

Jeffrey Stern, Chair  
Ruth Wells, Vice Chair  
Mark Porterfield, Secretary



Victor Drapala  
Frank A. Filiciotto  
Christopher Giusti  
Christopher Gomez

City of Peekskill  
**PLANNING COMMISSION**

**MINUTES**  
**September 13, 2016**

A Regular Meeting of the Planning Commission was held on Tuesday, September 13, 2016 in the Common Council Chambers, 840 Main Street, Peekskill, New York.

**Board Members:**

*Present:* Jeffrey Stern, Ruth Wells, Mark Porterfield, Victor Drapala, Christopher Gomez and Christopher Giusti

*Absent:* Frank Filiciotto

**Department of Planning and Development Staff & Corporation Counsel:**

*Present:* Jean Friedman, AICP - Director of Planning, John Lynch, AICP - Consulting Planner, Timothy Kramer - Asst. Corporation Counsel and Cecille Bennett - Zoning Coordinator

Mr. Stern called the meeting to order at 7:30 p.m.

**I. EXTENSION**

1) APPL: David Tirosh P16-016  
315 West 14<sup>th</sup> Street, # 5A  
New York, NY 10014

Owner: James Cronin (JJMelt, LLC)  
1698 Main Street  
Peekskill, NY 10566

Copies: cbdb Architects  
50 Hudson Avenue, 3<sup>rd</sup> floor  
Peekskill, NY 10566

RE: **Extension of Special Permit** from the Planning Commission for nine (9) proposed Artist Lofts pursuant to Sections 575-34 B (1) (m) and 575-34 B (2) (j) of the City of Peekskill Zoning Ordinance; and **Extension** of Final Site Plan Approval pursuant to Section 575-56 B (4), for the proposed renovation and conversion of an existing commercial building for use as nine (9) Artist Lofts on property located in the C-3, General Commercial District.

Location: **1698 Main Street**  
Section-Block-Lot: 33.6-3-33.2 (Peekskill Tax Map)  
Zoning District: C-3, General Commercial

Present was: David Tirosh - applicant.

Mr. Lynch provided background on the application, noting that earlier this year, the Planning Commission had granted approval of a special permit and final site plan for nine (9) artist lofts in the main building at 1698 Main Street. The applicant (contract vendee) is requesting an extension of these approvals, as additional time is needed to resolve matters in order to finalize the purchasing of the property. Staff recommended that the applicant should seek an extension from the Planning Commission which has authority to extend the approvals for 1½ years from the original expiration date.

Ms. Wells made a motion that the Planning Commission grant the requested **Extension of Special Permit** for nine (9) proposed Artist Lofts pursuant to Sections 575-34 B (1) (m) and 575-34 B (2) (j) of the City of Peekskill Zoning Ordinance; and **Extension of Final Site Plan Approval** pursuant to Section 575-56 B (4), for the proposed renovation and conversion of an existing commercial building for use as nine (9) Artist Lofts on property located in the C-3, General Commercial District, to expire on March 8, 2018, subject to the following original conditions of approval:

*Conditions to be met before signing of the site plan:*

1. Submission of five (5) sets of the approved site plan, for signature by the Planning Commission Chairman, with revisions and final condition notes added.
2. Final site plan to include provisions for landscaping and identifying signage to the satisfaction of the Director of Planning. Landscaping and/or fencing should be provided along the westerly property line.
3. Final site plan to include an area designated for dumpster storage; access to such area shall not be hindered for garbage trucks.
4. Removal of all compressors, machinery and propane tanks behind Building A. Also add this as a Note to the Plan.
5. All new HVAC systems, and related utilities as and machinery shall be located on the roof. Also add this as a Note to the Plan.
6. Final site plan shall address all necessary egress requirements including additional fire stairs as needed.
7. Reinforcements, repainting, repairs will be provided for existing fire egress stairs if and as needed.
8. Final site plan shall reflect the existing jog in the depressed area behind Building A.
9. Final site plan shall include a detail for the interior shutter system that provides a means of the lower ½ to 2/3 in the closed position while allowing the upper 1/3 to ½ to be in the open position.
10. Final site plan shall not provide a parking space in front of the existing loading door on the eastern elevation of Building B.
11. Final construction plans shall include provisions for water-saving fixtures.

12. Final site plan will provide a fence or similar appurtenance that will reduce the likelihood that the neighboring property to the west can utilize any of the proposed parking lot area; an existing gate between the two structures will need to be incorporated into any solution, and will be surfaced in a material that complements the adjacent building.
13. Resolution of all remaining engineering matters to the satisfaction of the City Engineer.
14. Final site plan shall indicate all drain inlets on the property and demonstrate that roof and pavement drainage is directed to inlets, catch basin or street curbing.
15. Final site plan may provide piers at parking spaces in the Main Street lot, satisfactory to the Director of Planning.
16. Provision of performance requirements (cash or irrevocable letter of credit) as deemed necessary and in an amount determined by the Director of Planning and Director of City Services. Any required performance instrument must be acceptable to the City Corporation Counsel as to form, manner of execution and surety.
17. Payment of all outstanding application fees and escrow balances.
18. Continuation of escrow fees during the duration of the project to cover consulting costs for engineering and planning. Such fees shall be held in escrow, and any amounts not used shall be returned to the Applicant.
19. Final construction plans shall provide for a bicycle rack for residents.

*To be completed prior to issuance of a Building Permit:*

1. Applicant obtains City & Westchester County permits for all work within the Main Street right-of-way, if and as required. Work shall include any changes to curb cut width, and relocation of the existing bus stop, utility poles, benches and waste basket, and if erected a bus shelter.

*Conditions to be met before issuance of a Final Certificate of Occupancy:*

1. Completion of work as shown on the approved plans.
2. Final landscaping and signage shall be to the satisfaction of the Director of Planning.

*Conditions to be met at all times:*

1. Vehicles are prohibited from parking on or blocking designated fire access areas.
2. Maintain landscaping in a healthy growing condition.
3. Adherence to City of Peekskill Noise Code requirements.
4. Waste may be stored only in designated trash storage areas.
5. No advertising or other signage may be placed in windows.

Mr. Porterfield seconded the motion, which carried unanimously.

**II. CONCEPTUAL REVIEW**

1) APPL: Trinity Associates, LLC (Contract Vendee) P16-010  
200 Clearbrook Road, Ste. 134  
Elmsford, NY 10523

Owner: The Christopher Columbus Society of Peekskill, NY, LLC  
1847 Crompond Road  
Peekskill, NY 10566

RE: **Conceptual Review by the Planning Commission and Recommendation by the Planning Commission to the Common Council** regarding the adoption of proposed **Zoning Text Amendments** pursuant to Section 575-58A (1) for the R-1A, R-1B, and R-1C One Family Residential Districts; the R-2, One & Two Family Residential District, and the R-3, One, Two & Three Family Residential District, to introduce senior housing options in conjunction with a proposed development project (Senior Citizen Housing / Assisted Living Residences) on property located in the R-1A, One Family Residential District. Changes to the R-4, R-5 and R-6 Zoning Districts are also proposed to bring existing language into conformity for all senior housing options in all Residence Districts.

Location: **1847 Crompond Road**

Section-Block-Lot: 33.07-3-12 (Peekskill Tax Map)

**\*Other Affected Parcels:**

23.19-2-2	33.07-1-1
23.20-1-1	23.20-1-2
23.20-1-3	

Zoning District: R-1A, One Family Residential

**\*Based on proposed zoning and site standards**

Present were: John Saraceno - Trinity Associates, LLC; Jaime Martinez - Trinity Associates, LLC; Gary Warshauer - Warshauer Mellusi Warshauer Architects, PC; Vincent Franze - Warshauer Mellusi Warshauer Architects, PC; Frederick Wells - Tim Miller Associates, Inc.; Anthony Castilo - SESI Consulting Engineers; and John Imbiano - IQ Landscape Architects.

Mr. Giusti recused himself from discussion of this application due to a potential conflict of interest.

Mr. Lynch provided background on the application, noting that the applicant submitted applications for zoning text amendments and a conceptual plan review for the proposed construction of senior citizen housing/assisted living residences at 1847 Crompond Road, site of the Christopher Columbus Society. He stated that the proposal involves construction of a 52-unit facility. Five stories would face Route 202 with four stories at the rear of the property due to the slope of the land. The existing paving plan would remain and additional landscaping is proposed.

The apartments would be 700 to 800 square feet with full kitchens, and services would include laundry and cleaning and licensed home care if needed, but no medical services. The project would serve those 62 and older with incomes below \$44,400 for one person and \$50,760 for two persons. As an alternative, Trinity is requesting the option to build a similar structure to be operated as a licensed assisted living facility with 81 beds and nursing care, serving those 65 and older.

Mr. Lynch informed members that the applicant developed and currently manages the Drum Hill Senior Living community and the River Point at Drum Hill apartments. He stated that staff used this opportunity to review the options available for senior housing throughout the city's residence districts - senior citizen housing, congregate care and nursing home facilities for senior citizens - which are currently allowed in the R-4, R-5 and R-6 districts. These are the medium to high density districts and generally mapped close to the downtown area.

The current proposal would provide a means of obtaining a Special Permit for senior type housing facilities in the R-1, R-2 and R-3 districts, only from the City of Peekskill Common Council and only on sites along certain major roads such as Route 6, Route 202 and within a specified distance (0.3 mile) of local health centers (Hudson Valley Hospital in Cortlandt, and Hudson River Healthcare in downtown Peekskill). The sites must be a minimum of two acres in size.

Mr. Lynch also stated that the proposed text amendments were based on the standards set forth in the R-4 Low Density Multiple Family Residence District which is currently 1.5 beds or 15 dwelling units per acre, as compared to the R-5 and R-6 districts with a density range of 1.5 beds and/or 15 dwelling units per 2,000 sf of land area. As was done with the R-6 district, staff elected to include bonusing provisions which would be used to increase the attractiveness of the property and include amenities that staff would like to see associated with any senior housing facility on a parcel that meets the criteria.

Mr. Lynch summarized the applicant's request: "the applicant is requesting a zoning text amendment for properties in the R-1, R-2 and R-3 zoning districts that are greater than two acres, that front on a State or County roadway, that are within 0.3 mile of a hospital or health center and that are near a bus stop, retail stores and senior services. The request is to allow age-restricted senior independent living, assisted living, and nursing home facilities with an increase in density by Special Permit of the Common Council. Note that no senior housing options are permitted within any of the City's Planned Residential Development (PRD) Districts as part of this proposal."

