

BOARD OF TRUSTEES
MINUTES
January 28, 2013

PRESENT: Mayor O'Connor
Trustee Sellier
Trustee Schwarzfeld
Trustee Vandenberg
Trustee Annunziata
Attorney McLaughlin
Manager Pierpont

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

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

MINUTES

After discussion and upon motion duly made and seconded, the minutes were approved.

REPORTS

The Treasurer called to the Board's attention that the line in the budget for trees is over-expended by thirty seven percent. The line for traffic signs on page twelve in the monthly report are over-expended. The Department of Public Works contract for sidewalks is over-expended because many were damaged or destroyed by trees that fell during Hurricane Sandy. Street cleanup is also overspent by ten thousand dollars.

Trustee Annunziata asked if all the sidewalks were poured and was told yes.

The Treasurer noted that paperwork is being filled out for FEMA.

Trustee Vandenberg asked if there was a rough estimate of what the Village could receive in reimbursement from the Federal government. The Treasurer said that the reimbursement might be in the vicinity of two hundred thousand dollars.

The good news is that the mortgage tax exceeded its revenue prediction.

Mayor O'Connor commented that it was disconcerting to see so many over expended accounts seven months into the fiscal year.

There were no other comments or questions on the Treasurer's report. The Department of Public Works report was discussed. It was noted that the high percent of recycled material was related to the hurricane. Ninety five percent of organic material was recycled in November and eighty eight percent was recycled in December. Six thousand tons were recycled compared with last year's amount of one thousand three hundred tons of material.

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

RESOLVED, That the reports be and hereby are approved.

RESOLUTION TO AMEND TRAFFIC CODE SECTION 202—14A SCHEDULE G
PROHIBITED PARKING AREAS

The resolution the Board received listed Reed Avenue instead of Manor Lane. The amended traffic resolution is listed below. The Board agreed to consider the modified traffic resolution.

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

RESOLVED, That the Traffic Code Amendment to prohibit parking on Pelhamdale Avenue from its intersection with Colonial Avenue to its intersection with Manor Lane be and hereby is adopted

RESOLUTION FOR TRAFFIC CODE AMENDMENT

SCHEDULE G

(Section 202-14A)

Prohibited Parking Areas

| <u>Location</u> | <u>From</u> | <u>To</u> |
|---|--|-------------------------------------|
| Pelhamdale Avenue (on its westerly side) | its intersection with Colonial Ave. | its intersection with Manor Lane |

Mayor O'Connor said this amendment was brought to the Board because of issues with blocking of driveways and potential accidents. This traffic amendment will improve safety and mobility.

YUMI MONUMENT SIGNAGE

The Village's planning consultant, AKRF reviewed the sign and found it complied with the Tenant Design Sign criteria.

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

RESOLVED, That the pylon sign for Yumi Asian Bistro, be and hereby is approved.

SITE PLAN APPROVAL FOR KINETIC SPORTS CLUB

Larry Pinner, architect for Kinetic Sports Club, presented the Board with handouts on the proposed interior for Kinetic Sports Club. He told the Board that since the last Board meeting some modifications to the exterior of the building had been submitted to AKRF, the Village's planning consultant. The modifications included windows, elevation, doors and plantings.

Manager Pierpont commented that the drop off area would not allow queuing on Pelham Parkway and that would be reflected in the approval if the Board would like that added to the resolution.

Mayor O'Connor and the Board agreed that no queuing on Pelham Parkway should be incorporated into the following resolution.

RESOLUTION OF APPROVAL FOR SITE PLAN APPROVAL FOR KINETIC SPORTS CLUB

TAX MAP NUMBER: 166.34-1-3 DATE OF ACTION: January 28, 2013

WESTCHESTER COUNTY CLERK LAND RECORDS: Map No. 3958, Block C, Lot 1 and Portion of Lot 2

WHEREAS, in accordance with Section 9 of 32 of Article III of Local Law 4 of 2000, of the Zoning Law of the Village of Pelham Manor, and as last revised, a formal and complete Site Development Plan application for the project known as **Kinetic Sports Club**, located at 872 Pelham Parkway, Pelham Manor, NY 10803, prepared by Pinner Architecture, PLLC and dated November 6, 2012 and last revised January 23, 2013 was submitted to the Board of Trustees. The Applicant has represented to

this Board that they are the lawful ground lessees of the property to be occupied for the proposed use; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA):

