



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING**  
TUESDAY, FEBRUARY 13, 2024, 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.	Resolution Approving As-Built to an Approved Site Plan Application for 139 Fifth Avenue
9.	Resolution Authorizing Street Closure for Pelham Little League Parade
10.	Other Business
<b>Recurring Items</b>	
11.	Authorizing Accounts Payable
12.	Authorizing Minutes of: January 23, 2024 Work Session and Regular Meeting
13.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, February 27, 2024**

**Tuesday, March 12, 2024**

**Item # 1 - Meeting Called to Order:**

**Item # 2 - Pledge of Allegiance:**

**Item # 3 - Roll Call:**

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
Mayor Mullen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Carpenter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Eldahry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee McGreal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Mohan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Otondi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Solomon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Administrator Scelza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 4 - Village Trustees' Report:**

Village Trustee Eldahry

Village Trustee McGreal

Village Trustee Mohan

Village Trustee Otondi

Village Trustee Solomon

Deputy Mayor Carpenter

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

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

**Item # 7 - Public Comments**

**Non-Recurring Items****Item # 8 – Resolution Approving As-Built to an Approved Site Plan Application for 139 Fifth Avenue**

**Tax Map Designation: Section:163 Block 36: Lot:89  
Section:163 Block: 36 Lot:71  
Pelham Re Partners, LLC.**

**Whereas**, in accordance with Chapter 79 of the Code of the Village of Pelham, the Board of Trustees has found and determines it to be desirable to encourage property owners to improve property with environmentally sustainable uses and green infrastructure; and

**Whereas**, the 139 Fifth Avenue property consists of two tax parcels. One parcel fronts on Fifth Avenue and is Zoned Business-2, and the second parcel fronts on Fourth Avenue and is Zoned Residence M; and

**Whereas**, on February 11, 2020, the Village Board of Trustees granted *Pelham RE Partners, LLC* (or the “applicant”), Site Plan approval for a mixed-use development at 139 Fifth Avenue (the “Project”) that complied with Village Code § 98-106.3 and met the requirements for the Business District Floating Zone (“BDFZ”); and

**Whereas**, the applicant has represented to the Village Board of Trustees that it is the lawful owner or contract vendee of the 139 Fifth Avenue property; and

**Whereas**, Village Code § 98-4 authorizes the Village Board of Trustees to permit and grant approval for modifications to an approved Site Plan that complies with Village Code; and

**Whereas**, *Pelham RE Partners, LLC* made certain modifications to the approved Site Plans during construction; and

**Whereas**, the certain building modifications retained the integrity of the initial proposed project; and

**Whereas**, *Pelham RE Partners, LLC* has provided a “Final ARB Submission” set, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24 satisfying the requirements of Village Code Chapter 79; and

**Whereas**, the proposed as-built modifications include:

1. Addition of an Electrical Room;
2. Creation of a tandem parking space with no change to parking count;
3. Addition of 2 ramps at the front of the building;
4. Elimination of 5<sup>th</sup> floor pergolas and planters;
5. Modification to the guardrail; and
6. Addition of Solar panels.

**Whereas**, *Pelham RE Partners, LLC* has submitted the following documents and plans in support of the proposed as-built modifications:

- A40A - Proposed Site Plan, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A41 - Proposed Site Plan, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;

- A72 - Section Details, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A07 - Site Plan. prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A07A - As Built Elevation Plans, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A13 - 5<sup>th</sup> Floor Plan, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A14 - Roof Plan, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A11 - First Floor Plan, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A40 - Proposed Elevations, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- A41 - Proposed Elevations, prepared by Gallin Beeler Design Studio Architects, dated 02-08-24;
- Photo of Existing Electric Room;
- North Retail Entrance Ramp;
- Overall Elevation;
- Front Façade Signage;
- Signage Detail – Sign Box;
- Signage Detail - 3-D Rendering of Awning;
- C101 - Cover with Drainage and Demolition Notes, prepared by Catizone Engineering PC, dated 1-22-21 and last revised 2-27-23;
- C101.1 - Grading and Utility Plan, prepared by Catizone Engineering PC, dated 1-22-21 and last revised 2-27-23;
- PV-1 - Rooftop Photovoltaic System, prepared by RENUA Engineering PC dated 7-21-22;
- PV-2 through PV-7 – Electrical Notes, prepared by RENUA Engineering PC, dated 7-21-22;
- PV-8 and PV-9 – Photovoltaic details, prepared by RENUA Engineering PC, dated 09-22-22;
- PV-10 – Photovoltaic details, prepared by RENUA Engineering PC, dated 09-08-23

**Whereas**, the Village Board of Trustees determined the Code of the Village of Pelham requires the proposed action be referred to the Planning Board and Architectural Review Board (“ARB”) for a recommendation and the applicant submitted the application to the Planning Board and ARB; and