Mr. Lynch further noted that the applicant is also proposing to amend / add a definition for *assisted living* which is the current name for a type of senior housing whereby residents get assistance with certain activities of daily living. The proposal is to add the definition to the City Code and also to add that same phrase throughout the Code wherever senior housing is mentioned.

Mr. Martinez provided an overview of the application, noting that the applicant worked with city staff to ensure that the proposed zoning text amendments were appropriate for the city and consistent with the uses and designs in the community. In presenting the proposal to the city, the applicant examined criteria such as provision of jitney services, ancillary facilities, and exceptional landscaping and architectural design.

Mr. Stern sought clarification of the applicant's request for senior living / assisted living facility. Mr. Martinez responded that in reviewing the city's zoning text, the applicant was still trying to determine whether to submit a proposal for a senior housing project or an assisted living project, and has now determined, based on the financial market, that a 52-unit facility would be requested. He said that approval would be sought for one distinct project (a senior housing facility); however, if that proved unsuccessful, the applicant would like to have the option to submit an application for an assisted living facility.

Mr. Franze informed members of the applicant's efforts to incorporate regional residential aesthetics into the project design. He stated that the proposed architectural concept entailed stone at the lower courses, a mansard roof, gables, clapboard, as well as emphasis on the trims, corner boards and window trims.

Mr. Franze presented a conceptual floor plan showing a total of 16 two-bedroom units and 36 one-bedroom units. He stated that the proposal also includes a community room, exercise room, laundry facilities and other support spaces at the lowest level of the northern portion of the building. The community room, which will front on Crompond Road, will include a front porch. A terrace is proposed for the lawn area between the porch and Crompond Road. The proposed amenities are in line with the bonusing criteria proposed as part of the zoning text amendment. Mr. Franze pointed out that the applicant's proposal for 52 units is approximately 7 units less than the maximum allowed.

Mr. Franze also noted that the proposal - use of the property, the size of the building, and density - complies with the proposed zoning text amendments. Mr. Lynch clarified that the applicant's proposal for a 52-unit facility is actually four units less than the maximum (56 units) allowed per the zoning code.

The Planning Commission / staff discussed:

1. The type of outdoor amenities - Mr. Franze responded that the proposed outdoor amenities include: a buffer of exceptional landscaping, a berm with landscaping to contain the space and to create a visual screen from adjacent residential areas, a community garden and a walking path, which will have park benches.
2. Whether each unit would have laundry facilities - Mr. Warshauer responded that a community type laundry facility is being proposed and that there will not be individual washers and dryers in the units.
3. Location of elevator bulkhead - Mr. Franze responded that the elevator and three stair towers have been incorporated into the floor plan.
4. Whether there would be an onsite office and case management services for residents - Mr. Warshauer responded that there will be a management office at the proposed facility. He stated that even though the zoning code allows the opportunity for a facility with some medical / support components, the applicant is proposing an independent senior living facility. As such, there will not be any case management (social work) or medical support services.

Mr. Saraceno stated that the intention of the independent living is to work with the Drum Hill Senior Living Community which currently provides a jitney service that assists with transporting residents to doctors' appointments and shopping. A similar service would be provided at the proposed new facility.

5. Whether the applicant would consider a “higher-end” market rate facility for the proposed development, in light of the number of affordable senior housing facilities currently located in downtown Peekskill as well as the “struggle to make downtown Peekskill more vibrant by bringing in people that will have disposable income - Mr. Saraceno responded that a combination of affordable and market rate units is being considered; however the percentage of market rate units vs. affordable units would be determined by what can be built and availability of financing. He also noted that one benefit of constructing the facility at the proposed location is the close proximity to the hospital.
6. Whether it would be more feasible if the applicant builds a nursing home facility considering the close proximity to the hospital and the potential employment opportunities - Mr. Saraceno responded that the proposed zoning text amendment includes an option for assisted living facilities. He pointed out that the Drum Hill Senior Living Community is an independent living facility that also provides non-medical services for the residents and any proposed assisted living facility would include a medical component. Mr. Saraceno also stated that consideration was given to building an assisted living facility; however, there is a requirement for such facilities to be competitive in terms of the pricing structure and to meet certain design parameters.

Mr. Martinez noted that the applicant might seek assistance from the City of Peekskill Industrial Development Agency (IDA); however, there are no plans for the applicant to seek property tax reductions for this project.

7. Bonusing criteria for exceptional landscaping and architecture - Mr. Porterfield thought that the architectural design needs to be improved, noting that the architecture is similar to other existing facilities in Peekskill. It was noted that if a bonus was being granted for exceptional architecture, it should possibly be an award-winning design. Suggestions included: applying to the Westchester Mid-Hudson Design Awards Program (unbuilt category), a Victorian-design structure, and addition of porches and colonnades to break up the façade so it does not give the appearance of an apartment building. Mr. Porterfield further stated that this approach would maintain the community character and would also be useful in marketing the units.

Mr. Gomez commended staff for the proactive approach taken by the City in defining the different types of senior living. He also expressed concerns about the density bonus schemes and the architectural design, and suggested that an additional bonusing criterion relating to affordably-priced housing be included in the proposed text amendment. Concerns were also expressed about the building height and how it would affect views from surrounding properties. It was noted that this could be resolved with landscaping and would also be at the discretion of the Common Council.

Mr. Imbiano informed the Planning Commission that the proposed structure would be set back an additional 30 ft. from Crompond Road in order to maintain and preserve green space and existing trees. He stated that the proposed berm would be integrated with the landscape of evergreen trees, flowering trees, shade trees and shrubbery. Mr. Imbiano also stated that a specimen maple tree in the rear (to the south) as well as a catalpa tree will be preserved. He further stated that the proposed amenities include strolling paths for fitness and wellness, a terrace, a community garden and an additional strolling path with benches.

Ms. Wells stated her support of the proposal to move the building an additional 30 ft. from Crompond Road. She also stated that the bonusing criteria should include an affordability component. Ms. Wells expressed concerns about the bonusing criterion for exceptional

architecture, noting that there was no distinct standard. She also inquired whether the proposed zoning text would allow for independent living and assisted living in the same facility or assisted living and nursing home in the same facility. Mr. Martinez responded that NYS law does not allow for two different uses in the same building.

Discussion continued regarding the percentage of units that would be affordable and it was agreed that 30% to 40% would be appropriate. Members also discussed the possibility of incorporating green elements, such as a green roof, into the site plan.

The Planning Commission was receptive to the project and after discussion of the abovementioned items, reached a consensus to vote on the application.

Mr. Gomez made a motion that the Planning Commission provide the Common Council with a positive recommendation regarding adoption of the proposed zoning text amendments. Members also offered the following comments for the Council's consideration in adopting the proposed amendments:

1. Inclusion of measurable, identifiable elements for exceptional landscaping including appropriate text to ensure the preservation of significant vegetation over and above the amount specified in the proposed text.
2. Inclusion of measurable, identifiable elements for exceptional architecture.
3. Inclusion of affordably-priced housing (30 to 40 percent of the units) pursuant to Westchester County criteria as another bonusing consideration.
4. Placing a limit on the total number of units that could be achieved through "bonusing".

Ms. Wells seconded the motion, which carried unanimously.

### III. PUBLIC HEARINGS

- 1) APPL: Fort Hill Peekskill, LLC (c/o Ginsburg Development Companies) P15-024  
100 Summit Lake Drive, Suite 235  
Valhalla, NY 10595

Owner: Same

Copies: John Kellard  
Kellard Sessions Consulting, P.C.  
500 Main Street  
Armonk, NY 10504

RE: **Continued Public Hearing** by the Planning Commission regarding a **Major Subdivision Review** pursuant to Section 510-5 of the City of Peekskill Subdivision Ordinance for a proposed 6-lot subdivision; **Preliminary Plan Review by the Planning Commission** pursuant to Section 575-28E (10), **LWRP Consistency Review, Steep Slopes Review** and associated **Waivers relating to district setback boundary of the Planned Residential Development District** pursuant to Section 575-28E (9) of the City of Peekskill Zoning Ordinance; **and the length and grade**

**of the proposed roadway** pursuant to Section 510-12P and R of the City of Peekskill Subdivision Ordinance, for a proposed development project (Fort Hill Apartments and Fort Hill Inn & Spa). Project area is subject to zoning map amendments and zoning text amendments, pursuant to Section 575-58, being considered contemporaneously by the Common Council.

Location: St. Mary's Street

Section-Block-Lot: **Peekskill Tax Map (*Italicized lots are subject to Special Permit and Preliminary Site Plan Review*)**

1) *St. Mary's Street ~ GDC ~ (32.08-1-3): R-1B to PRD*

2) *St. Mary's Street ~ GDC ~ (22.20-2-1): PRD*

3) *St. Mary's Street ~ GDC ~ (22.20-2-4): PRD*

4) *1 St. Mary's Convent (McGurty) ~ (32.08-1-4): R-1B to PRD (Subdivision only)*

Zoning Districts: R-1B, One Family Residential  
PRD, Planned Residential Development

Present was Kevin Marrinan - Development Director, Ginsburg Development Companies, LLC.

Mr. Porterfield recused himself from discussion of this application due to a potential conflict of interest.

Mr. Giusti returned to the dais to participate in the remainder of the meeting.

Mr. Lynch informed the Planning Commission that the Common Council approved the Special Permit and Bonus Density, as well as adopted the Zoning Map amendments and Zoning Text amendments at the September 12<sup>th</sup> Council meeting.

**N.B.** - Based on the Common Council's adoption of the Zoning Map amendments and Zoning Text amendments, the entire property is now zoned PRD, Planned Residential Development.

Ms. Wells made a motion that the Planning Commission reopen the Public Hearing regarding the application of Fort Hill Peekskill, LLC (c/o Ginsburg Development Companies) for property located at St. Mary's Street in the PRD, Planned Residential Development District.

Mr. Drapala seconded the motion, which carried unanimously.

The Planning Commission and staff reviewed the draft Negative Declaration (SEQR) and the Record of Decision. Revisions included an additional recommendation regarding the Clerk of Works, wording of the Bonus action being completed by the Common Council, correction and completion of recitations from the City Code, and determination of how parkland /recreation fees received from the applicant will be allocated if a grant is received.

Additionally, Ms. Wells suggested that language be added to condition "dd" regarding off street parking - satisfactory off-street parking must be provided if Spring Street is converted to a two-way street and if parking is restricted or eliminated on John Street.

Mr. Stern asked if there were any citizens who wished to speak in favor of, or in opposition to, the subject application. There were none.

After discussion of the above mentioned items, the Planning Commission reached a consensus to vote on the application.

Mr. Gomez made a motion that the Planning Commission close the Public Hearing regarding the application of Fort Hill Peekskill, LLC (c/o Ginsburg Development Companies) for property located at St. Mary's Street in the PRD, Planned Residential Development District.

