

BOARD OF TRUSTEES
January 12, 2015

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

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.

PUBLIC HEARINGS ON LOCAL LAW 5 OF 2014 AND CANAL ROAD URBAN RENEWAL PLAN

Mayor Sellier announced that the public hearing on Local Law 5 of 2014 would be continued because a number of changes to the proposed law, including a number that were discussed at the last public hearing, are being considered. The Mayor thanked Mr. Walder, 590 Monterey Avenue, for sending a re-draft that clarifies some aspects of the law.

Trustee Schwarzfeld asked Manager Pierpont what would happen if the law passes and was told that there would be a bit of an educational process for the public. Those homes not in compliance would receive a letter asking them to take care of the snow and bring the residence into compliance. If the snow is not taken care of a written Notice of Violation will be issued. A second or third violation may be issued. He said that ninety nine percent of the properties comply.

Trustee Schwarzfeld said that the one percent that does not comply would be issued a summons for Town Court. The case would be tried and it would be up to the judge to set the penalty.

Manager Pierpont said that the Village could set a minimum or maximum penalty.

Steve O'Brien, 970 Esplanade, said that he thought that the proposed law was working already and that more people were shoveling their walks. He said that he didn't think that people should wait for the plow to come. He also said that he was available to help senior citizens.

Trustee Vandenberg said that it was not the intention of the Board to eliminate the sidewalk snow plow. It is a service for the residents.

Trustee Winston asked what other municipalities provide this service and was told that Scarsdale plows some sidewalks.

Trustee Winston said that the Village has a problem getting parts for the plow.

Manager Pierpont said that it is tough to do, but the Village does it.

Frank Barbieri, 55 Oak Lane, said that he has been a resident since 1955 and said that he was opposed to this law. He said that it would cause additional worry and expense for senior citizens and said that the proposed legislation should be voided. He spoke about new liquid ice melt products, salt free brines and organic compounds that can be applied prior to a snow event. Mr. Barbieri also commented that the twenty four hour deadline would be difficult to meet.

Trustee Winston asked who else was using these products and Trustee Schwarzfeld asked about the cost.

Frank Barbieri said the Village would have to invest in a sidewalk machine.

Trustee Vandenberg said that someone would have to dispense this product.

Frank Barbieri said it would be similar to the sidewalk plow.

Delores Tesoro, 5 Brier Lane, spoke about some accommodation for senior citizens. She said that the twenty four hour limit was a big burden on senior citizens. She said that she has to wait for her gardener to remove the snow.

Tony Marrella, 103 Iden Avenue, spoke about notification and said that it was imperative to notify taxpayers. He asked why the taxpayers haven't been notified in writing.

Trustee Schwarzfeld said that the Board was having public hearings on the matter and a legal notice had been in the paper.

Mr. Marrella said that notices could be sent the same as tax bills.

Diana Barbieri, 55 Oak Lane, said that removing the snow within twenty four hours was unrealistic. She said that you're told you're on a waiting list.

Trustee Vandenberg asked her what she thought a reasonable time frame was for snow removal.

Mrs. Barbieri said that at least forty eight hours.

Trustee Vandenberg asked if she thought forty eight to seventy two hours was sufficient.

Trustee Winston asked about the children and parents slipping on the ice.

Mrs. Barbieri said that all people can slip. She said that she didn't want to hear about children and parents. She said that if they have proper boots that will not happen.

Trustee Winston said that unless you have spikes on your boots that wouldn't help.

Mrs. Barbieri said that she lived in Norway for three years and there was no problem getting around if you were dressed properly. She also said that a twenty four hour time frame was unrealistic.

Maureen McMahon, 567 Manor Lane, said that she did not see any reference to the number of inches in the proposed law.

Mayor Sellier said that was one of the reasons the law has to be revised. He said the time issue and number of inches need to be clarified.

Trustee Schwarzfeld said that the plows can't go out if there are less than four inches of snow.

Mayor Sellier said that nothing is changing. He said that no service is being reduced.

Jim McMahon, 567 Manor Lane, said that most kids get driven to school. He said that a forty eight hour window would be better.

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

RESOLVED, That the Public Hearing on Local Lsw 5 of 2014 be and hereby is adjourned

Mayor Sellier opened the Public Hearing on the Canal Road Urban Renewal Plan.

Robert Spolzino, an attorney for the Village of Pelham Manor, said that several months ago the Board of Trustees adopted a Blight Study on the Canal Road area. The study's findings concluded that the area included blighted, underdeveloped buildings in disrepair and could benefit from urban renewal. He said that the blue print for urban renewal does not involve eminent domain, but it could. Attorney Spolzino said that the point is to get property re-developed. It would de-map Canal Road.