1. The Board of Trustees has identified the proposed action as an Unlisted Action;
2. On 11/19/12 A Short Environmental Assessment Form (EAF) was submitted;
3. On 11/14/12 The Board of Trustees declared itself to be lead agency;
4. On 1/28/13 The Board of Trustees, as lead agency, determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

WHEREAS, the applicant submitted the following documents and plans:

1. C-001 Site Plan, prepared by Pinner Architecture, LLC, dated 11/06/12, last revised 1/23/13
2. A-001 First Floor Plan, prepared by Pinner Architecture, LLC, dated 11/06/12, last revised 1/23/13
3. A-002 Elevations, prepared by Pinner Architecture, LLC, dated 11/06/12, last revised 1/23/13
4. A-003 Site Details, prepared by Pinner Architecture, LLC, dated 11/06/12, last revised 1/23/13

WHEREAS, the applicant proposes to renovate the exterior façade of an existing building, remove an existing parking area, and install new landscaping and sidewalks along Pelham Parkway;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees approves the proposed project subject to the following modifications and conditions;

General:

1. Approval of the site plan is subject to all existing easements in force at the time of the adoption of this resolution that are applicable to the subject site (e.g. parking, ingress, and egress).
2. All professional planning, engineering, and legal consulting fees incurred by the Village in support of this application shall be reimbursed to the Village by the applicant prior to the issuance of a Building Permit.
3. The Board of Trustees is to retain original jurisdiction.
4. Furnish "as built" drawings when site work is completed.
5. There shall be no Final Certificate of Occupancy issued until there is full compliance with each condition contained within this resolution and the plans incorporated herein.
6. All work shall be in conformity with the approved plans except for minor field changes which must be approved in advance by the Building Inspector and noted on the As Built Plans.
7. The applicant shall post a Performance Bond in an amount determined by the Village Manager or his designee, and recommended for Board of Trustees approval, to ensure that all improvements will be completed in accordance with the approved drawings. The Performance Bond may also be used to finance necessary work to stabilize the project site should the applicant abandon the project and the Village is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Board of Trustees. The bond amount will be based upon 2013 construction costs. If the construction is not begun during the calendar year 2013, the applicant must re-apply to the Board of Trustees for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Board of Trustees, the Board of Trustees shall diligently set a new bond amount in accordance with the recommendation of the Village Manager or his designee. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit and/or the filing for a Road Work Permit, whichever is sooner. The Building Inspector shall withhold the Certificate of Occupancy until the Board of Trustees, or its duly authorized representative, has made an inspection of the subject improvements and has determined that the applicant has complied with all the conditions of this approval.

Construction

1. Construction shall commence within six (6) months of the date of this resolution and be completed within one (1) years of commencement of construction.
2. Before beginning land clearing, placing construction equipment on site or actual construction, the property must be staked out by a licensed surveyor.
3. All applicable county, state and regional permits shall be obtained prior to the issuance of a Building Permit. In the event that such permit(s) require any modification to the site plan approved by this resolution, a determination shall be made by the Building Inspector as to whether the modification is substantive and should be returned to the Board of Trustees.
4. Implement a Sediment and Erosion Control Plan, which shall include such measures as applicable:
 - a. Use of hay bale filters surrounding all catch basins;
 - b. Use of silt fencing along the slopes below the area to be graded;
 - c. Use of temporary sediment basins;