Ms. Wells seconded the motion, which carried unanimously.

Ms. Wells made a motion that the Planning Commission deem the application a Type I Action under SEQRA, and to issue a Negative Declaration pursuant to 6 NYCRR Part 617.

Mr. Giusti seconded the motion, which carried unanimously.

**NEGATIVE DECLARATION  
PURSUANT TO 6 NYCRR PART 617 (SEQRA) FOR THE FORT HILL APARTMENT  
PROJECT & ADAPTIVE RE-USE OF ST. MARY'S CONVENT / CHAPEL AND  
RELATED ZONING MAP AND TEXT AMENDMENTS**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQRA)**

Pursuant to Article 8 (State Environmental Quality Review Act – “SEQRA”) of the Environmental Conservation Law and its implementing regulations (6 NYCRR Part 617), the City of Peekskill Common Council and the City of Peekskill Planning Commission as Involved Agencies under SEQRA make the following findings:

**Name of Action:**

Fort Hill Apartments; Fort Hill Inn & Spa and Related Zoning Map and Text Amendments

**Description of Action:**

Adaptive re-use of existing historic structures – the former St. Mary's Convent & Chapel – into the Fort Hill Inn and Spa (including a restaurant), to preserve and protect these historic structures and provide a regional hospitality destination. New construction of a clustered three (3) building mid-rise apartment complex comprising 178 apartment units and associated parking. The apartments and Inn / Spa will both make use of a shared amenity complex in the rehabilitated St. Mary's Chapel.

The proposed actions include the following:

1. Adoption of Zoning Map Amendments pursuant to Section 575-58A (2) for certain properties located in the R-1B, One Family Residential District; and Zoning Text Amendments pursuant to Section 575-58A (1) for the PRD, Planned Residential Development District. Zoning Map Amendments include the following parcels:

Applicant's Petition

- 1) St. Mary's Street ~ Ginsburg Development Companies, LLC or subsidiary (GDC) ~ (32.08-1-3): R-1B to PRD

Planning Department's Recommendation

- 2) 632 Main Street ~ Inn on The Hudson ~ (32.08-1-7): R-1B to R-6
  - 3) 1 St. Mary's Convent ~McGurty~ (32.08-1-4): R-1B to PRD
  - 4) 652 Belden Street ~ Carson ~ (32.08-9-3): R-1B to R-1C
2. Issuance of a Special Permit by the Common Council pursuant to Section 575-28E allowing a mid-rise apartment development and adaptive re-use of the existing convent and chapel buildings;
  3. A Bonus Density Determination and Acceptance of Parkland by the Common Council pursuant to Section 575-28E (5) of the City of Peekskill Zoning Ordinance;
  4. Approval of a Major Subdivision Plat by the Planning Commission pursuant to Section 510-5 of the City of Peekskill Subdivision Ordinance for a proposed 6-lot subdivision;
  5. Approval of Waivers relating to the length and grade of a proposed private roadway by the Planning Commission pursuant to Section 510-12P and R of the City of Peekskill Subdivision Ordinance;
  6. Preliminary Plan Approval pursuant to Section 575-28E (10) of the City of Peekskill Zoning Ordinance and Approval of Steep Slope Disturbance by the Planning Commission;
  7. Approval of Waivers by the Planning Commission relating to district setback boundary of the Planned Residential Development District pursuant to Section 575-28E (9) of the City of Peekskill Zoning Ordinance;
  8. Local Waterfront Revitalization Program Consistency Determination (Coastal Zone Consistency) by both the Common Council and the Planning Commission.

**Development Project Location:** St. Mary's Street

Section-Block-Lot: Peekskill Tax Map (*Italicized lots are subject to Special Permit and Preliminary Plan Approval*)

- 1) St. Mary's Street ~ GDC ~ (32.08-1-3)
- 2) St. Mary's Street ~ GDC ~ (22.20-2-1)
- 3) St. Mary's Street ~ GDC ~ (22.20-2-4)
- 4) 1 St. Mary's Convent (McGurty) ~ (32.08-1-4) (Subdivision only)

## Facts and Conclusions Relied Upon to Support the Decision:

**WHEREAS**, reference is made to an approval granted by the City of Peekskill Planning Commission in July 2006 pursuant to §37 of the General City Law (Cluster Development) for a redevelopment proposal then known as the "Abbey at Fort Hill" which allowed for a maximum of 138 units to be developed in a clustered format on lands held by GDC; and

**WHEREAS**, that redevelopment proposal included a total of 136 residential dwelling units including 12 in the existing convent and chapel buildings, and 124 in two, four and six-unit attached townhomes located generally in the southern 2/3 of the Applicant's holdings on Fort Hill; and

**WHEREAS**, the Applicant has opted to present a planned residential development (PRD) of their property, which presently includes lands zoned PRD (Planned Residential Development) and lands encompassing the former St. Mary's convent and chapel campus that are currently zoned R-1B; and

**WHEREAS**, on May 11, 2015 the Common Council adopted Local Law No. 3 of 2015 repealing Local Law No. 3 of 2006 which had authorized the Planning Commission to accept a clustered layout for the redevelopment proposal known informally as the "ST. MARY'S PROJECT" and formally as the Abbey at Fort Hill; and

**WHEREAS**, the Applicant petitioned to the City for a zoning map change of a portion of its holdings from R-1B to PRD Planned Residential District in order to facilitate a planned residential development of their entire holdings; and

**WHEREAS**, in conjunction with that petition the Applicant also sought zoning text changes to the PRD District regulations to allow re-use of existing historic buildings, and to modify the regulations to bring them into greater conformance with City policy relative to development in areas supporting steep slopes, to provide greater flexibility in siting residential development with specific standards articulated for allowing such flexibility, and to outline parking standards for the types of uses contemplated in the District; and

**WHEREAS**, the City Department of Planning and Development has incorporated several zoning map changes into the Applicant's proposed zoning map action in order to provide a rational framework for development and use of properties adjoining the area of the proposed map change; and

**WHEREAS**, notice was provided pursuant to all requirements to property owners and public hearings were held on the zoning actions on August 17, 2015; and

**WHEREAS**, no adverse comments were received on the proposed zoning map and text amendments; and

**WHEREAS**, the proposed zoning map and text changes would allow a theoretical maximum potential increase in development as compared to that allowed now of fewer than 20 dwelling units; and

**WHEREAS**, adaptive re-use of existing buildings could allow mixed use type development generally limited in intensity to the area of such buildings, whose exterior would not be substantially affected by proposed development; and

**WHEREAS**, approval of a preliminary plan for any planned residential development is required by the City of Peekskill Planning Commission pursuant to the PRD District regulations; and

**WHEREAS**, dedication and acceptance of open space by the Common Council is required pursuant to the PRD regulations to allow any increase in residential density above the maximum number of dwelling units computed at nine units per net parcel acreage; and

**WHEREAS**, proposed zoning text amendments include as a permitted use within planned residential developments the adaptive re-use of the existing historic structures (the former St. Mary's convent and chapel) by a use and in a manner approved by the Common Council Special Permit; and

**WHEREAS**, GDC's holdings amount to 73.1 acres with a net area of 16.14 acres equaling a maximum of 145 dwelling units; and

**WHEREAS**, an application was submitted to the City of Peekskill on October 19, 2015 for approval of a planned residential development with open space dedication and a preliminary plan including adaptive re-use of the existing former convent and former chapel building for an Inn and Spa (with restaurant), and as an indoor amenity for the planned residential development; and

**WHEREAS**, the specific approvals include a mix of zoning and discretionary actions and covers slightly differing geographic areas; and

**WHEREAS**, as outlined in Chapter 267 of the City of Peekskill Code, the responsibility for SEQRA compliance for the proposed action including adoption of zoning amendments, issuance of a Planned Residential Development special permit, acceptance of lands in exchange for additional development density, approval of a preliminary plan, and major subdivision and waivers from specific Planned Residential Development and City subdivision requirements is shared by the City of Peekskill Common Council and the City of Peekskill Planning Commission; and

**WHEREAS**, Section 575-28E(10) of the City of Peekskill Zoning Ordinance specifies that "[s]ince the application for the special permit and the preliminary site plan are closely related, the review and approval process shall run simultaneously"; and

**WHEREAS**, in compliance with the New York State Environmental Conservation Law, Article 8 and the rules and regulations promulgated thereunder (6 NYCRR 617 -- SEQRA), and the City of Peekskill Code, the City of Peekskill Common Council and the City of Peekskill Planning Commission have performed individual SEQRA reviews that have been coordinated by the City of Peekskill Planning Department pursuant to Chapter 267 of the City Code; and

**WHEREAS**, an opportunity for comment on the proposed action has been provided to the Westchester County Planning Board pursuant to the General Municipal Law and other regulations; and

**WHEREAS**, in addition to the City of Peekskill Common Council and the City of Peekskill Planning Commission, the City of Peekskill Industrial Development Agency (IDA) is considering an application for the Inn / Spa portion of the proposed development, and the Westchester County Health Department must approve upgraded water and sewer systems to service the proposed development, and the City Engineer must find a Stormwater Pollution Prevention Plan prepared by the Applicant to be acceptable and the NYS Department of Environmental Conservation (NYSDEC) must be notified at the start of any construction activity; and

**WHEREAS**, hearings have been held as required pursuant to the City of Peekskill zoning ordinance including hearings on map and text amendments, the special permit, and the preliminary plan and plat and all waivers; and

**WHEREAS**, the information prepared for the preliminary plan submitted by the Applicant has been satisfactorily developed to provide information and detail customarily associated with Final Site Plan and Plat applications; and

**WHEREAS**, the Full Environmental Assessment Forms, Parts 1, 2 and 3 dated April 6, 2016 identified and analyzed the following potential impact areas:

- Impact on Land
- Impact on Surface Water
- Impact on Plants and Animals
- Impact on Historic and Archeological Resources
- Impact on Transportation
- Impact on Energy
- Impact on Noise, Odor and Light
- Consistency with Community Character

**WHEREAS**, the EAF, Part 2 identified the following potential moderate to large environmental effects of implementation of the proposed action:

- The proposed action may involve construction on slopes of 15 percent (15%) or greater.
- The proposed action may involve construction on land where bedrock is exposed, or generally within five feet (5') of existing ground surface.
- The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.
- The proposed action may involve construction that continues for more than one year or in multiple phases.
- The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).
- The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.
- The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.
- The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.
- The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.
- The proposed action may occur wholly or partially within, or substantially contiguous to, an archeological site not included in the NY SHPO inventory. Disturbance is not proposed in any identified areas. All analytical and empirical information will be provided to the NYS Office of Parks, Recreation and Historic Preservation.

