

## 6.2 Incorporate Smart Growth Principles into Land-use Policies and Regulations

1-10 points

Requirement: Submit a link or copy of the updated zoning or associated policies and an explanation of how the zoning meets the defined smart growth principles. The zoning may have been updated any time in the last 15 years prior to the application date to be eligible for points. For smart growth principles related to municipal decision-making processes (e.g. “encourage community and stakeholder collaboration in development decisions”) submit an explanation of how this principle has been incorporated into those processes.

Attachments:

1. § 98-106.3. Business District Floating Zone. [Added 4-18-2017 by L.L. No. 2-2017]
2. “Minutes, Village of Pelham Board of Trustees Regular Meeting,” April 27, 2021, pages 1-4, pdf.

### CSC Points and explanation of legislation

#### **Mixed land uses: 1 pt**

The legislation supports a mix of various types of residential and street level mixed-use commercial, office, retail, and housing, particularly senior housing, within the Village’s downtown core. The development zones include Business-1, Business-2 or Business-3, and adjoining Residence M and M-1 properties under the same ownership. 98-106.3.A.1

#### **Promote compact building design and cluster development: 1 pt**

The Business District Floating Zone provides incentives for high density development on vacant and underutilized properties downtown to take advantage of existing infrastructure; development will coordinate with the existing 2.5 to 5 story buildings and dense community fabric adjacent to residential zoning districts. The minimum lot area per dwelling unit is 500sf, which is smaller than the minimum typically required in the Business-1 and -2 districts (specifically, 1600sf and 625sf). 98-106.3.A.1, 98-106.3.E.6

#### **Diversity of housing opportunities and choices: 1 pt**

The BDFZ permits single-family, two-family, multifamily residences, and townhouses and the legislation includes regulations for age-restricted housing and dedicated senior housing. 98-106.3.A.1, 98-106.3.E.4, 98-106.3.E.5

#### **Walkable neighborhoods: 1 pt**

A significant objective of the legislation is to activate street life and improve the pedestrian experience with access to community services and transportation in the Village downtown. 98-106.3.A.1

#### **Foster distinctive, attractive communities with a strong sense of place: 1 pt**

The legislation includes design guidelines for the development that promote the aesthetic character of the downtown through appropriately scaled elements that complement the existing scale, massing, materials, and building orientations. These components include streetscape improvements, lighting fixtures, benches, varying façade and building materials, and landscaping. 98-106.3.E.9

#### **Preserve open space, farmland, natural beauty, and important natural areas: 1 pt**

Although the BDFZ applies to developed and underdeveloped land in the downtown core rather than undisturbed natural areas, developments are required to include usable open space on site, at a minimum of 25 square feet per dwelling unit, for example terraces, patios, and rooftop decks. The legislation encourages the addition of new public open spaces or connections to existing ones. Green infrastructure, such as raingardens and green roofs, are part of the design guidelines. 98-106.3.E.7, 98-106.3.E.9.e) & f)

#### **Strengthen and direct development toward existing community centers, hamlets or urban areas: 1 pt**

The BDFZ directs development toward the downtown core that will preserve and enhance the existing Village fabric. The Business zoning districts border Fifth Avenue and Wolf’s Lane, the commercial corridor running north to

south through the center of the Village. Reusing existing infrastructure is cost-effective and prevents the need to build new and costly infrastructure. 98-106.3.A.2

**Promote density that facilitates non-car transportation options: 1 pt**

To support the pedestrian friendly character of the downtown, the legislation encourages development in areas near public transit and promotes facilities such as on-site bicycle racks and storage spaces. 98-106.3.A.2, 98-106.3.E.9.d)

**Make development decisions predictable, fair and cost effective: 1 pt**

The Village code describes the approval process, eligibility, development regulations for the Business District Floating Zone with the objectives of creating incentives for higher density development in the downtown core that is cost-effective since the developments are to use existing infrastructure. The development regulations outline the permitted uses, lot coverage, yard and access needs, building height, requirements for age-restricted housing, minimum lot area, usable open space, parking spaces required, and design guidelines, thereby establishing reasonable expectations for development proposals. 98-106.3.A.1 and 98-106.3

