

1. Agenda

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Documents:

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[02\\_2\\_PLANNING\\_-\\_C3\\_ZONING\\_AMENDMENT\\_SUPPORT.PDF](#)

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[01\\_2\\_RECREATION\\_-](#)

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**CITY OF PEEKSKILL  
CITY HALL**

840 Main Street  
Peekskill, New York 10566

(914) 737-3400  
Fax: (914) 734-4196

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

February 14, 2023

**7:00 PM Meeting Opening**

**Agenda**

- 1. Recreation - Electrical work for Filter Room
- 2. Planning - C3 Zoning Amendment
- 3. Council - Liaison Reports/Concerns and Issues

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**Matthew C. Alexander, City Manager**

The public can view and listen to this meeting via the Government Channel and the [cityofpeekskill.com](http://cityofpeekskill.com) website.

[December 27, 2022](#)

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

December 27, 2022

7:00 PM Meeting Opening

**Agenda**

- |                 |                                       |
|-----------------|---------------------------------------|
| 1. Youth Bureau | - Van purchase                        |
| 2. Fire         | - Leary Firefighters Foundation Grant |
| 3. Council      | - Liaison Reports/Concerns and Issues |



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**Matthew C. Alexander, City Manager**

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**CALENDAR**

**PEEKSKILL COMMON COUNCIL**

**\*HYBRID MEETING - VIA - TELECONFERENCE AND IN-PERSON\***

**(See information below to Join)**

**December 27, 2022**

**INVOCATION**

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. PUBLIC COMMENTS ON AGENDA ITEMS**
- D. COMMUNICATIONS**
- E. DEPT HEAD AND CITY MANAGER REPORTS**
- F. NEW BUSINESS**

**LOCAL LAW**

- 1. LL#-12 of 2022 - Fire Department Rules and Regulations**

**RESOLUTIONS**

- 1.Reso. re: 2022 Budget Modifications**
- 2.Reso. re: Election Certification**
- 3.Reso. re: Appoint Volunteer Firefighter Sue Sheridan**
- 4.Reso. re: Leary Firefighters Foundation Grant**

- 5.Reso. re: Workforce Innovation and Opportunity Act (WIOA) Amendment of Contract
- 6.Reso. re: Van Purchase for Youth Bureau
- 7.Reso. re: Authorization to Bid for Depew Park Updates
- 8.Reso. re: Request Cost Share Agreement with Con Edison For Resurfacing of Longview Avenue
- 9.Reso. re: Professional Services Agreement
- 10.Reso. re: Extension of Esther Street Temporary Closure
- 11.Reso. re: Extension of Annsville Access for DOT Bridge Work
- 12.Reso. re: Sam Grant Crosswalks (Planning)
- 13.Reso. re: Tax Certiorari Settlement - Highland Professional Center Condo
- 14.Reso. re: Tax Certiorari Settlement - Walgreens

G. CITIZENS DESIRING TO BE HEARD

H. ADJOURNMENT

DATE: December 27, 2022  
 PEEKSKILL, NEW YORK

The City of Peekskill Common Council Meeting of Tuesday, December 27, 2022 shall be a hybrid meeting, and as such residents may attend in person in the Common Council Chambers or via ZOOM (instructions below).

Public Comments on Agenda Items may be made three ways:

1. E-MAILED PUBLIC COMMENT ON AGENDA ITEMS - comments must be emailed to Deputy City Clerk Jeanette Moore @ [jmoore@cityofpeekskill.com](mailto:jmoore@cityofpeekskill.com) and received by the Deputy City Clerk by noon on Tuesday, December 27, 2022 for consideration by the Common Council. This is a strict deadline. Please be aware that E-mailed Public Comments will no longer be read verbatim. They will be entered into the "communication" section of the agenda.  
 -OR-
2. ZOOM PUBLIC COMMENT ON AGENDA ITEMS -The public can call-in live to address agenda items only - three (3) minute limit will be strictly adhered to.  
 -OR-
3. In person in the Common Council Chambers. The three (3) minute limit will be strictly adhered to.