- The proposed action includes re-use of historic structures.
- The proposed action would allow a slight increase in development or re-development at two properties to be rezoned (1 St. Mary's Convent and Chateau Rive).
- The proposed development will include pedestrian improvements and may include potential upgrades of Spring Street and John Street to allow and / or better accommodate two-way traffic.
- The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.
- The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center or nursing home.
- The proposed action may create a demand for additional community services such as school, fire and public safety.
- The proposed development will introduce multiple family development in relative close proximity to an existing primarily single-family residential neighborhood.

**WHEREAS**, the proposed development will replace the approved Abbey at Fort Hill project, thereby reducing potential impacts between the previously approved project and the proposed action as follows:

- Site disturbance will be reduced from 20.2 acres to 7.3 acres.
- Forest disturbance will be reduced from 9.0 acres to 2.0 acres.
- Disturbance to steep slopes will be reduced from 8.7 acres to 2.2 acres.
- Impervious surfaces shall be reduced from 8.1 acres to 5.6 acres.
- Residential population will be reduced from 358 persons to 347 persons.
- Public school age children will be reduced from 45 to 20.

**WHEREAS**, the proposed action involves reduced potential for adverse effects as compared to the previously approved development known as the Enclave, which would have disturbed major portions of forested areas on Fort Hill;

**WHEREAS**, the proposed development and re-use will occur wholly or partially within, or substantially contiguous to, any buildings, archeological site or district which has been determined to be eligible for listing on the State or National Register of Historic Places; and

**WHEREAS**, the proposed development and re-use will occur wholly or partially within, or substantially contiguous to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory, any buildings, archeological site or district which is listed or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places; and

**WHEREAS**, the proposed development is not expected to result in the destruction or alteration of a substantial area of any identified historic or archeological resource onsite including the former chapel and convent and the cemetery, nor would the proposed development result in the alteration of the property's setting or integrity; nor would the proposed action result in the introduction of visual elements which are out of character with the site or the overall property, or that may alter its setting; and

**WHEREAS**, the proposed development will be monitored by the City to address pedestrian and vehicle safety and convenience and a future action will consider the replacement of on-street parking in place at this time with off-street public parking and changes to on-street parking regulations to serve the local residents and neighborhood; and

**WHEREAS**, no adverse effects on existing streets, traffic flows, pedestrian activities or school, park or other neighborhood operations have been identified with existing street parking regulations and directionality remaining in effect; and

**WHEREAS**, the neighborhood to the south and east of the proposed development contains the Oakside Elementary School, and two licensed day care providers, LePore Park and the Kiley Youth Center; and

**WHEREAS**, neighbors of the proposed development also include residences along Belden Street, St. Mary's Street and St. Mary's Convent as well as the Chateau Rive apartments in former St. Mary's School; and

**WHEREAS**, the following have been incorporated into the proposed action:

1. Blasting will be limited to weekdays only, and will exclude holidays.
2. Construction will be limited to Monday to Friday, except holidays from 8:00 AM to 8:00 PM; and Saturday, except holidays, from 9:00 AM to 5:00 PM. No activities will be permitted on Sundays or City holidays.
3. Changes to existing easements, and/or new easements will be filed with the Westchester County Clerk.
4. Final approval will incorporate a requirement that maintenance of the onsite cemetery will remain with the current owner or successor(s) in interest.
5. A Clerk of the Works will be hired to provide for inspections and quality control of construction.
6. Final landscaping and lighting shall be to the satisfaction of the City of Peekskill Director of Planning and the City of Peekskill Director of Public Works (City Services).
7. Final water and sewer service connections shall be to the satisfaction of the City Water / Sewer Superintendent.
8. Pursuant to building code requirements, investigations will be made of the presence of hazardous materials in existing building materials such as asbestos and lead paint; remedial actions will be implemented if hazardous materials are identified pursuant to the NYS and City of Peekskill Building Code.
9. Water and sewer utilities will be offered for dedication to the City of Peekskill as required by Westchester County Health Department requirements, within necessary easements.
10. Roadway improvements to the onsite private roadway will conform to City zoning requirements in terms of width, curbing and drainage and will involve driveway extensions to serve the new apartment development. Waivers for length and grade have been considered by City Staff and the Planning Commission and have been found to be acceptable.

11. A waiver from the PRD District boundary has also been considered in light of major topographic separation of the proposed project site and the adjacent neighborhood to the south, with the inclusion of an exceptional landscaping plan and maintenance of setbacks between proposed development and the nearest residence that are similar to that which exists currently.
12. The Applicant's commitment to providing satisfactory off-street parking in the event Spring Street is made two-way.

and,

**WHEREAS**, the City Department of Planning and the Developer of the Fort Hill Apartment project and Fort Hill Inn & Spa have worked closely together to provide notice as required by the City Code, to solicit comments on the proposed zoning actions and land use approvals, to address questions and issues raised by neighboring landowners and City residents, City and County agencies, and others, and to meet other regulatory requirements; and

**WHEREAS**, in consideration of the comparative effects between and among the previously approved "Abbey at Fort Hill" and "Enclave" projects, and the current Proposed Action, and in light of the historic areas of use and activity on the property; and

**WHEREAS**, the proposed development plan includes and / or has been modified to incorporate the following:

1. Extension of high-pressure water main onto Fort Hill to provide domestic and fire safety service (flows and pressure) to a number of users including existing residents and property, and the proposed development.
2. A commitment by the Applicant to re-line area sewers (St. Mary's Street) receiving effluent from the proposed development.
3. Replacement of 725 linear feet of onsite sewer main servicing the property, which is expected to reduce infiltration and inflow into the City's sanitary sewer system.
4. A drainage plan that maintains or reduces peak flows of runoff and treats runoff as required by NYS DEC requirements.
5. Dedication of 4.1 acres of land consistent with PRD zoning District requirements.
6. Dedication of an additional 33 acres of lands pursuant to the bonusing provisions outlined in the PRD District regulations (i.e., one additional dwelling unit per acre of land offered and accepted for dedication).
7. Dedication of an additional 15 acres of land, all adjacent to the City's Fort Hill Park, thereby increasing the size of City parkland and open space in the Fort Hill area considerably.
8. Provision of parking spaces for the use of City residents, and specifically users of Fort Hill Park.
9. Assistance to the City with outfitting the dedicated lands with trails and signage.
10. Preservation of the existing convent and chapel buildings in a mixed-use format that allows for initial and continued investment and use in an acceptable, aesthetically pleasing manner.
11. Preservation and maintenance of the existing cemetery, which would be located on lands to be dedicated to the City.

12. Provision of street striping and signage improvements, some in conjunction with a prospective future request to allow inbound and outbound traffic to use Spring Street to John Street, and all subject to the satisfaction of the Director of Public Works (City Services).
13. Provision of one or possibly two street “tables” (speed humps) only if deemed necessary after construction of the proposed project and substantial occupancy (i.e., issuance of 100<sup>th</sup> residential Certificate of Occupancy) is complete.
14. Widening of the onsite drive (colloquially known as St. Mary’s Street) to 24 feet (26 feet in areas required adjacent to fire hydrants, as required by the NYS Building & Fire Code), and to include hydrants and curbing and sidewalks (including a striped street crosswalk) in selected areas.
15. Provision of stone dust trails for pedestrian use in areas of the site and a paved walkway with lighting up to the property’s main drive from Belden Street.
16. Provision of acceptable fire access to the existing and proposed buildings for the uses proposed.
17. A substantially minimized grading and development plan for the property that minimizes disturbance to vegetation, sloped areas and onsite surface and sub-surface rock.
18. A commitment to limit any potential blasting activities to weekdays only.
19. Provision of substantial landscaping in the area of proposed development and utility disturbance proximate to the existing downslope Belden Street neighborhood.
20. Provision of onsite amenities including walking paths and sidewalks to allow pedestrian connection to onsite resources including a clubhouse and pool for onsite residents thereby reducing demand on public facilities by new residents, and the Fort Hill Park, the cemetery and the proposed inn, spa and restaurant and accompanying views of the Hudson River Valley for the public and onsite residents.
21. Maintenance of the existing onsite pond.
22. On-site stormwater detention and implementation of water quality practices which shall detain stormwater flows below present rates of discharge from the property and treat stormwater prior to discharge to downstream water resources.

**WHEREAS**, in total the project shall dedicate to the City 52 acres of permanent open space adjacent to the 10.2 acre Fort Hill Park, providing over 62 acres of open park space for the residents of the City; and

**WHEREAS**, in addition to the 15 acres of land to be offered to the City adjacent to the existing Fort Hill park which is appropriate for open space, passive recreation and hiking but not for active recreation needs, the sum of \$250,000 shall be collected by the City to address the active recreation space needs of the additional resident and visitor population expected as a result of the proposed development within the proposed park dedication, and an additional \$75,000 shall be collected to be placed in the City’s Recreation Fund;

**WHEREAS**, the project engineer certifies that the stormwater system complies with NYSDEC and City of Peekskill stormwater regulations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council / Planning Commission as applicable finds that the proposed Fort Hill Apartments and Fort Hill Inn & Spa would encourage and promote planned residential development where appropriate in location, character and timing, and have been designed to (1) protect the character and property values of adjoining land uses, (2) permit mid-rise apartments and additional density where additional open space is provided acceptable to the Common Council, (3) protect the natural features and open space character of the district, (4) incorporate adaptive re-use of the existing historical St. Mary's chapel and convent buildings, (5) be located within a planned development that affords (a) a reduction in disturbance to the site and areas of steep slope and vegetation (b) appropriate opportunities for screening and perimeter landscaping, (c) proximity to and access to the adjoining neighborhood, (d) improvements to public infrastructure including roadways, water supply, sewer services and drainage, (e) protection and future maintenance of the existing onsite cemetery, (f) access to and an increase in City parkland by 52.1 acres in total all adjoining the existing Fort Hill Park, (g) appropriate measures to direct vehicular traffic and protect pedestrian activity in the adjoining neighborhood which is proximate to the Oakside School, Kiley Youth Center, Lepore Park, and (h) appropriate amenities for the use of prospective residents; and

**BE IT FURTHER RESOLVED**, that the Common Council as Lead Agency for the purposes of the zoning map changes and zoning text amendments, the Special Permit and bonus density determination and acceptance of public parkland, and the Planning Commission as Lead Agency for the purposes of preliminary plan and final site plan approval, and approval of a waiver from the PRD District boundary setback, and approval of a preliminary major plat and related waivers, having considered the Full Environmental Assessment Form, parts 1, 2 and 3 and all other supporting information hereby determines that the proposed action will result in no significant adverse impacts on the environment and that an environmental impact statement need not be prepared, and

**BE IT FURTHER RESOLVED**, the Common Council and the Planning Commission find that the proposed action conforms to the policies outlined in the City of Peekskill Local Waterfront Revitalization Program (LWRP) adopted in December of 2015, and hereby finds and certifies that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP including Coastal Zone Consistency, and that a mixed use development on the southern portions of the GDC holdings and preservation of at least 40 acres of open space connected to Fort Hill Park was identified in the LWRP.