**Encourage community and stakeholder collaboration in development decisions: 1 pt**

In the Village of Pelham, an application for development submitted to the Code Official is reviewed by the Planning Board and Architectural Review Board, comprising of volunteers from the community appointed by the Mayor. These meetings are open to the public and include opportunities for questions and comments from the audience. After the Board of Trustees receives recommendations and comments from these boards and within 60 days of the date of the completed application, it holds a public hearing on the application, in which the public is again welcome to attend and provide input on the development in question. 98-106.3.C

Evidence of public information and participation for an in-progress downtown revitalization project consisting of a new municipal center and a mixed-use building:

1. Meeting minutes including Item # 8 – Public Hearing on Draft Scope for Generic Environmental Impact Statement “Village of Pelham Downtown Restoration Initiatives.” The minutes include a summary of public comments.  
“Minutes, Village of Pelham Board of Trustees Regular Meeting,” April 27, 2021, pages 1-4, pdf.
2. Video recording of the Board of Trustees work session from June 16, 2021. The meeting included time for public commentary and the recording of the meeting was posted on the Village website afterward for public viewing.  
“June 17, 2021 Board of Trustees Work Session - Municipal Center Schematic Design Package with Planning and Architectural Review Boards,” Village of Pelham website, posted June 18, 2021.  
<https://www.pelhamgov.com/home/pages/june-17-2021-board-trustees-work-session-municipal-center-schematic-design-package>
3. Letter by Mayor Chance Mullen describing the development review and public hearing process, in which he also lists community groups involved. The page includes a video of the mayor presenting the information as well.  
“An Important Milestone—Mayor’s Update (with video),” Village of Pelham website, posted March 29, 2022. <https://www.pelhamgov.com/mayor-village-board-trustees/news/important-milestone-mayors-update-video>

**§ 98-106.3. Business District Floating Zone. [Added 4-18-2017 by L.L. No. 2-2017<sup>1</sup>]**

A. Legislative findings and purpose.

(1) The Board of Trustees finds that encouraging property owners to develop mixed-use commercial, office, retail and housing projects within the Village's downtown core, particularly those involving dedicated senior housing, will activate Village street life, enhance walkability, promote the Village's culture, enhance the real property tax base, and better utilize existing public services; that there are opportunities within the Village's downtown core to use vacant and underutilized property more efficiently to reinvigorate the Village's downtown area; that creating incentives for higher density development within the Village's downtown core will be more cost-effective because it will use infrastructure that already exists and thereby avoid the need to create additional costly infrastructure; and that those incentives will allow for development within the Village's downtown core that will preserve, complement and be compatible with the character, massing, and scale of adjacent residential land uses.

(2) There is hereby created, therefore, a Business District Floating Zone (BDFZ), the purposes of which are to create a stronger and more competitive downtown and encourage redevelopment in the Village's central core and main commercial corridors by facilitating appropriately scaled higher density mixed-use development in the Village's downtown core which will allow a mix of residential and street-level commercial uses that are complementary to the existing community scale and fabric in areas of the Village with access to public transit, existing infrastructure, and community services.

B. Authority of the Board of Trustees. In addition to development permitted under the other provisions of this chapter, the Board of Trustees may permit and grant site plan approval, in accordance with the provisions of this section, for development on any property in the Business-1, Business-2 or Business-3 District. In

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1. **Editor's Note: This ordinance also provided that "The Board of Trustees will review the amendments to § 98-106.3 of the Code of the Village of Pelham effected by this law no later than March 31, 2022. The amendments will expire unless they are readopted by a majority vote of the members of the Board of Trustees prior to March 31, 2023. The Village Clerk is directed to revise the Code accordingly if the amendments expire as provided in this section."**

addition, property zoned Residence M or Residence M-1 zoning districts that adjoins and is in the same ownership as property in the Business-1 or Business-2 zoning district may be developed jointly with the property in the Business-1 or Business-2 zoning district under this section, as long as the development on the adjoining property is secondary to the development on the primary lot. In no event may the Board of Trustees permit development under this section on any adjoining property which involves the aggregation of lots which are under separate ownership on the date on which this law becomes effective.