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Dial 1-929-205-6099

Meeting ID: 528 223 9631

**TIMETABLE**

7:00 P.M. - Committee of the Whole  
7:30 P.M. - Common Council Meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/5282239631>

January 3, 2023

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

January 3, 2023

**7:00 PM Meeting Opening**

**Agenda**

Presentation

1. Planning - Conservation Advisory Council Annual Report, *presenter*, Elaine Caccoma, Chair

Agenda

1. Youth Bureau - 2023-2025 Invest-in-Kids: Project Elevate Grant Award
2. Legal - Reschedule public hearing to Amend City Charter – First Meeting
3. Finance - 2023 Updated Consolidated Fee Schedule
4. Council - Liaison Reports/Concerns and Issues



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Timothy W. Kramer, Acting City Manager

The public can view and listen to this meeting via the Government Channel and the cityofpeekskill.com website.

CALENDAR  
PEEKSKILL COMMON COUNCIL  
\*HYBRID MEETING - VIA - TELECONFERENCE AND IN-PERSON\*  
(See information below to Join)  
January 3, 2023

INVOCATION

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. Swearing In - Councilman Brian Fassett  
Swearing In - Firefighter Kevin Ferris
- D. PUBLIC COMMENTS ON AGENDA ITEMS
- E. COMMUNICATIONS
- F. DEPT HEAD AND CITY MANAGER REPORTS
- G. NEW BUSINESS

RESOLUTIONS

- 1.Reso. re: Official Newspaper
  - 2.Reso. re: Official Bank
  - 3.Reso. re: Order of Precedence for 2023
- H. CITIZENS DESIRING TO BE HEARD
  - I. ADJOURNMENT

DATE: January 3, 2023  
PEEKSKILL, NEW YORK

The City of Peekskill Common Council Meeting of Tuesday, January 3, 2023 shall be a hybrid meeting, and as such residents may attend in person in the Common Council Chambers or via ZOOM (instructions below).

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Dial 1-929-205-6099

Meeting ID: 528 223 9631

**TIMETABLE**

7:00 P.M. - Committee of the Whole  
7:30 P.M. - Common Council Meeting

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**January 9, 2023**

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

January 9, 2023

**7:00 PM Meeting Opening**

Agenda

1. Council - Liaison Reports/Concerns and Issues

**Executive Session (Upon Motion by the Common Council)**

Executive Session

1. Discussion of matters concerning pending litigation.



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Matthew C. Alexander, City Manager

The public can view and listen to this meeting via the Government Channel and the cityofpeekskill.com website.

CALENDAR  
PEEKSKILL COMMON COUNCIL  
\*HYBRID MEETING - VIA - TELECONFERENCE AND IN-PERSON\*  
(See information below to Join)  
January 9, 2023

INVOCATION

- A. MEETING CALLED TO ORDER
- B. ROLL CALL
- C. PUBLIC COMMENTS ON AGENDA ITEMS
- D. COMMUNICATIONS
- E. DEPT HEAD AND CITY MANAGER REPORTS
- F. NEW BUSINESS

RESOLUTIONS

- 1.Reso. re: 2023-2025 Invest in Kids Grant Award
- 2.Reso. re: Reschedule Public Hearing to Amend City Charter First Meeting Date
- 3.Reso. re: Accept Conservation Advisory Council Annual Report

- G. CITIZENS DESIRING TO BE HEARD
- H. ADJOURNMENT

DATE: January 9, 2023  
PEEKSKILL, NEW YORK

The City of Peekskill Common Council Meeting of Monday, January 9, 2023 shall be a hybrid meeting, and as such residents may attend in person in the Common Council Chambers or via ZOOM (instructions below).

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-OR-
- 2. ZOOM PUBLIC COMMENT ON AGENDA ITEMS -The public can call-in live to address agenda items only - three (3) minute limit will be strictly adhered to.  
-OR-



**3. In person in the Common Council Chambers. The three (3) minute limit will be strictly adhered to.**

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Dial 1-929-205-6099

Meeting ID: 528 223 9631

**TIMETABLE**

7:00 P.M. - Committee of the Whole  
7:30 P.M. - Common Council Meeting

Join Zoom Meeting

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**January 17, 2023**

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

January 17, 2023

**7:00 PM Meeting Opening**

**Agenda**

**Presentations**

1. Police - Peekskill Office of Emergency Management, *presenter*, Leo Dylewski, City of Peekskill Chief of Police
2. Planning - 1130 Frost Lane, *presenter*, Joseph P. Modafferri, Jr., JMC Landscape Architecture