Ms. Wells made a motion that the Planning Commission approve the Record of Decision, including: **finding of consistency** with the City of Peekskill Local Waterfront Revitalization Program (LWRP) policy document; **Waivers** as requested and outlined in the following Resolution; and **Final Major Subdivision Plat Approval and Conditional Preliminary and Final Site Plan Approval**.

Mr. Gomez seconded the motion, which carried unanimously.

**RECORD OF DECISION  
FOR THE FORT HILL APARTMENT PROJECT & ADAPTIVE RE-USE OF  
ST. MARY'S CONVENT / CHAPEL**

Pursuant to Section 575-28 of the City of Peekskill Zoning Ordinance the City of Peekskill Planning Commission makes the following findings:

Name of Action:

Fort Hill Apartments; Fort Hill Inn & Spa

Description of Action:

Adaptive re-use of existing historic structures – the former St. Mary's Convent & Chapel – into the Fort Hill Inn and Spa (including a restaurant), to preserve and protect these historic structures and provide a regional hospitality destination. New construction of a clustered three (3) building mid-rise apartment complex comprising 178 apartment units and associated parking. The apartments and Inn / Spa will both make use of a shared amenity complex in the rehabilitated St. Mary's Chapel.

The proposed actions include the following, with actions being considered by both the City of Peekskill Common Council and City of Peekskill Planning Commission:

1. Adoption of Zoning Map Amendments pursuant to Section 575-58A (2) for certain properties located in the R-1B, One Family Residential District; and Zoning Text Amendments pursuant to Section 575-58A (1) for the PRD, Planned Residential Development District. Zoning Map Amendments include the following parcels:

Applicant's Petition

- 1) St. Mary's Street ~ Ginsburg Development Companies, LLC or subsidiary (GDC) ~ (32.08-1-3): R-1B to PRD

Planning Department's Recommendation

- 2) 632 Main Street ~ Inn on The Hudson ~ (32.08-1-7): R-1B to R-6
  - 3) 1 St. Mary's Convent ~McGurty~ (32.08-1-4): R-1B to PRD
  - 4) 652 Belden Street ~ Carson ~ (32.08-9-3): R-1B to R-1C
2. Issuance of a Special Permit by the Common Council pursuant to Section 575-28E allowing a mid-rise apartment development and adaptive re-use of the existing convent and chapel buildings with a Bonus Density Determination by the Common Council pursuant to Section 575-28E (5) of the City of Peekskill Zoning Ordinance;
  3. Approval of a Major Subdivision Plat by the Planning Commission pursuant to Section 510-5 of the City of Peekskill Subdivision Ordinance for a proposed 6-lot subdivision;
  4. Approval of Waivers relating to the length and grade of a proposed private roadway by the Planning Commission as set forth in Section 510-12P and R of the City of Peekskill Subdivision Ordinance pursuant to Section 510-21 of the City of Peekskill Subdivision Ordinance;

5. Preliminary and Final Site Plan Approval pursuant to Section 575-28E (10) and (11) of the City of Peekskill Zoning Ordinance and Approval of Steep Slope Disturbance by the Planning Commission;
6. Approval of Waivers by the Planning Commission relating to district setback boundary of the Planned Residential Development District as set forth in Section 575-28E (9) of the City of Peekskill Zoning Ordinance pursuant to Section 575-28E(11);
7. Local Waterfront Revitalization Program Consistency Determination (Coastal Zone Consistency) by both the Common Council and the Planning Commission.

**Development Project Location:** St. Mary's Street

Section-Block-Lot: Peekskill Tax Map (*Italicized lots are subject to Special Permit and Preliminary Plan Approval*)

- 1) St. Mary's Street ~ GDC ~ (32.08-1-3)
- 2) St. Mary's Street ~ GDC ~ (22.20-2-1)
- 3) St. Mary's Street ~ GDC ~ (22.20-2-4)
- 4) 1 St. Mary's Convent (McGurty) ~ (32.08-1-4) (Subdivision only)

## **Facts and Conclusions Relied Upon to Support the Decision:**

**WHEREAS**, the Common Council granted the requested zoning map and text amendments (as revised by the City's Planning Department), and granted to the Applicant the Special Permit and Bonus Density Determination and made a positive Local Waterfront Revitalization Program Consistency determination on September 12, 2016;

**WHEREAS**, approval of a preliminary plan for any planned residential development, final site plan, subdivision plat and waivers from PRD District regulations and Subdivision regulations is required by the City of Peekskill Planning Commission; and

**WHEREAS**, an application was submitted to the City of Peekskill on October 19, 2015 for approval of a planned residential development with open space dedication and a preliminary plan including adaptive re-use of the existing former convent and former chapel building for an Inn and Spa (with restaurant), and as an indoor amenity for the planned residential development; and

**WHEREAS**, the Planning Commission of the City of Peekskill has received a proposal known as the St. Mary's Project from Ginsburg Development Corporation (GDC) to redevelop a total of approximately 72.21 acres as a mixed use (multi-family residences and an Inn / Spa) development; and

**WHEREAS**, the proposed Fort Hill Apartments and Fort Hill Inn and Spa encompass three (3) parcels of land located at St. Mary's (Convent) Street, an existing private access drive which also serves two additional users; and

**WHEREAS**, one parcel located at St Mary's Street in the R-1B, One-Family Residence District is approximately 25 acres and is known as Section 32.08, Block 1, Lot 3 on the official Tax Assessment Map of the City of Peekskill and has been re-zoned to PRD Planned Residential Development; and

**WHEREAS**, another parcel located at St. Mary's Street in the Planned Residential Development District (PRD) is 10.22 acres and is known as Section 22.20, Block 2, Lot 1 on the official Tax Assessment Map of the City of Peekskill; and

**WHEREAS**, another parcel located at St. Mary's Street in the Planned Residential Development District (PRD) is 36.99 acres and is known as Section 22.20, Block 2, Lot 4 on the official Tax Assessment Map of the City of Peekskill; and

**WHEREAS**, the entire property is now zoned PRD Planned Residential Development; and

**WHEREAS**, adaptive reuse of existing historic structures in a use and manner approved by the Common Council, passive and active recreation and conservation areas, and amenities intended to serve residents of a proposed development and/or surrounding areas are now allowed in conjunction with planned residential developments; and

**WHEREAS**, access to planned residential developments may be by minor streets where necessary and where street and/or sidewalk improvements have been planned to accommodate the proposed level of use;

**WHEREAS**, pursuant to the City's PRD District (Planned Residential Development) regulations as revised – to allow the inclusion of lands with slopes between 20 percent (20%) and 25 percent (25%) to be included in the net area computation for unit density, and to allow the actual area to be devoted to right-of-ways and access ways where more than 50 percent of a parcel's area is being considered for conservation or dedication to the City – a total of 145 units may be erected at the property without bonusing allowed pursuant to the regulations; and

**WHEREAS**, pursuant to the City's PRD District regulations the Applicant has provided 4.1 acres of land at the ratio of 1,000 square feet per dwelling unit; and

**WHEREAS**, the Planning Commission has elected to not require the provision of equipped recreation areas as outlined in Section 575-28E(4)(d); and

**WHEREAS**, the Applicant has offered and the City has accepted an additional 33 acres of land pursuant to the City's PRD District regulations allowing an increase in the number of dwelling units of 33 units to a total of 178 dwelling units (i.e., 1 acre per dwelling unit); and

**WHEREAS**, the Applicant has offered an additional 15 acres of land; and

**WHEREAS**, such lands are deemed suitable for open space, passive use and hiking; and

**WHEREAS**, as part of the revisions to the PRD regulations parking requirements of 1.5 spaces per dwelling unit plus guest parking as determined by the Planning Commission is now required, and parking requirements for the Inn and Spa (and restaurant) have been incorporated similar to those in effect in other Zoning Districts in the City; and

**WHEREAS**, the proposed plans provide for 274 residential parking spaces and 75 spaces intended to serve the Inn and Spa, including restaurant, and for Fort Hill Park users; and

**WHEREAS**, as part of the application, the applicant has submitted the following:

1. Full Environmental Assessment Form Parts 1, 2 and 3 dated April 6, 2016.
2. Traffic Impact Studies dated June 2005, June, 2006 and September 15, 2015.
3. Stormwater Pollution Prevention Plan Report dated July 2016.
4. Existing and Proposed Conditions Hydrology Plans last revision dated June 28, 2016.
5. Cultural Resource Reconnaissance Survey Report dated December, 2001.
6. Report of Hartgen Archeological Associates, Inc. dated June, 2006 detailing archeological survey performed within an area of particular concern.
7. Visual Impact Illustrations by Andrey Kamenskiy dated April 6, 2016.
8. Engineer's Report, Water Main and Sewer Main Extensions revised August 23, 2016.
9. Final Subdivision Plan Package dated revised August 25, 2016 which includes the following plans:
  - Cover Sheet
  - Pre-Development Conditions Plan
  - Master Subdivision Plan
  - Site Plan
  - Grading Plan
  - Drainage and Utility Plan
  - Combined Grading, Drainage and Utility Plan
  - Sediment and Erosion Control Plan
  - Construction Phasing Plan
  - Road Profile Plan
  - Drainage Profile Plan
  - Water and Sewer Profile Plan
  - Landscape and Lighting Plan
  - Roadway and Lighting Details
  - Drainage Details
  - Water and Sewer Details
  - Erosion and Sediment Control Details.
10. Water Main Extension Decatur Avenue, Paulding Street and Belden Street dated revised August 25, 2016
11. Lighting Photometric Plan dated revised August 15, 2015.
12. Subdivision Plat dated revised July 26, 2016; and,

**WHEREAS**, the City Consulting Traffic Engineer (Chazen Engineering) reviewed the September 15, 2015 Traffic Study prepared by Maser Consulting and generally concurred with the findings, recommending that John Street be upgraded to maintain a 12-foot travel lane in each direction and additional pavement markings and striping be incorporated into the development; and

