

BOARD OF TRUSTEES  
August 25, 2014

PRESENT: Mayor Sellier  
Trustee Schwarzfeld  
Trustee Annunziata  
Attorney McLaughlin  
Manager Pierpont

ABSENT: Trustee Vandenberg  
Trustee Winston

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

Mayor Sellier led those assembled in the Pledge of Allegiance and notified those in attendance where the fire exits were located.

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ACTION ON LOCAL LAW 2 OF 2014 – FURTHER EXTENDING MORATORIUM IN THE RETAIL ZONE ESTABLISHED BY LOCAL LAW 1 OF 2012

This will extend the moratorium in the Retail Zone for another six months.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That Local Law 2 of 2014 be and hereby is adopted.

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MINUTES FROM THE JULY 21, 2014 PUBLIC HEARING AND JULY 21, 2014 REGULAR MEETING

There were no comments or questions on the minutes.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the minutes from the July 21, 2014 Public Hearing and the July 21, 2014 Regular Meeting be and hereby are approved.

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REPORTS

Fire Commissioner Schwarzfeld discussed the Fire report with Chief Ruggiero. The Commissioner said that it was a relatively quiet month. The report listed a car fire with four thousand dollars worth of damage. It appeared later in the report as six thousand dollars. The Chief said that he would check on the discrepancy. It was also noted that there were three malfunctioning alarms. The Chief said that there was a meeting with Con Edison and problem has been resolved.

Chief Ruggiero said that there many mutual aid calls to New Rochelle and Mount Vernon. There were three structure fires. The Fire Chief said that there were two stand-by calls to New Rochelle. That means the Village stayed in New Rochelle's firehouses while they were at the fire. Commissioner Schwarzfeld asked who covers for our village during the mutual aid calls. The Chief said that the Tower truck is usually requested for the calls. The rest of the equipment and manpower remains in the Village. The Chief also said that the Village went on quite a few calls to the Village of Pelham because their ladder truck was

out of order. The Chief said that the new engine that the Village purchased is a great piece of equipment.

Fire Commissioner Schwarzfeld commented on the low absentee rate in the department.

Trustee Annunziata asked about carbon monoxide alarms. The Chief said that there are no symptoms. He said most of the alarms are false, but sometimes it's real emergency. A generator or compressor with lines running from the garage could cause carbon monoxide poisoning.

The Board thanked Chief Ruggiero for his report.

Village Treasurer reported that things were going well although it is very early in the fiscal year.

The Village Clerk said that sixty two building permits and thirty two dog licenses were issued in July.

The Department of Public Works report was consistent with previous reports. The streetlight replacement was behind schedule because the bucket truck was out of order. The truck has been fixed.

Manager Pierpont reported that street paving was finished for the year. James, Francis and Manor Circle were paved. The cost of this project was two hundred twenty five thousand dollars. The Village had a contract with the City of New Rochelle for this work.

Trustee Schwarzfeld asked how the grass clippings are handled in the parks and was told that the Village leaves them in place.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the reports be and hereby are accepted.

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**RESOLUTION TO ACCEPT DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT AS ADEQUATE FOR PUBLIC REVIEW AND TO SCHEDULE A PUBLIC HEARING WITH RESPECT TO THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT AND THE PROPOSED AMENDMENTS TO THE USES PERMITTED IN THE RETAIL ZONING DISTRICT**

Mayor Sellier said that the resolution is to accept the DGEIS as complete and schedule a public hearing on Local Law 4 on September 22, 2014 at eight fifteen in the evening. The acceptance is essentially a ministerial act. Within thirty days of acceptance a hearing has to be scheduled. The public hearing does not mean that it ends on the 22<sup>nd</sup>. It could be continued. After comments are in, the planner will respond to those comments and then the Board will act. Tonight, the Board will accept the report to start the calendar on scheduling a public hearing.