**Agenda**

1. Finance - Health Insurance Budget Amendment

- 2. Finance - Security camera time and materials contract
- 3. Finance - 2023 Police Department Vehicle Purchasing
- 4. Finance - 2023 General Liability Insurance – new vector truck
- 5. Recreation - Bench donations at Charles Point and Peekskill Landing
- 6. Youth Bureau - Street closure and parade for Juneteenth Celebration
- 7. DPW - Request to hire engineering services for City owned parking deck inspections
- 8. DPW - HVAC Replacement Update on City buildings
- 9. Planning - Accept EDA Grant for kitchen incubator
- 10. Planning - Authorize RFP for Downtown Crosswalk Design
- 11. Planning - Set public hearing for C3 Zoning Amendment
- 12. Police - SPCA Contract Renewal
- 13. City Manager - Mayor participation in My Brother’s Keeper Fellowship Program
- 14. Council - Liaison Reports/Concerns and Issues

**Executive Session (Upon Motion by the Common Council)**

EXECUTIVE SESSION

- 1. Discussions of matters concerning proposed, pending or current litigation.
- 2. Discussion of matters concerning the employment history of a particular person(s) or corporation(s) or matters leading to the appointment, employment of a particular person(s).




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**Matthew C. Alexander, City Manager**

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[January 23, 2023](#)

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

January 23, 2023

**7:00 PM Meeting Opening**

Presentation

- 1. Water - Drinking Water Source Protection, *presenters*, Liz Moran, EcoLogic, LLC and Lisa Rickmers, H2M Architects and Engineers

Agenda

1. DPW - Lockwood Drive Collapsed Culvert Emergency Repair
2. Council - Liaison Reports/Concerns and Issues



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Matthew C. Alexander, City Manager

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**CALENDAR**  
**PEEKSKILL COMMON COUNCIL**  
**\*HYBRID MEETING - VIA - TELECONFERENCE AND IN-PERSON\***  
**(See information below to Join)**  
**January 23, 2023**

**INVOCATION**

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. PUBLIC COMMENTS ON AGENDA ITEMS**
- D. COMMUNICATIONS**
- E. DEPT HEAD AND CITY MANAGER REPORTS**
- F. NEW BUSINESS**

**PUBLIC HEARINGS**

- 1. Amendment of City Charter – First Meeting**

**LOCAL LAWS**

- 1. LOCAL LAW #1 of 2023-Amend City Charter – First Meeting**

**REGULAR AGENDA**

- 1.Reso. re: Health Insurance Budget Amendment**
- 2.Reso. re: Security Cameras Time and Materials Contract**
- 3.Reso. re: Continue Emergency Repair Work to Lockwood Drive Culvert**
- 4.Reso. re: 2023 General Liability Insurance (New Vactor Truck)**
- 5.Reso. re: Bench Donation at Charles Point**
- 6.Reso. re: Bench Donation at Peekskill Landing**
- 7.Reso. re: Street Closure and Parade for Juneteenth**
- 8.Reso. re: Request to Hire Engineering Services for City-**

**Owned Parking Deck Inspections**

- 9.Reso. re: HVAC Replacement Update of City Buildings**
- 10.Reso. re: Accept EDA Grant for Kitchen Incubator**
- 11.Reso. re: Authorize RFP for Downtown Crosswalk Design**
- 12.Reso. re: SPCA Contract Renewal**
- 13.Reso. re: Mayor Participation in My Brother's Keeper Fellowship Program**

**G. CITIZENS DESIRING TO BE HEARD**

**H. ADJOURNMENT**

**DATE: January 23, 2023  
PEEKSKILL, NEW YORK**

**Pursuant to Executive signed by Governor Hochul, the City of Peekskill Common Council Meeting of Monday, January 23, 2023 shall be a hybrid meeting, and as such residents may attend in person in the Common Council Chambers or via ZOOM (instructions below).**