**WHEREAS**, the City Consulting Engineer reviewed the engineered site plans, profiles and details, as well as the Applicant's Hydrologic Analysis and draft Stormwater Pollution Prevention Plan (SWPPP) and has provided comments which have been satisfactorily addressed; and

**WHEREAS**, the Applicant has indicated the intent to fully comply with all NYS Department of Environmental Conservation regulations and guidelines as well as Chapter 492 of the City of Peekskill Code; and

**WHEREAS**, as part of the proposed Fort Hill Apartments and Fort Hill Inn / Spa Project, the Applicant proposes to provide technical and financial assistance and / or improvements in connection with lands to be dedicated including at a minimum parking spaces, stone dust walkways and identification, interpretive and directional signage; and

**WHEREAS**, the City intends to maintain the lands offered as permanent open space in connection with Fort Hill park;

**WHEREAS**, the St Mary's Convent and chapel property will be renovated and reused for mixed use including adaptive reuse of the existing chapel and convent, and new residential development in furtherance of the City's Local Waterfront Revitalization Program policies for the subject parcel; and

**WHEREAS**, the Planning Commission opened a duly noticed Public hearing on the proposed subdivision and site plan as required under General Municipal Law, the City's Subdivision regulations and the City's PRD regulations relative to waivers on March 8, 2016, which was continued over the course of several meetings to September 13, 2016;

**WHEREAS**, for purposes of preliminary plan and site plan approval, subdivision plat approval and approval of waivers pursuant to the City's PRD District regulations (Section 575-28 of the City Zoning Ordinance) and the City's Subdivision regulations (Chapter 510 of the City Code), the Planning Commission has acted as Lead Agency under SEQR and for purposes of Zoning Map and Text Amendments, Special Permit for a planned residential development and for bonus determinations and the adaptive reuse of the existing historic buildings onsite the Common Council has acted as Lead Agency, and no other involved agencies have been identified except for the City of Peekskill Industrial Development Agency (which is considering inducements for commercial aspects of the proposed action); and

**WHEREAS**, the only other authorizations or notices required relate to acceptance of a Stormwater Pollution Prevention Plan by and notifications to the NYS Department of Environmental Conservation at the start and termination of land disturbance activities, and review and approval of a water main extension (high-pressure main), and sewer main replacement and extension by the Westchester County Health Department and the City of Peekskill; and

**WHEREAS**, the Common Council and the Planning Commission have reviewed a Full Environmental Assessment Form and Appendices, and other information provided by the Applicant specific to the zoning actions, discretionary approvals being considered and the development proposal as well as information provided as part of the 2006 approval of "The Abbey at Fort Hill", incorporated herein by reference, and each have issued a Determination of Significance relative to the actions requested;

**WHEREAS**, the Applicant has complied with all of the requirements of the PRD District regulations including submission of a traffic analysis which indicates that the proposed development will generate peak hour traffic flows which can be handled by the existing street system and/or proposed improvements to the street system at satisfactory levels of service; and

**WHEREAS**, the Applicant has also submitted an engineer's report which certifies that existing systems, together with improvements to be constructed in conjunction with the development, will have sufficient capacity to provide the following:

- [1] Water fire flows sufficient to meet fire and safety standards for the scale and type of development proposed.
- [2] Sanitary sewer service connected to the existing City system which complies with City and county regulations.
- [3] A drainage system which will not adversely impact existing development within the same drainage basin.

**WHEREAS**, the City school district has sufficient capacity to absorb the projected public school population of the proposed development of 20 students; and

**WHEREAS**, natural features, such as the existing onsite pond, rock outcroppings, topsoil, trees and shrubs, will be preserved and incorporated into the landscaping of the development where practicable; and

**WHEREAS**, landscaping, preservation of existing vegetation and site perimeter features, topographic separation and fencing as appropriate will be provided to buffer the proposed development from adjacent uses; and

**WHEREAS**, the proposed development will generally be sited on lands that previously supported structures and pavements in relative proximity to existing infrastructure, community services and residential development; and

**WHEREAS**, the Applicant has submitted a Subdivision Plat map and Site Plans and related maps and drawings which show the following:

- [1] The disposition of various land uses and the area covered by each, in acres.
- [2] The general outline of the interior road system and all existing and proposed rights-of-way and easements, whether public or private.
- [3] Calculation and delineation of areas covered by bodies of water, steep slopes and rock outcropping as defined in § 575-29C(2).
- [4] Delineation of the various residential areas, indicating the number of dwelling units by each housing type: single-family detached and semidetached, attached dwellings, garden apartments and mid-rise apartments, plus a calculation of the parcel density in dwelling units per net parcel acreage.
- [5] The interior common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the planned residential development and how it is to be owned and maintained.
- [6] Appropriate site plan elements as specified in § 575-56E of the City of Peekskill Zoning Ordinance.

**WHEREAS**, the subject proposal incorporates the following elements:

1. All electrical, telephone, cable television and similar equipment shall be installed underground in accordance with the New York State Public Service Commission regulations.
2. Lot sizes and dimensions and structure height and locations thereon have been arranged in conformity with the overall density standards set forth in the PRD District regulations. The Planning Commission has been guided by the PRD District regulations and standards set forth elsewhere in the City's Zoning Ordinance.
3. The right-of-way and pavement widths for internal roads serving the multifamily buildings are sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and access by fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 24 feet wide. All streets are proposed to remain private. Building heights can also be served by the City's emergency responders.
4. The developer will provide all necessary on-site water and sewer facilities, storm drainage, paved service streets, curbing, sidewalks, parking and loading facilities, lighting, fire alarm and other necessary support systems, which will be connected to public utility systems at the nearest feasible point, and other necessary facilities, and which make reasonable provision for utility service or connections with adjoining properties in other ownerships. It is understood that such proposed improvements shall be subject to revision and approval by the appropriate authorities. The developer will extend high-pressure water main to serve the proposed project and improvements have been sized to accommodate existing users and an increment of growth.
5. Energy conservation has been encouraged through the use of southern slopes, where feasible, for passive solar access.
6. Any nonresidential or recreational uses within the planned residential development have been located so as to be compatible with nearby residential uses and include the Inn and Spa including a small restaurant, and a recreation amenity including an outdoor pool in and around the existing convent and chapel buildings. Such uses, including parking and loading areas, are not adjacent to residential development, except for improved property presently owned by McGurty that will be appropriately screened from circulation areas adjacent to the Inn and Spa.

**WHEREAS**, the information prepared for the preliminary plan submitted by the Applicant has been satisfactorily developed to provide information and detail customarily associated with Final Site Plan and Plat applications; and

**WHEREAS**, the proposed development will replace the approved Abbey at Fort Hill project, thereby reducing potential impacts between the previously approved project and the proposed action as follows:

- Site disturbance will be reduced from 20.2 acres to 7.3 acres.
- Forest disturbance will be reduced from 9.0 acres to 2.0 acres.
- Disturbance to steep slopes will be reduced from 8.7 acres to 2.2 acres.
- Impervious surfaces shall be reduced from 8.1 acres to 5.6 acres.
- Residential population will be reduced from 358 persons to 347 persons.
- School age children will be reduced from 45 to 20.

**WHEREAS**, the proposed action involves reduced potential for adverse effects as compared to the previously approved development known as the Enclave, which would have disturbed major portions of forested areas on Fort Hill;

**WHEREAS**, the proposed development and re-use will occur wholly or partially within, or substantially contiguous to, any buildings, archeological site or district which has been determined to be eligible for listing on the State or National Register of Historic Places; and

**WHEREAS**, the proposed development and re-use will occur wholly or partially within, or substantially contiguous to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory, any buildings, archeological site or district which is listed or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places; and

**WHEREAS**, the proposed development is not expected to result in the destruction or alteration of a substantial area of any identified historic or archeological resource onsite including the former chapel and convent and the cemetery, nor would the proposed development result in the alteration of the property's setting or integrity; nor would the proposed action result in the introduction of visual elements which are out of character with the site or the overall property, or that may alter its setting; and

**WHEREAS**, additional measures will be incorporated into the area's street network as outlined in the Maser Consulting's July 8, 2016 memorandum (attached) and the proposed development will be monitored by the City to address pedestrian and vehicle safety and convenience and a future action may consider the replacement of on-street parking in place at this time with off-street public parking and changes to on-street parking regulations to serve the local residents and neighborhood if and only if a satisfactory replacement to on-street parking spaces is provided; and

**WHEREAS**, the neighborhood to the south and east of the proposed development contains the Oakside Elementary School, and two licensed day care providers, LePore Park and the Kiley Youth Center; and

**WHEREAS**, neighbors of the proposed development also include residences along Belden Street, St. Mary's Street and St. Mary's Convent as well as the Chateau Rive apartments in former St. Mary's School; and

**WHEREAS**, the City Department of Planning and the Developer of the Fort Hill Apartment project and Fort Hill Inn & Spa have worked closely together to provide notice as required by the City Code, to solicit comments on the proposed zoning actions and land use approvals, to address questions and issues raised by neighboring landowners and City residents, City and County agencies, and others, and to meet other regulatory requirements; and

**WHEREAS**, in consideration of the comparative effects between and among the previously approved "Abbey at Fort Hill" and "Enclave" projects, and the current Proposed Action, and in light of the historic areas of use and activity on the property; and

**WHEREAS**, the proposed development plan includes and / or has been modified to incorporate the following:

1. Extension of high-pressure water main onto Fort Hill to provide domestic and fire safety service as shown on the proposed plans.
2. A commitment by the Applicant to re-line the St. Mary's Street sewer receiving effluent from the proposed development.
3. Replacement of 725 linear feet of onsite sewer main servicing the property.
4. A drainage plan that maintains or reduces peak flows of runoff and treats runoff as required by NYS DEC requirements.
5. Dedication of 4.1 acres of land consistent with PRD zoning District requirements.
6. Dedication of an additional 33 acres of lands pursuant to the bonusing provisions outlined in the PRD District regulations (i.e., one additional dwelling unit per acre of land offered and accepted for dedication).
7. Dedication of an additional 15 acres of land, all adjacent to the City's Fort Hill Park, thereby increasing the size of City parkland and open space in the Fort Hill area considerably.
8. Provision of parking spaces for the use of City residents, and specifically users of Fort Hill Park.
9. Assistance to the City with outfitting the dedicated lands with trails and signage.
10. Preservation of the existing convent and chapel buildings in a mixed-use format that allows for initial and continued investment and use in an acceptable, aesthetically pleasing manner.
11. Preservation and maintenance of the existing cemetery, which would be located on lands to be dedicated to the City.
12. Provision of street striping and signage improvements, some in conjunction with a prospective future request to allow inbound and outbound traffic to use Spring Street to John Street, and all subject to the satisfaction of the Director of Public Works (City Services).
13. Provision of one or possibly two street "tables" (speed humps) only if deemed necessary after construction of the proposed project and substantial occupancy (i.e., issuance of 100<sup>th</sup> residential Certificate of Occupancy) is complete, within six months of notification by the City.
14. Widening of the onsite drive (colloquially known as St. Mary's Street) to 24 feet (26 feet in areas required adjacent to fire hydrants, as required by the NYS Building & Fire Code), and to include hydrants and curbing and sidewalks (including a striped street crosswalk) in selected areas.
15. Provision of stone dust trails for pedestrian use in areas of the site and a paved walkway with lighting up to the property's main drive from Belden Street.
16. Provision of acceptable fire access to the existing and proposed buildings for the uses proposed.
17. A substantially minimized grading and development plan for the property that minimizes disturbance to vegetation, sloped areas and onsite surface and sub-surface rock.
18. A commitment to limit any potential blasting activities to weekdays only.
19. Provision of substantial landscaping in the area of proposed development and utility

disturbance proximate to the existing downslope Belden Street neighborhood.