- d. Stabilize all construction access points to the project with gravel and stone to limit soil disturbance;
 - e. Install erosion control measures for approval by the Village Manager or his designee prior to commencing construction;
 - f. Complete clearing and grubbing operations for approval by the Village Manager or his designee prior to earth moving operations;
 - g. When earthwork commences, sediment and erosion controls are to be monitored and maintained and approved by the Village Manager or his designee;
 - h. Earth excavation is to occur only within the limits of disturbance;
 - i. When rough grades are established, utility infrastructure shall be installed; after the building construction is complete, grades are to be brought to final elevations, road pavements and curbs installed, and the site stabilized with topsoil and planting; and submit a schedule for all of the above to the Village Manager or his designee for approval prior to commencing site work.
5. The applicant shall provide detailed maintenance and inspection of erosion control measures as follows;
 - a. A responsible and competent person shall be designated by the applicant to maintain and inspect the effectiveness of the erosion control;
 - b. The applicant's designee shall inspect all erosion and control measures during and after rainfalls;
 - c. Erosion and sedimentation problems shall be identified and corrected as soon as possible with immediate notification to the Village Manager or his designee;
 - d. Additional hay bales, silt fencing and wood stakes shall be stored on site for emergency use;
 - e. A written weekly inspection and maintenance report shall be prepared by the applicant's designee and submitted to the Village Manager or his designee until the proposed stormwater management plan is determined to be fully installed;
 6. The Applicant shall submit a schedule for all earthwork and land disturbance to the Village Manager or his designee for approval prior to commencing site work. The applicant shall notify – in person – the Village Manager/Building Inspector or his designee at least 72 hours in advance of any site disturbance to inspect the installation of erosion and sediment control devices, and tree and stream protection measures.
 7. The applicant shall provide to the Building Inspector/Village Manager or his designee a “staging and construction plan” to identify the location of construction equipment, construction materials and debris on the project site. This plan shall be submitted prior to any site disturbance.
 8. All construction activities shall be performed during the times permitted under the Village Code. If deemed necessary by the Village Manager or his designee/Building Inspector, or Chief of Police, the applicant shall pay for a police officer to direct traffic at the entrance to the site on weekdays during the permitted hours of construction until the time when the level of construction activities at the site no longer warrant the officer. Prior to any site disturbance or the location of construction equipment on the site, a construction plan and schedule shall be provided and approved by the Village Manager or his designee.
 9. Construction activities will be limited as outlined in the Village's Noise Control Code. All construction vehicles and equipment will be well maintained and operated in an efficient manner.

Landscaping and Screening:

10. The applicant shall landscape the public right of way along Pelham Parkway adjacent to their property. Such landscaping shall be performed in accordance with the plans referenced herein, except as may be modified due to field conditions, Westchester County Department of Public Works and/or NYSDOT requirements, and upon approval by Building Inspector and Village Planning Consultant.
11. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility.
12. Fertilizers, pesticides and other lawn care or landscaping products shall be handled, stored, and applied in strict conformance with the manufacturer's guidelines and New York State Department of Environmental Conservation (NYSDEC) and all applicable Best Management Practices (BMP's). Only reputable professionals licensed and certified by NYSDEC for the storage and application of pesticides and fertilizers, shall be used for landscaping services.

Character and Appearance:

13. The colors and design of the buildings and signage shall conform to the approved site plans, elevations, and perspective views. The primary entrance from Pelham Parkway shall consist of a glass door, glass transom, and decorative entrance lighting, as shown on the plans dated 1/23/13.
14. Signage shall be consist of pin-mounted lettering, and shall be halo-lit. No internal illumination shall be permitted.
15. Light fixtures shall be full cut-off and fully shielded.

16. Site lighting shall conform to the approved foot-candle light levels and be installed in accordance with the approved lighting plan and all parking area and signage lighting shall be extinguished by 11:00 p.m., except for security and maintenance lighting.

Fire Protections:

- 17. Prior to the issuance of a certificate of occupancy, the Applicant shall install posts in conformity with the fire and building codes and approved by the Building Inspector on both sides of the building's fire exit doors to prevent parked vehicles from blocking the exits.
- 18. The Applicant shall implement a security plan.

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

RESOLVED that the application for Site Plan Approval for the project known as **Kinetic Sports Club, located at 872 Pelham Parkway, Pelham Manor, NY 10803, prepared by Pinner Architecture, PLLC and dated November 6, 2012 and last revised January 23, 2013** be approved subject to the above modifications and conditions and that the Chairman of the Board of Trustees and the Building Inspector be authorized to endorse this Board's approval of said project upon compliance by the applicant of the modifications and additional requirements as noted.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHER NUMBERS 18667-18723

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 18667-18723.

PUBLIC COMMENT

Mayor O'Connor congratulated two members of the Pelham Manor Police Department, Officer Michael Zumatto and Officer Christopher McCormack, for saving a child from choking at The Fairway Market. He said that the store and family were very grateful and appreciated their quick work.

A presentation was made on behalf of Shen Yun a group of artists skilled in classical Chinese dance and orchestral compositions. They will be performing in New York City and they want to showcase ancient Chinese culture through their performances.

Curtis Chase, 1084 Esplanade, explained to the Board that he has a double lot. He would like to split and sell the lot on Grant Avenue, but he would need to purchase a strip of strip of property from the Village to be able to do this. He would like to be able to put a house on the lot.

Manager Pierpont said that the land involved the right of way to Grant Avenue. He said that he would be happy to work with Mr. Chase to see what can be done with his property. If the property can be divided, it would then be more appropriate to speak with the Board.

EXECUTIVE SESSION

There was no action taken in Executive Session.

ADJOURNMENT

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

Clerk