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Dial 1-929-205-6099

Meeting ID: 528 223 9631

**TIMETABLE**

**7:00 P.M. - Committee of the Whole**

**7:30 P.M. – Public Hearing–Amend City Charter-1<sup>st</sup> Meeting 7:30 P.M. – Common Council Meeting**

**Join Zoom Meeting**

<https://us06web.zoom.us/j/5282239631>

**January 30, 2023**

**5<sup>th</sup> Week – NO MEETINGS**

**February 6, 2023**

**COMMITTEE OF THE WHOLE  
COMMON COUNCIL CHAMBERS**

**February 6, 2023**

**7:00 PM Meeting Opening**

**Agenda**

- |                  |   |  |
|------------------|---|--|
| 1. Nutrition     | - | Grant Modification Agreement – Field Hall Foundation       |
| 2. Nutrition     | - | MOU for TIPS Program                                       |
| 3. Finance       | - | Financing and purchase for police vehicle                  |
| 4. Assessor      | - | MRB Tax Map Maintenance Contract Renewal                   |
| 5. Youth Bureau  | - | Amend Juneteenth Parade route                              |
| 6. Water/Finance | - | Cellular antenna application by Dish Network               |
| 7. Water         | - | Software Agreement for Hydrant Retrofit Kits               |
| 8. Water         | - | CWSRF - WIIA Grant Sewer Project SEQR                      |
| 9. Planning      | - | Set public hearing for C3 Zoning Amendment                 |
| 10. Planning     | - | Preliminary Administrative Services for Affordable Housing |
| 11. City Clerk   | - | Parade permit for St. Patrick's Day Parade                 |
| 12. City Clerk   | - | Parade permit Run PB Group                                 |
| 13. Council      | - | Liaison Reports/Concerns and Issues                        |

**Executive Session (Upon Motion by the Common Council)**

**EXECUTIVE SESSION**

1. Discussions of matters concerning proposed, pending or current litigation.
2. Discussion of matters concerning the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.



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**Matthew C. Alexander, City Manager**

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**CITY OF PEEKSKILL COMMON COUNCIL  
PEEKSKILL, NEW YORK**

**AGENDA BILL**

<b>SUBJECT:</b>  SCHEDULE A PUBLIC HEARING ON C-3 ZONING TEXT AMENDMENTS TO ALLOW MIXED USE DEVELOPMENTS ON N. DIVISION STREET	FOR AGENDA OF: 2-14-23		AGENDA #
	DEPT. OF ORIGIN:	PLANNING	
	DATE SUBMITTED:	2-8-23	
	DEPARTMENT HEAD:	JEAN FRIEDMAN, AICP	
	EXHIBITS:		

APPROVED BY COMPTROLLER	
APPROVED AS TO FORM BY CORPORATION COUNSEL	
APPROVED BY CITY MANAGER FOR SUBMISSION	

EXPENDITURE REQUIRED \$	0	AMOUNT BUDGETED \$	0	APPROPRIATION REQUIRED \$	0
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**SUMMARY STATEMENT**

THIS RESOLUTION SCHEDULES A PUBLIC HEARING FOR FEBRUARY 27, 2023 TO HEAR COMMENT ON PROPOSED ZONING TEXT AMENDMENTS TO SECTIONS 575-31C, 575-34B(1) AND 575-34B(2) OF THE CITY CODE TO ALLOW MIXED USE BUILDINGS WITH BONUS HEIGHT ON N. DIVISION STREET IN THE C-3 ZONING DISTRICT SUBJECT TO ISSUANCE OF A COMMON COUNCIL SPECIAL PERMIT.