The property is by the old Imperia property across from BJ's shopping center.

Robert Fesjian, 660 Colonial Avenue, read the following statement.

STATEMENT BEFORE THE PELHAM MANOR BOARD OF TRUSTEES
January 12, 2015

My name is Robert Fesjian. My family has lived in Pelham since 1949.

I am the Manager of Random Lane Realty LLC, the owner of tax parcel 166.26-1-7, which contains 2 separate buildings. This parcel is among 8 parcels recently included in the Canal Road Urban Renewal Area (“URA”) under the draft **Canal Road Urban Renewal Plan** (the “Plan”), scheduled for a hearing by the Board today, January 12, 2015. The 8 parcels had previously been the subject of the **Village of Pelham Manor Blight Study**(the” Study”), presented to the Board in February 2014 and accepted by the Board on March 10, 2014.

We do not believe that this area is blighted. Further, of the 8 parcels, only ours was found to be in good condition and definitely not “blighted”. Our parcel contains less than 7 percent of the private land area within the URA, but pays almost 21 percent of the real estate taxes. Because the Study found our parcel to be in good condition, we thought this meant that our property would not be considered as part of an “urban renewal” area.

We were wrong. The draft Plan dated November 24, 2014, included our property as part of the URA. The Plan repeats 4 separate times at pages 5 and 6 that the Village reserves the right to acquire any and all parcels within the URA through condemnation if private negotiations are unsuccessful. The Plan’s condemnation threat provides an incentive for a developer to keep its negotiating prices artificially low.

Random Lane Realty, LLC as owner of the parcel, and my family and I, as long-time residents and taxpayers, would be adversely affected by being unfairly grouped with so-called “blighted” properties in the URA and by use of the condemnation power for the benefit of a private developer to the detriment of its long-time residents.

As support for our request we bring to the Board’s attention the following:

First, our property is clearly not blighted, even if the rest of the area is, a conclusion with which we disagree. Our property should not be thrown into the “urban renewal” mix.

Second, our property is off in the corner of the URA and easily segregated from the so-called “blighted” area. The use of our property involves people arriving in the morning and leaving in the evening. The property thus acts as a quiet zone between any plan that is ultimately developed and the residential area further east on Secor Lane.

Third, Concept Plans A and B, as included in the Plan as examples of how the URA could be developed, show that our property is neither a part of, nor necessary for, the development plans.

Fourth, use of the condemnation power is contrary to concepts of fair play. The power gives the private developer an unfair advantage in any negotiations. (Why offer a higher price when the condemnation weapon is waiting in the wings ?) The case of *Kelo v. City of New London*, 546 U.S. 807 (2005) and related New York cases may permit the Village to use the power of eminent domain in this manner. However, 44 states have since rejected *Kelo*, and the Village is certainly under no obligation to tilt the playing field in favor of a private developer. The Village should get a better reading from the community before it uses this extreme power.

We request that this matter be held over to the next meeting of the Board. We believe that the Village residents need more time and information in order to review what the Board has proposed. If the Board does not intend to amend the Plan, we reserve the right to present a more thorough analysis of this project as we did not get fair notice that this meeting would be the only and final hearing on this Plan.

Respectfully submitted, Robert Fesjian and Ava Zydor, 660 Colonial Avenue , (914) 522-5387.

Mayor Sellier said that he strongly disagreed about the amount of notice given to residents. He said that this discussion has been going on quite a while. The Mayor said that the highest and best use of the property is for it to be assembled as one parcel. He said that the Village does not want to exercise the power of eminent domain, but stressed that this Village will take full advantage of New York State law and the Constitution if necessary. He said that Mr. Fesjian would get fair market value for his property, but he hopes it doesn’t get to that. Mayor Sellier said that notices have been very adequate, but said that the Board will adjourn or continue this public hearing.

Robert Fesjian said that he would not like to see the Plan adopted.

Diana Barbieri, 55 Oak Lane, asked about extra policing because this development would be close to a residential area.

Mayor Sellier said that the Board members look carefully at the police reports. He said that the market determines what will be there.

Trustee Schwarzfeld said that there will be an Environmental Impact Review.

Mayor Sellier said that the Planning Board works with the Village's planning consultant and does a very good job.

Perry Ansellen, Prior Cashman LLP, represents property owner Vincent Rusciano. He said that Mr. Rusciano did not get notice.

Mayor Sellier said that notices were sent out and Mr. Ansellen said that was not the point.