**Whereas**, on 12-19-23 and 1-16-24 the Planning Board met and reviewed the proposed application and voted to recommend approval of the proposed as-built Site Plans; and

**Whereas**, on 09-20-23, 10-18-23 and 12-20-23, the ARB met and reviewed the proposed as-built Site Plans and voted to recommend approval; and

**Whereas**, *Pelham RE Partners, LLC* submitted the fees required in accordance with the schedule of fees for the Village of Pelham; and

**Whereas**, the Village Board of Trustees considered the action as defined in 6 NYCRR §§617.2(b) and 617.3(g) with respect to the NYS Environmentally Quality Review Act (SEQRA) and found the proposed as-built plans to be consistent with the environmental determination made on 2-11-2020 of no significant adverse impact on the environment; and

**Now, therefore, be it resolved**, that after considering the documents submitted by the applicant, as recited above, and the recommendations from the Planning Board and the ARB. the Board of Trustees of the Village of Pelham finds and determines as follows:

- A. The as-built Site Plans satisfies the requirements for consideration under the Village Code; and

B. The modification to the approved Site Plan is granted pursuant to this resolution and shall be conditioned on the proposed project being installed/constructed in accordance with the drawings listed above.

C. Site Plan approval is granted subject to the following conditions:

1. The approval is limited to the proposed as-built plans that are reflected in the "Final ARB Submission" dated 02-28-24 only;
2. Prior to the issuance of a Final Certificate of Occupancy, the applicant shall submit a set of signed, sealed and dated construction drawings and structural specifications showing materials, colors, height, and landscaping;
3. Prior to the issuance of a Final Certificate of Occupancy, the applicant shall submit a set of the signed, sealed and dated construction drawings to the Fire Chief for confirmation that the as-built will not impede fire access to the building;
4. This modification to an approved Site Plan is binding upon the applicant, the property owner and any subsequent owner of the property and may not be changed without the approval of the Board of Trustees of the Village of Pelham. If any of the terms of this site plan approval is violated, the Building Inspector may stop work, revoke a building permit or deny a certificate of occupancy.

**Be it further resolved,** that in accordance with Village Code §79-7, this modification to an approved Site Plan shall be null and void if the applicant fails to obtain a building permit within 120 days of this resolution unless the Village Board of Trustees extends, by resolution, the time within which to do so; and

**Be it further resolved** that this modification to an approved Site Plan shall be null and void if the applicant does not commence construction within six months of the date of the issuance of a building permit, unless the Village Board of Trustees extends, by resolution, the time within which to do so.

<b>Vote Record - Item # 8 – Resolution Approving As-Built to an Approved Site Plan Application for 139 Fifth Avenue</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, February 13, 2024</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee Mohan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 9 – Resolution Authorizing Street Closure for Pelham Little League Parade**

**Whereas**, the Pelham Little League has requested permission to host the Pelham Little League Parade on Saturday, April 13, 2024 (copy attached); and

**Whereas**, the Pelham Little League shall reimburse the Village for all costs incurred by the Village as a result of the event, including but not limited to Police Department and Department of Public Works overtime, and provide a certificate of liability insurance naming the Village as an additional insured in a form and amount satisfactory to the Village.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the closing of Fifth Avenue between Lincoln Avenue and Colonial, and Third Street from Fourth Avenue to Seventh Avenue on Saturday, April 13, 2024, from 8:30 a.m. to 10:30 a.m. for the 2024 Pelham Little League Parade; and

**Be it further resolved**, that the Board of Trustees of the Village of Pelham authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow this event to take place.

<b>Vote Record - Item # 9 – Resolution Authorizing Street Closure for Pelham Little League Parade</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, February 13, 2024</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee Mohan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 10 – Other Business**



**Recurring Items**

**Item # 11 - Authorizing Accounts Payable**

*Village Trustee McGreal 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)	\$ 384,196.96
Capital Projects Fund (H)	\$ 142,505.54
Trust & Agency (T)	\$ 0.00
Private Purpose Trust Fund (TE)	\$ 0.00
<b>Grand Total</b>	<b>\$526,702.50</b>

**Be it further resolved**, that the Village Board of Trustees hereby approves payment of the above-mentioned claims and authorizes payment thereof.

<b>Vote Record - Item # 11 – Authorizing the Accounts Payable</b>					
<b>Village of Pelham Board of Trustees Regular Meeting</b>		<b>Tuesday, February 13, 2024</b>			
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Eldahry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee McGreal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee Mohan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 12 - Authorizing Minutes of: January 23, 2024 Work Session and Regular Meeting**

<b>Vote Record - Item # 12 – Authorizing the Minutes of January 23, 2024 Work Session and Regular Meeting</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, February 13, 2024</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee Mohan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 13 - Adjournment**