**RECOMMENDED ACTION**

ADOPT RESOLUTION TO SET PUBLIC HEARING FOR FEBRUARY 27, 2023.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR MCKENZIE			
DEPUTY MAYOR RILEY		COUNCILMAN DOUGLAS	
COUNCILWOMAN TALBOT		COUNCILMAN SCOTT	
COUNCILMAN FERNANDEZ		COUNCILMAN FASSETT	

**RESOLUTION SCHEDULING A PUBLIC HEARING ON LOCAL LAW                    OF 2023  
AMENDING SECTIONS 575-31C, 575-34B(1), AND 575-34B(2)  
OF THE CODE OF THE CITY OF PEEKSKILL**

**WHEREAS**, pursuant to Section 575-58 of the City of Peekskill Code, the Zoning Ordinance may be amended, supplemented or repealed by the Common Council on its own motion or upon recommendation by the Planning Commission or on petition, and such proposed amendments shall be referred by the Common Council to the Planning Commission for a report, and a Public Hearing shall be held; and

**WHEREAS**, a petition has been received from Cornerstone Structures LLC (“Cornerstone”), 570 Taxter Rd. Suite 349 Elmsford, NY 10523 to amend the Zoning Ordinance with a zoning text amendment for properties on N. Division Street in the C-3 General Commercial zoning district; and

**WHEREAS**, Cornerstone is requesting this amendment to construct a mixed use building with bonus height at the corner of N. Division and Howard Streets; and

**WHEREAS**, the proposed zoning text amendment will allow the Common Council to consider a Special Permit to allow **four**-story mixed use buildings on N. Division Street in the C-3 zone, with the option of authorizing **two** additional floors of bonus height to a maximum height of six (6) stories or 70 feet; and

**WHEREAS**, eligible properties must be greater than 40,000 square feet and provide minimum setbacks from the street line.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Peekskill that this Common Council will hold a public hearing at 7:30 p.m. or as soon as such Hearing may be called thereafter, on the 27<sup>th</sup> day of February 2023 via videoconferencing and in person in the Common Council Chambers at City Hall, 840 Main Street, Peekskill, New York, on a proposed Local Law entitled:

**LOCAL LAW                    OF 2023  
AMENDING SECTIONS 575-31C, 575-34B(1), AND 575-34B(2)  
OF THE CODE OF THE CITY OF PEEKSKILL**

and be it further

**RESOLVED**, that the City Clerk shall give due notice of this public hearing in accordance with the City Code and the provisions of the Municipal Home Rule Law of the State of New York.



**LOCAL LAW                    OF 2023**  
**AMENDING SECTIONS 575-31C, 575-34B(1), AND 575-34B(2)**  
**OF THE CODE OF THE CITY OF PEEKSKILL**

BE IT ENACTED by the Common Council of the City of Peekskill as follows:

**Section 1:** Section 575.31.C of the Zoning Code is hereby amended as follows:

**§ 575-31. Purposes of specific commercial districts.**

C. General Commercial C-3 Districts. These districts are designed to provide for a wide range of commercial and limited manufacturing activity along major transportation routes. ~~New residential development is excluded from these districts.~~ In areas with close proximity to the downtown business district, mixed-use residential buildings are intended to introduce a diverse twenty-four-hour-a-day residential population to the City's downtown area. In addition, it is expected that the additional traffic generated by mixed-use residential developments will require that convenient off-street parking be available on site and within the immediately surrounding neighborhood. Therefore, in an effort to reduce car dependency, utilize existing parking resources, and maintain a walkable, pedestrian-friendly community, all mixed-use residential buildings must be located adjacent to the City's downtown district where such additional parking resources exist.

**Section 2:** Section 575.34.B(1) of the Zoning Code is hereby amended to add the following:

- (n) Mixed-use residential buildings, so as to enhance investment and create redevelopment opportunities on larger lots with a minimum of 40,000 square feet located along North Division Street, pursuant to performance standards enumerated at Section 575-34B(2)(i).
- (o) Mixed-use residential buildings, so as to increase the range of housing available in and near the City's downtown business district and to support downtown businesses, on lots comprising a minimum of 10,000 square feet and fronting on South James Street, Brown Street, Park Street and South Broad Street, and within 150 feet of the C-2 District and 200 feet of the R-6 District (as measured from the center of the tax lot), pursuant to performance standards enumerated in Section 575-34B(2)(i).