After discussion and upon motion duly made and seconded, it was unanimously  
RESOLVED, That

WHEREAS on September 9, 2013, the Board of Trustees of the Village of Pelham Manor (a) reviewed and considered a Short Environmental Assessment Form with respect to proposed amendments to the uses permitted in Retail Zoning District, and (b) determined that (i) the proposed action is subject to the requirements of the New York State Environmental Quality Review Act (SEQRA), (ii) it is an Unlisted Action within the meaning of SEQRA; (iii) it is not located in an agricultural district; (iv) the Board of Trustees would be the lead agency with respect to the proposed action because there are no

other involved agencies; and (v) for the reasons set forth in the Short Environmental Assessment Form, the proposed action may include the potential for at least one significant impact; and (c) adopted a positive declaration with respect to the proposed action, requiring the preparation of an environmental impact statement; and (d) reviewed and accepted the draft scope of the Generic Environmental Impact Statement (GEIS) with respect to the proposed action, and (e) scheduled a time within which public comment on the draft scope of the GEIS would be accepted, and

WHEREAS on October 14, 2013, the Board of Trustees considered public comment on the draft scope of the GEIS and adopted a final scope for the GEIS, and

WHEREAS the Board of Trustees thereafter caused a Draft Generic Environmental Impact Statement (DGEIS) to be prepared with respect to the proposed action, and

WHEREAS on May 26, 2014, the Board of Trustees received the DGEIS, and

WHEREAS the Board of Trustees has reviewed the DGEIS,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM MANOR, as follows:

1. The Board of Trustees determines that the DGEIS is complete and adequate for public review.

2. After considering the degree of interest in the action shown by the public, whether substantive or significant adverse environmental impacts have been identified, the adequacy of the mitigation measures and alternatives proposed and the extent to which a public hearing can aid the decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment, the Board of Trustees determines that a public hearing with respect to the DGEIS will be held on September 22, 2014 at 8:15 p.m. at the Village Hall, 4 Penfield Place, Pelham Manor, New York.

3. The Board of Trustees further determines that pursuant to the SEQRA Regulations (6 NYCRR § 617.9[a][4][ii]), the public hearing with respect to the proposed local law that is the subject of the DGEIS will be held at the same time as the public hearing on the DGEIS.

4. The Board of Trustees directs the Village Clerk to cause to be prepared a notice of completion of the DGEIS to be filed and circulated and to provide notice of the public hearing as may be required by law.

5. The Board of Trustees further determines that it will receive and consider comments with respect to the DGEIS until October 10, 2013, which is a date not less than 30 calendar days from the anticipated first filing and circulation of the notice of completion of the DGEIS and not less than 10 calendar days following the public hearing at which the environmental impacts of the proposed action are to be considered.

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Jennifer Lapey, 95 Witherbee Avenue, and co-chair of the committee on the DGEIS and potential rezoning of the retail district, asked if she could speak at this time instead of

waiting until the public comment portion of the agenda. She expressed her concern that the committee would not be ready by September 22<sup>nd</sup>. She told her committee that they would need to be ready by October.

Mayor Sellier said that September 22, 2014 would be the first session. He said that the Board would have at least one more session. He said that the Board has to begin the public hearing within thirty days of acceptance of the DGEIS. It does not mean that it will finish on September 22<sup>nd</sup>.

Manager Pierpont said that written comments have to be submitted within thirty days of closing the public hearing.

Mayor Sellier told Jennifer Lapey that she could supplement the resolution with the wording no earlier than October 30, 2014. He said that the second meeting will be held on October 27<sup>th</sup>. The Mayor also said that the Village has been taking comments from the website.

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SCHEDULE A PUBLIC HEARING REGARDING LOCAL LAW #3 OF 2014 MAKING A TEXT CHANGE ( COFFEE BAR USE ) IN B2 ZONE FOR MONDAY, SEPTEMBER 8, 2014 AT 8:15 P.M.

Mayor Sellier said that Local Law 3 of 2014 would allow coffee bars in the Business 2 Zone.

Upon motion duly made and seconded, it was unanimously

RESOLVED, That a public hearing regarding Local Law 3 of 2014 making a text change ( coffee bar use ) in the B 2 Zone be and hereby is scheduled for Monday, September 8, 2014 at 8:15 p.m.

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TAX CERTIORARI – VINRUS CORPORATION

Mayor Sellier said that this was entered as a judgment by the Supreme Court. It covers an eight year period. The cost is nineteen thousand six hundred thirty dollars for a property on Canal Road opposite Sleepy's and next to the gas station that blew up.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED That the Tax Certioari in the amount of nineteen thousand six hundred thirty dollars for Vinrus Corporation be and hereby is approved.

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RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO DRAFT A LICENSE AGREEMENT FOR USE OF PUBLIC RIGHT OF WAY FOR A FENCE

The residents at 1026 Pelhamdale Avenue would like to put up a fence in the right of way. This would close part of the right of way and there are concerns about liability issues.

Trustee Annunziata asked the location and was told that the part of the right of way where the thruway meets up with pie shaped land.