20. Provision of onsite amenities including walking paths and sidewalks to allow pedestrian connection to onsite resources including the onsite fitness / community center and pool for onsite residents, and the Fort Hill Park, the cemetery and the proposed inn, spa and restaurant and accompanying views of the Hudson River Valley for the public and onsite residents.
21. Maintenance of the existing onsite pond.
22. On-site stormwater detention and implementation of water quality practices which shall detain stormwater flows below present rates of discharge from the property and treat stormwater prior to discharge; and

**WHEREAS**, the City currently has approximately 327 acres of parkland which is insufficient to serve the recreational needs of the City's population of approximately 24,000 people. The proposed development will contribute to the City's population and need for additional parkland. The Planning Commission finds that a proper case exists to require that a park or parks be suitably located in the City based upon the population growth to which the proposed development will contribute; and

**WHEREAS**, in addition to the 15 acres of land to be offered to the City adjacent to the existing Fort Hill park, which will alleviate some of the burden of the park and recreational needs of the City, but does not alleviate all of the anticipated future needs based on the population growth to which the proposed development will contribute, the sum of \$325,000 shall be collected by the City to be placed in the City's Recreation Fund pursuant to Section 275-16 of the City of Peekskill City Code, \$250,000 of which (or the required match if a grant is received for this purpose) will be used to address the active recreation space needs of the additional resident and visitor population expected as a result of the proposed development within the proposed park dedication;

**WHEREAS**, site preparatory activities have occurred pursuant to a previous excavation and grading permit in the area of previous development which is the area that will accommodate the proposed apartment complex;

**NOW THEREFORE BE IT RESOLVED:**

1. Pursuant to the City's PRD zoning regulations (575-28E(11)(b)), the Planning Commission hereby waives the 400-foot PRD District boundary setback for mid-rise apartments contingent on provision of landscaping satisfactory to the Director of Planning and Director of Public Works, and the continued maintenance of all landscaping in a condition to health and vitality. The Planning Commission finds that, due to the substantial 35-foot separation between the proposed final grades of the residential development and Belden Street, the dedication of large areas of the property along the northern, western and eastern District boundaries and the provision of additional buffering vegetation, that a minimum 50-foot setback from the District boundary is sufficient.

The Planning Commission notes that the proposed development plan places new structures in areas that have historically supported structures and that the closest proximity between existing structures and new development is in the area adjacent to Belden Street and at the southeastern corner of the property where one single-family residence would be located 65 feet from the proposed structures and 20 feet from proposed parking areas.

The Planning Commission further notes that the previously approved Abbey at Fort Hill development included waivers of the 100' semi-detached and the 150' attached minimum District boundary setback, as well as waivers of the 10' side yard and 50' rear yard setbacks for individual structures pursuant to the Article 37 Cluster authority that was in effect at the time of that approval in 2006. Like in 2006, the Planning Commission finds that, with the provision of landscaping and appropriate fencing and lighting, as well as topographic separations and preservation of existing landscaping, adherence to the minimum district boundary setback is not warranted.

2. Pursuant to Section 510-21 of the City of Peekskill Subdivision Regulations, the Planning Commission hereby waives the 400-foot limitation on roadway length and the maximum grade of ten percent (10%). The Planning Commission finds that, with the proposed location of new development and re-use of existing buildings located in the southern portion of the property in areas that have historically supported residential development, the St. Mary's Chapel and Convent, and a conference center with overnight accommodations among other outbuildings, and with the provision of proposed improvements to the onsite drive including increasing its width to 24 feet (26 feet in areas of hydrants), the provision of walkways, hydrants and curbing, adequate turning distances for emergency vehicles, and limitations on on-street parking, the existing onsite drive (private roadway) may exceed the 400-foot limitation, and will provide adequate and safe vehicular and pedestrian access to the proposed development. The Planning Commission notes that proposed improvements to the onsite drive will also benefit residents of Chateau Rive, and its 50+ apartments at the site the former St. Mary's school.
3. The application for Site Plan and Subdivision Approval is hereby approved, as shown on the Final Subdivision Plans last revised July 25, 2016 and the Subdivision Plat dated July 26, 2016, subject to the following conditions:
  - a. Resolution of any and all remaining engineering matters to the satisfaction of the City Engineer and Department of Public Works (City Services) as may be appropriate including but not limited to issues concerning sewerage and water meter locations, prior to signing of site plan by the Planning Commission Chairman.
  - b. Provision of the following note on the subdivision plat and the site plans: "A building permit for the Inn and Spa must be issued prior to the issuance of the Certificate of Occupancy for the 150<sup>th</sup> apartment of the Fort Hill Apartments."
  - c. The project design engineer shall certify on the Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Report that the proposed stormwater system meets the requirements of the NYSDEC and City of Peekskill stormwater regulations.
  - d. Provision of a Performance Deposit as required under Section 575-56E(8) of the City Zoning Ordinance to cover the cost of all required site improvements. Provision of inspection fees to allow for inspections during construction, prior to signing of the site plan.
  - e. The Applicant is responsible for maintenance of all improvements on the plans. Should be there be a change in ownership that creates more than one owner on the property an executed agreement assigning responsibilities satisfactory to the City Corporation Counsel shall be provided that assigns responsibilities for maintenance of site plan elements including the cemetery.
  - f. Payment of any and all escrow balances, prior to signing of the site plan.
  - g. Hydrants shall be provided to the satisfaction of the City Fire Chief and Consulting City Engineer, prior to granting of any Certificate of Occupancy.

- h. Provision of standpipes as needed pursuant to the NYS Building and Fire Code, and to the satisfaction of the City Fire Chief and City Engineer.
- i. Appropriate signage shall be installed prohibiting parking at designated locations to the satisfaction of the City Fire Chief along the internal roadway and drive system, and an Agreement, in form and content approved by the Corporation Counsel, shall be executed with the City of Peekskill allowing the City Police to enter the property for the purpose of enforcement of the parking, and vehicle and traffic regulations, as if these streets were public streets. Signage to be installed contemporaneously with phasing of the development, to the satisfaction of the City Director of City Services.
- j. Provision of water main with all appurtenances pursuant to the Water Main Extension Plan provided as part of the Site Plan application, connecting the existing 12-inch high pressure water main from its current terminus at Decatur and Orchard Streets to a point shown on the plat. All such mains to be offered to the City at completion. Main to be installed and placed into operation pursuant to an approved Water Main Phasing Plan as approved by the City Fire Chief and City Engineer.
- k. Offer and dedication of a total of 52.1 acres of land adjacent to and contiguous with Fort Hill Park to the City of Peekskill as open space, along with necessary public access easements and public parking spaces.
- l. Payment of a parkland and recreation fee of the sum of \$325,000 to be placed in the City's Recreation Fund pursuant to Section 275-16 of the City of Peekskill City Code, \$250,000 of which (or the required match if a grant is received for this purpose) will be used to address the active recreation space needs of the additional resident and visitor population expected as a result of the proposed development within the proposed park dedication.
- m. Final landscaping and lighting plans shall be to the satisfaction of the Director of Planning. Such plans to be at a scale consistent with the Layout Plans presented, and each to include a schedule of street and home-site plantings.
- n. Provision of additional signage and/or pavement markings along area roadways as outlined in the Maser Consulting July 8, 2016 memorandum (attached) to the satisfaction of the Director of City Services, as deemed necessary by the City Traffic Engineer and the Director of City Services to enhance the safety of pedestrian facilities in this area. Any and all costs of additional signage, and/or pavement marking to be borne by the Applicant. All street improvements to be completed in consultation with the City at or about the issuance of the 100th Certificate of Occupancy, and within six months of notification by the City.
- o. Amendments to approved final site plan. In addition to the amendment procedures specified in § 575-56 herein, the applicant must obtain a new special permit as specified in this section for any modification, rearrangement or enlargement of the uses that would change the distribution of land uses or density of development as per approved final site plan.
- p. Unless substantial construction is commenced and diligently pursued within one year of the date of the Common Council's authorization of a special permit under this section, such special permit shall become null and void.
- q. Any special permit authorized by the Common Council pursuant to the PRD District regulations shall be personal to this Applicant. Such special permit shall be specifically conditioned upon the site plan approved herewith together with any and all other conditions the Common Council may impose as part of the Special Permit.

- r. Placement of a Note on the Plat stating the following: "Compliance is required with all City regulations pertaining to Off-Street Parking, and to City Zoning requirements relative to accessory structures such as fencing, decks, pools and sheds."
- s. Blasting will be limited to weekdays only, and will not be conducted on holidays.
- t. Construction will be limited to Monday to Friday, except holidays from 8:00 AM to 8:00 PM, and Saturdays from 9:00 AM to 5:00 PM. No activities will be permitted on Sundays or City holidays.
- u. Changes to existing easements, and/or new easements will be filed with the Westchester County Clerk.
- v. Maintenance of the onsite cemetery will remain with the current owner or successor(s) in interest.
- w. A Clerk of the Works will be hired to provide for inspections and quality control of construction.