- C. Approval process. An application for development permitted under this section must be commenced by submitting to the Building Inspector a declaration of intent to develop form accompanied by the information required by § 79-8, submitting the application to the Planning Board and Architectural Review Board for a recommendation consideration in accordance with § 79-6A for a recommendation to the Board of Trustees, and paying the fee required by the schedule of fees of the Village of Pelham. The Planning Board and Architectural Review Board will hold presubmission conferences as provided in § 79-6A(2) within 45 days of the submission to the Building Inspector. The Building Inspector will forward the application to the Board of Trustees, along with any comments from the Planning Board and the Architectural Review Board, within five working days after the presubmission conferences are completed. The Board of Trustees must hold a public hearing on the application within 60 days of the date on which it determines that the application is substantially complete. The applicant must provide notice of the public hearing as required by § 79-6F. The Board of Trustees will consider applications for site plan approval under this section in accordance with the standards established by § 79-5. If the Board of Trustees approves the application, the applicant must comply with § 79-6J.
- D. Eligibility. In order to be eligible for approval under this section, the lot area of the proposed development must be not less than 4,000 square feet and the lot width must be not less than 40 feet.
- E. Development regulations. Development will be governed by the lot and bulk regulations established for the zoning district in which the property is located, except that regardless of those regulations:
- (1) Permitted uses.

- (a) In the Business-1 and Business-2 Districts, any use permitted as of right and not requiring a special permit in the Business-1 District.
- (b) In the Business-3 District, townhouses.
- (2) Lot coverage. Lot coverage on the ground floor may be as much as, but may not exceed, 80% of the lot area.
- (3) Yards. No side or rear yard is required, unless the Board of Trustees finds that a rear yard or side yard is necessary to ensure compatibility with abutting land uses. If the Board of Trustees requires a rear yard or side yard, the side yard or rear yard must be in the dimension required for the zoning district in which the property is located. The requirements of § 98-64 will not apply, but the Board of Trustees must ensure adequate access to a proposed building for fire/rescue and public safety purposes and may require suitable pedestrian access across any lot contiguous to a lot proposed to be developed.
- (4) Height. The height of any single-family dwelling or two-family dwelling may not exceed 35 feet or 2 1/2 stories; the height of any multifamily, commercial, office, or mixed-use building may not exceed 60 feet or five stories; and the height of any townhouse may not exceed 40 feet or three stories. To ensure compatible development, the Board of Trustees may further limit the height of townhouses to the height of any residential structures in the neighboring residential zoning districts.
- (5) Notwithstanding the height limitations established by § 98-106.3E(4), the Board of Trustees may allow a maximum building height of six stories or 65 feet for a multifamily building if the proposed building is fenestrated with transparent windows and doorways which allow visibility to the inside of the building for no less than 60% of the street frontage at the ground level and includes a nonresidential use, such as a retail, restaurant, commercial, office or civic uses, or an ancillary, nonresidential use, such as a meeting room or common amenity room, at the street level in an otherwise residential building that qualifies as age-restricted housing. A building qualifies as age-restricted housing if at least 80% of the occupied units are occupied by at least one person 55 years of age or older; the owner or management of the building publishes and adheres to policies and procedures that demonstrate an intent to provide housing for persons 55

years or older; and the building complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy through reliable surveys and affidavits.

