

BOARD OF TRUSTEES  
November 26, 2012

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 exists were located.

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MINUTES

Mayor O'Connor noted some corrections to the November 12, 2012 minutes. Trustee Schwarzfeld noted that the bail listed in the police report was not fifty thousand dollars. The correct amount was five thousand dollars. Village Attorney McLaughlin's wife's name is Jaye. The corrections will be made.

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

RESOLVED, That the minutes from the November 12, 2012 Regular meeting be and hereby are adopted as amended.

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REPORTS

Fire Commissioner Sellier reviewed the monthly report with Chief Ruggiero. The Fire Commissioner noted that he saw a lot of firefighters out cutting trees and making it possible for electric crews to do their work and making the streets passable. He commented on the "esprit de corps" that the fire department exhibited during Hurricane Sandy.

There was one fire early in the month on Jackson Avenue and one later in the month on Grant Avenue. The Jackson Avenue loss was approximately two hundred seventy five thousand dollars. There was an automatic alarm and it took about two and a half hours to extinguish. The Chief said that it was a good job. The Chief estimated that the Grant Avenue fire loss was approximately two hundred fifty thousand dollars. This was a basement fire that burned through the first floor. The Department of Public Works reported the fire. They saw smoke. The basement, living room and some of the kitchen were damaged. There was a small car fire on the Hutch. It was noted that there are fewer alarms in the shopping district.

Commissioner Sellier said that it was nice to see no sick leave days reported.

Trustee Vandenberg commented that the one million dollar loss didn't seem right. He was told that loss was associated with the tanker fire from last October.

Mayor O'Connor said that the entire Board echoed Trustee Sellier's sentiments about the work done during and after Hurricane Sandy.

Trustee Annunziata reviewed the Treasurer's report with the Treasurer. The Treasurer said that everything is on track but noted that the November report won't be the same. He said that November will show a significant increase in expenditures. This can be attributed to keeping up with the fall leaf program and debris clean up.

Trustee Vandenberg asked what the Village can expect in reimbursement from FEMA and was told that in the past the Federal government reimbursed seventy five percent for actual storm related expenses and clean up. The State usually contributes twelve and one half percent toward the costs associated with the declared emergency and the Village contributes twelve and one half percent. The Treasurer said that the Village will be meeting with FEMA representatives next week.

Trustee Vandenberg said the twelve and a half percent will still be a significant amount.

The Treasurer said that the Village has a contingency and unreserved fund balance. He said that the good news is that the recycling is going to be spectacular – literally through the roof.

Trustee Annunziata asked if the biggest expense was personnel costs and was told that the biggest expenses were overtime and the private contractors that helped with debris removal, tree and stump removal and sidewalk restoration.

Trustee Sellier asked about the age of the oldest tree that fell and was told that the Village lost many trees that were over one hundred years old.

Trustee Annunziata said that the loss of such old trees spoke to the force of the storm. These trees had survived for decades – some for a century.

Trustee Vandenberg asked about the height of the surge and was told that the Village expected that it would be higher. At least one house was flooded, but not as many as anticipated.

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

RESOLVED, That the reports be and hereby are approved.

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#### RESOLUTION FROM THE PLANNING BOARD RE: SPLIT ROCK VENTURES

Manager Pierpont said that Split Rock Ventures, LLC met with the Planning Board. The Planning Board wanted to see notes added to the site plan. The Planning Board also talked about architectural detail. Crosswalk markings will be done based on what the Department of Transportation says.

The applicant was amenable to all recommendations from the Planning Board. The applicant will be at the next Board of Trustees meeting.

A coordinated SEQR review is being conducted and the Village should have that comment by next meeting.

Trustee Vandenberg asked if the planning consultant was involved and was told yes.

The Mayor said that this was an impressive job by the Planning Board.

Manager Pierpont said that the members were focused.

The Planning Board Resolution is listed below.

#### RESOLUTION

**Applicant: Splitrock Ventures, LLC**  
**Property Tax #: Sec 4 Map 146, Lot 5.1.6.7**

WHEREAS, Splitrock Ventures, LLC (“Applicant”) has made an application for site plan approval for property known as Splitrock Ventures, LLC located at 4360-4370 Boston Post Road, and

WHEREAS, the Applicant proposes to remove two one-story structures (formerly a gas and service station) and construct a 6,500 sf one-story multi-tenant retail building; and

WHEREAS, the Site will include 25 parking spaces, and

WHEREAS, the Applicant proposes to close 2 of the 5 curb cuts that service the site; and

WHEREAS, the Applicant proposes to improve the site with landscaping and other urban design features along the Boston Post Road and West Street frontage;

WHEREAS, the majority of the improvements are within NYSDOT or Village public right-of-way and will need specific permits for their installation; and

WHEREAS, pursuant to the laws, rules and regulations implementing site plan approval within the Village of Pelham Manor, the Village Board of the Village of Pelham Manor (“Village Board”) is the agency which is required to grant the approvals sought, and

