resolution Adopting Local Law No. 4 of 2023 Amending Chapter 98 of the Code of the Village of Pelham Regarding an Amendment to Chapter 98-140 of the Code of the Village of Pelham to Create a Special Permit in the Village’s Business – 1, Business – 2, and Business – 3 Zoning Districts to Permit Seasonal Outdoor Dining – 8:31 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>			<b>Tuesday, October 24, 2023</b>			
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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	Motion	<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		<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 # 10 –Site Plan Application at 101 Wolfs Lane (Vertical Community Development, LLC.)****101 Wolfs Lane Supporting Documentation**

Vertical Community Development, represented by Steve Wrabel of McCullough, Goldberger and Staudt, LLC, submitted and presented initial site plan application under the BDFZ for a 73-unit residential building. It was noted by the Board that it is difficult to decipher existing grade, proposed grade and what, if any retaining walls will be required. This is a code requirement and must be produced. The landscaping plan requires a planting plan prepared by a qualified landscape architect. More details concerning the easement needed with the Village to access the parking. Also needed is the relationship of proposed plan to surrounding structures. A developer that provides or connects to public parking could get more density down to a 400 sq. foot per unit and have more lot coverage. A request was made by Mayor Mullen for more information that if this building were to change to 500 sq. feet per unit, what would the total unit count be. It was noted by Mayor Mullen that the parking incentive allows for an additional 15 units in exchange for 5 parking spaces for the public. Steve Wrabel noted that the pedestrian access easement is a substantial addition as well as a safe, well lit, covered walkway to public parking and provides more benefit than just the addition of 5 parking spaces. Sustainability of the building was discussed as well as anticipated rent costs and affordability, tax rates. Architecture was reviewed; feedback provided by Village Board.

**Item # 11 - Resolution Accepting and Filing Audited Financial Statement for Fiscal Year 2022-23**

**Whereas**, PKF O’Connor Davies, LLP., has submitted final reports for the fiscal year ended May 31, 2023.

**Now, therefore, be it resolved**, that the internal management letter and the audited financial statements for all fund types and account groups for the fiscal year ended May 31, 2023, prepared by PKF O’Connor Davies, LLP., are hereby accepted and ordered to be filed with the Village Clerk pursuant to New York State Village Law § 4-408 (e).

<b>Vote Record - Item # 11 – Resolution Accepting and Filing Audited Financial Statement for Fiscal Year 2022-23 – 9:53 PM</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, October 24, 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	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 # 12 – Other Business**

No other business.

**Recurring Items**

**Item # 13 - Authorizing Accounts Payable**

Trustee Solomon 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)	\$319,740.72
Capital Projects Fund (H)	\$ 36,541.80
Trust & Agency (T)	\$ 350.00
<b>Grand Total</b>	<b>\$ 356,632.52</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 # 13 - Resolution Authorizing the Accounts Payable – 9:54 PM						
Village of Pelham Board of Trustees Regular Meeting						
Tuesday, October 24, 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	Motion	<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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 14 - Authorizing Minutes of: October 10, 2023 Work Session, Regular Meeting and Executive Session**

Vote Record - Item # 14 – Authorizing the Minutes of October 10, 2023 Work Session, Regular Meeting and Executive Session – 9:56 PM						
Village of Pelham Board of Trustees Regular Meeting				Tuesday, October 24, 2023		
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 # 15 - Adjournment**

A motion was made by Deputy Mayor Carpenter at 9:56 PM, seconded by Village Trustee McGreal and voted unanimously by all to adjourn the regular meeting.