Trustee Annunziata asked if there was value associated with this piece of property.

The size of the land is approximately one thousand to fifteen hundred square feet and it is maintained by the property owner. The property owner wants more room for their children to play.

Mayor Sellier asked if the license agreement would be revocable.

Manager Pierpont said that another resident had a play set on top of a sanitary sewer in the right of way and an agreement was worked out. He said that he was getting the sense of the Board the he should come up with something and then have the Village Attorney scrutinize it.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the Village Manager be and hereby is authorized to prepare an agreement between the property owners of 1026 Pelhamdale Avenue and the Village of Pelham Manor that will allow some use of the right of way.

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**RESULTS FROM THE SIDEWALK REPLACEMENT BID**

On August 14, 2014 the Village received four quotes for concrete sidewalk replacement. The bids are listed below.

A. Palmieri Landscaping Co.	\$ 9.33 per square foot
Detco Construction	\$11.00 per square foot
General Landscaping	\$ 6.50 per square foot
Landi Contracting Inc.	\$18.00 per square foot

Manager Pierpont recommended the low bidder General Landscaping. They have done work for the Village before.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that General Landscaping, the low bidder, be and hereby is awarded the concrete sidewalk replacement work for the Village at a cost of six dollars and fifty cents per square foot.

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**SIGNAGE – T-MOBILE REPLACEMENT SIGN**

The Village’s planning consultant reviewed this replacement sign application. They have responded to every question and made any necessary changes to be compliant with the Tenant Sign Design Criteria.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the replacement sign for T-Mobile be and hereby is approved.

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**REQUEST FROM SYDNEY THAYER, PRESIDENT OF THE BOARD OF DIRECTORS OF THE PELHAM CHILDREN’S CENTER RE: PELHAM CHILDREN’S CENTER ANNUAL PUMPKIN FESTIVAL, 5K RACE AND KIDS FUN RUN ON OCTOBER 18, 2014**

Sydney Thayer, President of the Board of Directors of the Pelham Children’s Center requested permission to have police cooperation in securing safe areas for the runners in the annual 5 K Race and Kid’s Fun Run on Saturday, October 18, 2014.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That Sydney Thayer’s request to have police cooperation in securing safe areas for runners in the Annual 5K Race and Kid’s Fun Run on October 18, 2014 be and hereby is approved.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS  
NUMBERS 20576- 20674

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Mayor be and hereby is authorized to sign Abstract of  
Vouchers Numbers 20576- 20674.

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REQUEST TO USE SHORE PARK

A last minute request was received from Molly Aichele and Matthew McDonald , 422  
Carol Place, to use Shore Park on Sunday, September 7, 2014 for a small gathering for the  
baptism of their son Edward James. It should take approximately ten minutes and will  
begin at ten o'clock.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That Molly Aichele and Matthew McDonald be and hereby is  
authorized to use Shore Park for a small gathering for a baptism on Sunday,  
September 7, 2014 at ten o'clock in the morning.

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PUBLIC COMMENT

Carol Desmond, 95 Corona Avenue, said that she is the Secretary of the Pelham  
Preservation and Garden Society. She said that she was surprised the resolution to accept  
the DGEIS. She expressed concern that it was summer and people might not be paying  
attention to this matter. She said that the report was vague and misleading and did not take  
into account the community. She said that the photographs were misleading. She said that  
her organization is interested in preserving the community. She expressed concern that  
there wasn't more community involvement before this document was accepted. She read  
the mission statement of the Pelham Preservation and Garden Society and said that they  
requested more discussion. She expressed disappointment that the Board accepted the  
Draft Generic Environmental Impact Statement tonight.

Bob Walder, 590 Monterey Avenue, wanted to make sure his comments were received and  
that he believes there are a number of gross inaccuracies in the DGEIS.

His comments and pictures were received at the Village office and will be part of the  
record.

Mayor Sellier said that this was a process and the planner produced a draft.

Trustee Schwarzfeld said that the document was accepted as a draft.

Mayor Sellier said that Mr. Walder's memorandum will be part of the process. The  
consultant will respond to those comments and they will be evaluated. The Mayor also  
said that comments such as fraud and misleading are not helpful.

Trustee Schwarzfeld said that this is not a back and forth question and answer. People will  
express their views and the consultant will respond.

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EXECUTIVE SESSION

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Board be and hereby is authorized to conduct an Executive Session to discuss the following;

Personnel Matter

No action was taken in Executive Session.

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ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

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Clerk