WHEREAS, the Village of Pelham Manor’s consultants have determined the application submitted by the Applicant was complete for purposes of commencement of review, and

WHEREAS, the Village Code of the Village of Pelham Manor requires referral to the Planning Board of the Village of Pelham Manor (“Planning Board”) for purposes of reviewing the proposed site plan and making recommendations to the Village Board, and

WHEREAS, the Village Board referred the Application to the Planning Board; and

WHEREAS, at the November 14, 2012 meeting of the Planning Board, the Planning Board reviewed the following plans:

1. Cover Sheet, prepared by KG&D Architects, Architect/Civil Engineer, dated 9-20-12;
2. C1.1 Existing Conditions, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
3. C1.2 Demolition and Erosion Control, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
4. C1.3 Site Plan, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
5. C1.4 Grading and Drainage, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
6. C1.5 Details, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
7. C1.6 Erosion Control Details, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
8. C1.8 Site Lighting Plan, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
9. A1.1 Site Landscape and Materials Plan, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
10. A1.2 Building Floor Plan & Elevations, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;

11. A1.3 Existing Site Photos, prepared by KG&D Architects, Architect and Civil Engineer, dated 9-20-12;
12. Splitrock Ventures, LLC, Full Environmental Assessment Form and Part3, prepared for the Village of Pelham Manor, and prepared by Syrette Dym, AICP, dated October, 2012;
13. Stormwater Pollution Prevention Plan (SWPPP) prepared by Splitrock Ventures, LLC, by Kaeyer Garment & Davidson Architects and Engineers, P.C., 285 Main Street, Mount Kisco, New York, 10549, dated September 21, 2012

WHEREAS, the Planning Board has conducted a review of the Expanded Environmental Assessment Form (EEAF) and recommends that the Village Board find that the proposed project will not have an adverse impact on the environment, and recommends a Negative Declaration; and

WHEREAS, the Planning Board recommends to the Village Board approval of the proposed project subject to the presentation of the following items for the Village Board's consideration:

1. Clarification that the Stormwater Pollution Prevention Plan (SWPPP) includes on-site detention during and post construction.
2. Consideration of alternate architectural elevations by the Applicant that includes:
  - a. greater architectural detail to the stucco band; and
  - b. replacement of the stucco band with brick masonry;
3. Submission of a graphic tenant sign program, including location, colors and materials;
4. Details of the street corner feature wall, with options for signage;
5. Documentation of coordination with NYSDOT regarding specifications for the sidewalk, curb-cuts and wall;
6. Added notations on the plans documenting the Applicant's responsibility to improve all curbs, sidewalks, and landscape material with the Village's and NYSDOT's right-of-way;
7. Details and specifications of the fencing design for the western property line and dumpster area.
8. Documentation by the Applicant to the Village Manager regarding the status of the ongoing test well monitoring and NYSDEC Clean "Bill of Health" report.
9. Added notations on the plans regarding the locations specifications, and details of the subsurface irrigation sprinkler system for the landscaping as well as the irrigation piping within NYSDOT's right-of-way;
10. Presentation of material samples for the exterior of the building and corner pavers.

Dated: November 14, 2012

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#### RESOLUTION RE: APPROVAL OF TEMPORARY STRUCTURE FOR NYAC FITNESS CENTER

The New York Athletic Club was a victim of the surge from Hurricane Sandy. The surge flooded the fitness center and it will take quite some time to repair the damage. They have requested a temporary facility in the large parking lot along Shore Road. It will be a pre fab building that will be hooked up to water and sewer. The Manager wanted the Board to be aware of the idea of setting the building in the parking lot for approximately six to ten months. It should be low impact and it will meet all building requirements.

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

RESOLVED, That the temporary structure for the New York Athletic Club Fitness Center be and hereby is approved.

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RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN THE INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO CONTINUE TO USE CABLEVISION LIGHTPATH

This Inter-Municipal Agreement with Westchester County is for a five year term. Manager Pierpont said that the Village has been using Cablevision/Lightpath for over a decade. No terms in the agreement have changed. This is for internet with the County. It is not for residential homes.

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

RESOLVED, That the Village Manager be and hereby is authorized to sign the Inter-Municipal Agreement with Westchester County to continue to use Cablevision Lightpath.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS NUMBERS 18414-18469.

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 18414 through 18469.

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PUBLIC COMMENT

Jim Apicella, 587 Manor Lane, commented on the addition of the Village Attorney, asked about the reimbursement process from FEMA as well as the possibility of having Cornell Cooperative Extension check on Village trees to see if they are healthy.

Manager Pierpont said that Cornell Cooperative Extension does not perform resistograph tests or give opinions on whether a tree is in good shape or not. The manager did say that eighty five mile per hour winds did not help the trees. He also noted that there were some healthy trees that did not have a weak root system or were not rotted that just came down in the wind.

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EXECUTIVE SESSION

No action was taken in Executive.

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ADJOURNMENT

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

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Clerk