The "clerk of the works" agreement shall be negotiated and executed and approved by the Corporation Counsel and the Director of Planning and Development, which agreement shall include, but not be limited to, the following terms:

- i. The Clerk shall report to the Director of Planning and Development and Code Assistance and copies of any such reports shall be made available to the Applicant at Applicant's request;
  - ii. The Clerk shall keep a bound logbook of the activities and inspections and shall provide the Applicant with copies of the inspections on a weekly basis. The Clerk shall also notify the Applicant immediately in writing if any design or construction issues arise during construction;
  - iii. The Clerk shall have oversight over cut & fill grading; sub-grade preparation; sub-base installation; roadway and driveway paving; water, sewer and stormwater mains and services; curbs, tree protection and preservation, and erosion control; and sign-off on as-builts;
  - iv. The Clerk shall have authority to approve minor field changes as determined necessary, which will be documented in writing to the Director of Planning and Development and to the Applicant upon the Clerk's approval of such change; and
  - v. The cost for the services of the Clerk shall be paid by the Applicant pursuant to an escrow account to be established.
- x. Final landscaping and lighting shall be to the satisfaction of the City of Peekskill Director of Planning and the City of Peekskill Director of Public Works (City Services).
  - y. Final water and sewer service connections shall be to the satisfaction of the City Water / Sewer Superintendent.
  - z. Pursuant to building code requirements, investigations will be made of the presence of hazardous materials in existing building materials such as asbestos and lead paint; remedial actions will be implemented if hazardous materials are identified pursuant to the NYS and City of Peekskill Building Code.
  - aa. Water and sewer utilities will be offered for dedication to the City of Peekskill as required by Westchester County Health Department requirements, within necessary easements.
  - bb. All improvements shall comply with the approved plans.
  - cc. Placement of the following note on the site plan and subdivision plat: "The Applicant and

/ or its successors in interest will inspect and clean out the Belden Street catch basin and / or St. Mary Street drainage line after significant storm events both during construction and during operation and occupancy of the development.”

- dd. Placement of the following note on the site plan: “The Applicant and / or its successors in interest shall be responsible for providing satisfactory off-street parking in the event that Spring Street is made two-way and/or parking regulations along John Street are revised to restrict or eliminate on-street parking as a result of the Fort Hill development.”
- ee. Site preparatory work including tree removal may begin in the area that was subject to excavation and grading activity under a previously-issued permit, subject to the supervision and approval the City Department of Public Works (City Services) or his designee. The Applicant shall be responsible for compliance with all NYSDEC SPDES requirements.
- ff. The Applicant or his designee shall confer on a regular basis with the City Director of Public Works with respect to but not limited to the following items: (a) construction vehicle routing; (b) roadway closures or restrictions; (c) trenching and utility work in City streets; (d) blasting, major grading and tree removal.
- gg. Construction vehicle routing shall utilize Spring Street during school hours. The Applicant shall work with the City DPW to maintain adequate and safe access for residents and emergency vehicles.
- hh. Once the maximum limit of disturbance has been flagged and delineated in the field, the Applicant’s construction manager, in conjunction with the City’s consulting engineer, shall more closely examine all trees located within 10 feet of the line during the clearing process. The examination shall also include those trees located outside the limit of disturbance that have canopies that extend back into the area of disturbance.

The goal of the examination shall be to retain those trees to the extent practicable through site grading modifications and/or the installation of additional tree protection measures if the tree locations do not have an adverse impact on building foundations or utility construction.

It is the intention of this condition that all of the aforesaid examinations and decisions shall be made jointly by the Applicant’s construction manager, in conjunction with the City’s consulting engineer, without requiring any additional submissions to, or approvals by, the Planning Commission.

- ii. The Applicant shall submit revised plans, subject to the approval of the Director of Planning and Development, delineating the area or areas in which the rock crushing equipment will be located during the demolition process as well as the times in which rock crushing can occur.
- jj. The pool and clubhouse shall be complete, open and available for residents prior to the issuance of the 112<sup>th</sup> certificate of occupancy
- kk. Knox boxes shall be installed if and as required by the City Fire Department, considering the needs of all emergency services, as appropriate.

- 2) APPL: Ginsburg Development Companies, LLC P16-011/Z16-004/Z16-007  
100 Summit Lake Drive, Suite 235  
Valhalla, NY 10595

Owner: City of Peekskill  
840 Main Street,  
Peekskill, NY 10566

RE: **Recommendation by the Planning Commission to the Common Council** regarding a **Special Permit** and **Bonus Density Determination** pursuant to Section 575-27B (1) (h) of the City of Peekskill Zoning Ordinance and **Recommendation by the Planning Commission to the Zoning Board of Appeals** regarding an Area Variance; **Continued Public Hearing** by the Planning Commission regarding a **Final Major Subdivision Plat Review** pursuant to Section 510-5 of the City of Peekskill Subdivision Ordinance for a proposed 17-lot subdivision; **Preliminary Site Plan Review** and **Final Site Plan Review** pursuant to Sections 575-56B (2), 575-27B (1) (h) and 575-25A (3); and **associated Waivers relating to rear yard depth** pursuant to Section 575-27B (1) (h) [5] [e] [iii] and (k); and **Public Hearing** by the Zoning Board of Appeals regarding an **Area Variance** pursuant to Section 575-16B of the City of Peekskill Zoning Ordinance regarding steps and stoops, for a proposed development project (construction of 16 Townhomes, 14 of which would require this variance) on properties located within the R-6, Central Multiple Residential District.

Location: **105-115 Spring Street; 702-716 Main Street; and  
110 Hadden Street**

Section-Block-Lot: **Peekskill Tax Map**  
1) 105-115 Spring Street ~ 32.08-3-1.1 - 32.08-3-1.6  
2) 702-716 Main Street ~ 32.08-3-1.7 - 32.08-3-1.14  
3) 110 Hadden Street ~ 32.08-3-1.15

Zoning District: R-6, Central Multiple

Present was Kevin Marrinan - Development Director, Ginsburg Development Companies, LLC.

Mr. Porterfield recused himself from discussion of this application due to a potential conflict of interest.

Mr. Stern informed members of a letter he received from Ginsburg Development Companies, LLC, regarding the redesign of the proposed Gateway townhomes, in response to the Planning Commission's comments at the meeting on August 9<sup>th</sup>. The letter was read into the record:



Always with integrity

Jeffrey Stern, Chairman, and Members  
City of Peekskill Planning Commission  
City Hall  
840 Main Street  
Peekskill, NY 10566

Dear Chairman Stern and Planning Commission Members:

We earlier submitted a design for the Gateway townhomes which we believed was contextually appropriate for the location and the projected price point for this townhome project on Main Street between Hadden and Spring Streets. At its August meeting the Commission requested a more modern design. As a result we have revisited the design and have come to agree with the sentiments expressed by the Commission.

We had hoped to complete this redesign and submit revised elevations to the Commission in advance of its next meeting on September 13. However, the changes have proven more time consuming and we will not be able to have this done by the September meeting. We have therefore decided to redesign the Gateway townhomes and resubmit for approval to the Planning Commission in October.

This new design will be more contemporary, more upscale, and more costly. It probably will contribute more to creating a more lively and contemporary statement on Main Street.

We realize we are still on the September agenda, and Mr. Marrinan will be present and can speak to these changes and answer any questions the Commission may have.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Ginsburg', is written over the typed name 'Martin Ginsburg'. The signature is stylized and fluid.

Martin Ginsburg

Cc: Richard Leins, City Manager  
Jean Friedman, Planning Director

Ginsburg Development Companies, LLC  
100 Summit Lake Drive, Valhalla, NY 10595  
T: 914.747.3600 F: 914.747.1608 [www.gdcllc.com](http://www.gdcllc.com)

Mr. Marrinan apologized to the Planning Commission for being unable to progress with the discussion at the meeting, as the redesign being undertaken required more time for completion. He stated that the applicant would endeavor to submit the revised architectural design before the October 12<sup>th</sup> meeting.

Ms. Wells noted that the Planning Commission would be forwarding the application to the Zoning Board of Appeals. She inquired if the design changes would affect the current variance application and whether there would be any changes to the building footprint initially proposed. There was also a concern that the Zoning Board might not act on the application in light of the proposed design changes.

Mr. Marrinan confirmed that the redesign being undertaken was for the façade only, and that the building footprint, floor plans, front entry ways, stoops, steps, parking layout and paving plan for the property would not change.

After a brief discussion of the above-mentioned items, the Commission reached a consensus to vote on the application.

Ms. Wells made a motion that the Planning Commission forward the application of Ginsburg Development Companies, LLC, for a proposed development project (construction of 16 Townhomes) on properties located within the R-6, Central Multiple Residential District to the Zoning Board of Appeals without recommendation on the requested Area Variance.

Mr. Giusti seconded the motion, which carried unanimously.

**IV. MINOR AMENDMENTS - NONE**

**V. RECOMMENDATIONS TO COMMON COUNCIL**

<p>1) Trinity Associates, LLC / City of Peekskill</p>	<p><b>Adoption of proposed Zoning Text Amendments</b> pursuant to Section 575-58A (1) for the R-1A, R-1B, and R-1C One Family Residential Districts; the R-2, One &amp; Two Family Residential District, and the R-3, One, Two &amp; Three Family Residential District, to introduce senior housing options in conjunction with a proposed development project (Senior Citizen Housing / Assisted Living Residences). Changes to the R-4, R-5 and R-6 Zoning Districts are also proposed to bring existing language into conformity for all senior housing options in all Residence Districts.</p>	<p>1847 Crompond Road</p>
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The Planning Commission unanimously voted to provide the Common Council with a positive recommendation on the proposed zoning text amendments, on a motion by Mr. Gomez and seconded by Ms. Wells.

**VI. REFERRAL TO ZONING BOARD OF APPEALS**

<p>1) Ginsburg Development Companies, LLC</p>	<p><b>Area Variance</b> pursuant to Section 575-16B regarding steps and stoops, for a proposed development project (construction of 16 Townhomes, 14 of which would require this variance).</p>	<p>105-115 Spring Street; 702-716 Main Street; and 110 Hadden Street</p>
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The Planning Commission unanimously voted to forward the area variance application to the Zoning Board of Appeals without recommendation, on a motion by Ms. Wells and seconded by Mr. Giusti.

**VII. MINUTES OF PREVIOUS MEETING**

- August 9, 2016

Mr. Porterfield made a motion to adopt the Minutes of the Planning Commission meeting held on August 9, 2016 as presented.

Ms. Wells seconded the motion, which carried unanimously.

**ADJOURNMENT**

Mr. Gomez made a motion to close the meeting. Ms. Wells seconded the motion, which carried unanimously. The meeting was adjourned at 9:36 pm.

“All documents, letters, and other written comments about the applications reviewed at this meeting, that were received by the Planning Commission prior to or during the meeting, are part of the public record. Unless otherwise noted below, these materials are not attached to the minutes posted on the City of Peekskill’s website. However, a complete record of all materials received is available for public review by contacting the Department of Planning and Development at (914) 734-4211.”

Prepared by Cecille Bennett, as Recording Secretary for the Planning Commission, for signature by:



Mark Porterfield, Secretary

Adopted on: 10/12/16