Mr. Ansellen said that Mr. Rusciano wants to move forward. He urged the Mayor and Board to meet with affected property owners to save taxpayer dollars and let us see how we can develop properties. He said that there were many factual errors in the Blight Study and the Urban Renewal Plan. He urged the Board not to go through eminent domain but to allow the properties to be developed fairly and to work cooperatively.

The Mayor asked for his business card. He said that he had asked former Mayor Tom Lavin, who knows a lot about real estate, to get involved in this process.

Trustee Vandenberg asked if this was a break through.

Manager Pierpont said that the Mayor sat down with the property owners in May. He said that the Board should not get too involved because it will come before the Board for site plan review. He cautioned against the entire Board getting involved but thought perhaps the Mayor and Tom Lavin could work on this.

Trustee Vandenberg questioned whether the parcel could be something other than what it is now and whether it could be something better.

Mr. Ansellen said that Mr. Rusciano offered to revitalize that lot and was told no. He said that his client has gotten mixed messages.

Manager Pierpont said that the idea that the Village did not want Mr. Rusciano to fix the building was ludicrous. He said that the building has been condemned.

Adi Altmark said that he owns three parcels. He said of the eight parcels five could be developed independently of the other three. He said that he hopes to involve the Village in this process.

Mayor Sellier asked if he could have his presentation ready for the next Board meeting and was told yes.

Trustee Annunziata asked whether the proposal would include eight parcels and was told no.

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

RESOLVED, That the public hearing on the Canal Road Urban Renewal Plan be and hereby is adjourned until January 26, 2015.

MINUTES FROM THE DECEMBER 15, 2014 PUBLIC HEARING AND REGULAR MEETING

The Mayor asked if there were any comments or questions on the minutes. There were no comments or questions.

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

RESOLVED, That the minutes from the December 15, 2014 Public Hearing and Regular Meeting be and hereby are approved.

REPORTS

Trustee Vandenberg discussed the Police report with Chief Mosiello. It was a busy month. There was an arrest on Esplanade with suspects using ski masks, quite a few arrests, and a robbery at T-Mobile. BJ's and Fairway Market were also busy.

Chief Mosiello said that it was busy but the department could handle it. He said December is usually busy.

Trustee Vandenberg asked if the development was a drain on the department and was told not more than Caldor's was.

The Chief said that the department is continuing with the vehicle and traffic summonses and said that the number of parking tickets and overnight parking tickets increased. He noted that there was a small amount of aided cases.

The Board thanked the Chief for his report.

The Village Clerk said that there was nothing out of the ordinary in the monthly report.

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

RESOLVED, that the reports be and hereby are accepted.

RESOLUTION TO APPROVE A WALL SIGN FOR SALLY BEAUTY SUPPLY

The wall sign for Sally Beauty Supply was reviewed by the Village's planning consultant and it is now in compliance with the Tenant Sign Design Criteria. The tenant has not yet applied for a building permit. The Board said that the Sign Permit may be issued as soon as the Building Permit is obtained.

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

RESOLVED, that the wall sign for Sally Beauty Supply be and hereby is approved and be it further RESOLVED that the permit for the wall sign be issued after the building permit is obtained.

RESOLUTION APPOINTING ELECTION INSPECTORS FOR THE VILLAGE ELECTION ON MARCH 18, 2015

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

RESOLVED, That the following people have been appointed Election Inspectors for the March 18, 2015 Village Election at the rate of eighteen dollars and seventy five cents per hour.

- 1) John Gassler
- 2) Ida Petro
- 3) Adelaide Mottola
- 4) Ann Perna

FURTHER RESOLVED, That the Board of Trustees may provide for alternative inspectors and technicians who shall assume the same office of inspector or technician upon the inability or refusal of an inspector or technician to assume or perform his/her duties and of any clerical help which may be deemed necessary.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS NUMBERS
21063-21127

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
21063-21127.

PUBLIC COMMENT

Robert Walder, 590 Monterey Avenue, spoke about the height of the retaining wall, flooding on his property, drainage issues, screening, and the lighting on the top of Manor Market. He said that the lighting was not providing security and they are on all the time. He said that the lights should be on a timer.

Gianni Magnani, 435 Carol Place, spoke about the new signs for employee parking in the municipal lot. He said that ten spaces had been eliminated for the public and thought that there should be specific hours listed on the signs.

Manager Pierpont said that was going to be done.

EXECUTIVE SESSION

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

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

Personnel Matter

No action was taken in Executive Session.

ADJOURNMENT

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

Clerk