- (6) Minimum lot area per dwelling unit. The minimum lot area per dwelling unit will be 500 square feet.
- (7) Usable open space. The proposed development must provide, on site and in the aggregate for the building, a minimum of 25 square feet per dwelling unit of usable open space, such as terraces, patios, rooftop decks and other similar facilities.
- (8) Parking. The proposed development must provide one parking space per dwelling unit for residential uses and parking as required by § 98-113 for nonresidential uses, except that the Board of Trustees may waive the parking requirement, in whole or in part, if the proposed development creates additional new on-street parking, such as by eliminating existing curb cuts or adding diagonal parking; the Board of Trustees has adopted a comprehensive plan for adding more parking and has established a separate parking fund for creating new parking and the developer contributes to the parking fund an amount deemed sufficient by the Board of Trustees to create parking that will be reasonably available to serve the proposed development; or the Board of Trustees determines that the anticipated number of persons frequenting or using the proposed development will be substantially below that typically associated with the proposed use. Parking for nonresidential uses must not be visible from the street unless no alternative design is reasonably possible.
- (9) Design guidelines. The Board of Trustees must consider following design guidelines in the review of a proposed development:
  - (a) Design features should be included that enhance the visual aesthetic and pedestrian experience, such as streetscape improvements, attractive lighting, benches, variation of façade and building materials, landscaping, and suitable building and parking orientation;
  - (b) Massing, height, scale and architectural character should be compatible with, and not negatively alter the character of, abutting uses, particularly existing development located on or near the perimeter of the property;

- (c) All proposed structures allowed under § 98-106.3 must be well integrated with adjacent lower scaled residential neighborhoods with respect to massing, setbacks, building orientation, and encourage shared or private landscaped side and rear yards, especially when adjacent to lower density residential uses;
  - (d) Nonmotorized transportation facilities, such as on-site bicycle racks and storage space, should be provided;
  - (e) New public open space or connections to existing open spaces, as applicable, should be included;
  - (f) Appropriately scaled green infrastructure to improve stormwater management, such as rain gardens, green roofs, and cisterns, should be provided; and
  - (g) The application should include a plan for maintaining the design features after construction is complete.
- F. Other conditions. The Board of Trustees may impose such other conditions as it deems appropriate.



VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, APRIL 27, 2021, 8:00 PM  
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY 10803

**Pursuant to Executive Order 202.1 issued by Governor Andrew Cuomo on March 12, 2020, all in-person public access to Village Board of Trustees Meeting is suspended. Each Village Trustee will participate remotely either by video or telephone via Zoom.**

Join by Video: <https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWEU2Nm9ndWxQSEgwZz09>

Join by Telephone: (929) 205-6099

Meeting ID: 989 1740 9392

Passcode: 030699

### Minutes

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Trustees' Reports
5. Acting Village Administrator's Report
6. Mayor's Report
7. Public Comments - **email comments/questions to [cara.farrell@pelhamgov.com](mailto:cara.farrell@pelhamgov.com)**

#### Agenda Items:

<b>Non-Recurring Items</b>	
8.	Public Hearing on Draft Scope for Generic Environmental Impact Statement "Village of Pelham Downtown Restoration Initiatives"
9.	Fiscal Year 2021-22 Budget Adoption (All Resolutions A-E)
10.	Resolution Authorizing Police Mutual Aid Agreement with the Town of Eastchester and Village of Tuckahoe for Interagency Law Enforcement Services
11.	Resolution Authorizing Street Closure for Pelham Art Center Spring Fundraiser
12.	Resolution Authorizing Special Event Request from the Pelham Chamber of Commerce
13.	Resolution Authorizing Special Event Request from Pelham Together
14.	Other Business
<b>Recurring Items</b>	
15.	Authorizing Accounts Payable
16.	Authorizing Minutes of: February 9, 2021 Work Session & Regular Meeting
17.	Adjournment

Next Regularly Scheduled BoT Meetings:

**May 11, 2021**

**May 25, 2021**



**Item # 1 - Meeting called to order:**

Mayor Mullen called the meeting to order at 8:00 PM.

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

Mayor Mullen led the Pledge of Allegiance.

**Item # 3 - Roll Call:**

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
Mayor Mullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Hill-Ries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Kamal Eldahry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee McGreal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Solomon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Spira-Cohen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acting Village Administrator Scelza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Village Clerk Farrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Trustee Hill-Ries had nothing to report.

Trustee Kamal Eldahry congratulated involved parties on the successful launch of the Residential Food Scrap Recycling Program and said if you want a food scrap starter kit to order online (<https://www.pelhamgov.com/sustainability-advisory-board/pages/residential-food-scrap-recycling-drop-program>) and urged residents to attend the EnergySmart Homes Virtual House Tour via Zoom on May 4<sup>th</sup> presented by the Town of Pelham Public Library.

Trustee McGreal had nothing to report.

Trustee Solomon had nothing to report.

Trustee Spira-Cohen echoed Trustee Kamal Eldahry's remarks.

Deputy Mayor Carpenter announced that beginning May 1<sup>st</sup> the Village does not allow gas-powered leaf blowers to be used until October 14<sup>th</sup>.

**Item # 5 – Acting Village Administrator’s Report:**

Acting Village Administrator Scelza briefed the Board on what the May 11<sup>th</sup> Work Session Agenda will look like. He also said he, Village Clerk Rouke and Deputy Village Clerk Farrell participated on a (New York Conference of Mayors) NYCOM Marijuana Regulation and Taxation Act Webinar and he'll distribute information as it becomes available.

**Item # 6 - Mayor’s Report:**

Mayor Mullen said there are 8 active cases of COVID-19. He also mentioned the recent emergency communication regarding the temporary relocation of all permit parking in Municipal Parking Lot 2. The Village is working with Antonucci & Associates, Architects & Engineers to comply with the 2019 New York State Mandate of Periodic Parking Garage Assessments.

Third, he thanked the panelists from the Town of Pelham Public Library for hosting the virtual Asian-American Pacific Islander (AAPI) Brave Space Discussion on April 21<sup>st</sup>. And, lastly, he thanked EcoPel and the kids at the Hutchinson Elementary School for the downtown clean-ups last weekend.

**Item # 7 - Public Comments**

Fire Captain Robert Benkwitt III gave an update on an accident along the Hutchinson River Parkway on Friday.

Maryanne Joyce of 142 Nyac Avenue congratulated everyone involved with the successful clean-up event on Saturday.

**Non-Recurring Items****Item # 8 – Public Hearing on Draft Scope for Generic Environmental Impact Statement  
“Village of Pelham Downtown Restoration Initiatives”****VILLAGE OF PELHAM  
NOTICE OF PUBLIC HEARING****Draft Scope for Generic Environmental Impact Statement  
Village of Pelham Downtown Restoration Initiatives**

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 8:00 p.m. on Tuesday, April 27, 2021 concerning the Draft Scope for Generic Environmental Impact Statement for the Village of Pelham Downtown Restoration Initiatives (the “Draft DGEIS Scope”). The hearing will be held virtually on Zoom and members of the public wishing to present comments may do so online during the public comment phase of the hearing by accessing the meeting at:

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<https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWEU2Nm9ndWxQSEgwZz09>

Join by Telephone: (929) 205-6099

Meeting ID: 989 1740 9392

Passcode: 030699

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A copy of the Draft DGEIS Scope is on file in the offices of the Village Clerk and may be viewed during normal business hours of 9:00 a.m. to 4:30 p.m., or an electronic copy may be obtained from the Village’s website [www.pelhamgov.com](http://www.pelhamgov.com).

By order of Mayor Chance Mullen and Village Board of Trustees

Terri Rouke,  
Village Clerk

Publication Date: April 16, 2021

The public hearing was opened at 8:37 PM with a motion from Trustee Solomon and seconded by Trustee McGreal. The vote passed 7-0.

Kim Nilsen of 125 Sixth Avenue, Marilyn Hoyt of 110 Sixth Avenue, Mercedes Maldonado of 214 Sixth Avenue and James Stoffel of 116 Sixth Avenue commented on the projects potential impact on the neighborhood.

Excluding written comment, the public hearing was closed at 9:02 PM with a motion from Trustee Solomon and seconded by Trustee Spira-Cohen. The vote passed 7-0.