**Section 3:** Section 575-34B(2) of the Zoning Code is hereby amended as follows:

- (2) Performance standards. In addition to bulk and area requirements provided in § 575-34F hereof, the following criteria shall apply to special permit uses. Wherever any provision of this section shall be inconsistent with § 575-34F, the following provisions of this § 575-34B(2) shall be controlling:
  - (a) A minimum lot size of 20,000 square feet shall be required for each special permit use, excluding laundromats regulated by Subsection B(2)(d) and (e) below; restaurants as described in §575-34B(1)(k) and regulated by Subsection B(2)(f) below; day-care center and school-age child-care facilities as principal uses and as regulated by §575-34B(1)(b) above; amusement centers as regulated by Subsection B(2)(h) below; mixed-use residential buildings as regulated by Subsection B(2)(i) below; and artist

lofts as regulated by §575-34B(2)(j) below. **[Amended 5-8-2000; 10-14-2014 by L.L. No. 6-2014]**

- (b) For all special permit uses abutting any property containing a residential use, a minimum of twenty-five-foot rear yard and fifteen-foot side yards from each abutting residential property line shall be provided. The rear and side yards shall be kept free of structures other than fencing that may be used in screening the business from adjacent properties. Landscaping and screening shall be provided in accordance with § 575-13 of this chapter.
- (c) Special permit uses requiring the use of tractor trailers for delivery of materials or equipment shall be limited to lots located on arterial streets as defined in Section 278-3 of the City Code.
- (d) Special permits for laundromats upon compliance with the following requirements ~~without variance~~:
  - [1] Minimum lot size of 7,000 square feet.
  - [2] The laundromat shall not exceed 1,000 square feet in aggregate floor area.
  - [3] No more than 20 washing machines and 10 dryers will be permitted as part of the operation.
  - [4] Laundromats shall not open before 7:00 a.m. nor close later than 10:00 p.m.
  - [5] On-site parking shall be provided at a ratio of not less than one space per 300 square feet of floor area. **[Amended 5-8-2000]**
  - [6] Provision shall be made for storage of recyclables within the principal building.
  - [7] Exhaust vents shall be directed away from residential properties and be architecturally treated to screen vents from residential properties and from the street.
- (e) Special permits for laundromats, which are supervised by an attendant and provide both wash and fold service and self-service machines, upon compliance with the following requirements, ~~without variance(s)~~: **[Added 5-8-2000]**
  - [1] Minimum lot size of 7,000 square feet.
  - [2] The laundromat shall not exceed 2,500 square feet in aggregate floor area.
  - [3] No more than 60 machines in any combination of washers or dryers shall be permitted as part of the operation.
  - [4] Laundromats shall not open before 7:00 a.m. nor close later than 10:00 p.m.
  - [5] On-site parking shall be provided at a ratio of not less than one space per 300 square feet of floor area.
  - [6] Provision shall be made for storage of recyclables within the principal building.
  - [7] Exhaust vents shall be directed away from residential properties and shall be architecturally treated to screen vents from residential properties and from the street.
- (f) Special permits for restaurants with accessory outdoor dining may be granted for a period of one year upon compliance with the following conditions: **[Amended 4-22-2002; 7-11-2011 by L.L. No. 8-2011; 9-10-2012 by L.L. No. 12-2012]**

- [1] All accessory outdoor dining shall be accessory to and used in conjunction with an enclosed restaurant located on the same parcel.
  - [2] Separation of adjacent properties and the public right-of-way, including sidewalks, from customers by landscaping, low walls or fencing.
  - [3] All tables, chairs or other seating and activities shall take place entirely on the subject parcel. The City right-of-way shall at all times remain clear of the accessory outdoor.
  - [4] Evening closing time shall be no later than 10:00 p.m. for the accessory outdoor dining service.
  - [5] The accessory outdoor dining area shall be kept free of debris and litter.
  - [6] No outdoor entertainment shall be allowed.
  - [7] Liquor may only be sold and consumed in conjunction with the sale of food.
- (g) A special permit for a construction business requiring storage of heavy equipment shall provide a landscape treatment which adequately screens the subject equipment from adjoining properties and the City right-of-way and shall post a maintenance cash guarantee, letter of credit, or other form of liquid asset to the satisfaction of the Corporation Counsel and City Comptroller guaranteeing the upkeep of the site and landscaping in an amount as determined by the Director of Planning. **[Amended 5-13-2002 by L.L. No. 1-2002; 5-29-2012]**
- (h) Special permits for amusement centers may be granted for a period of two years upon compliance with the following conditions: **[Added 5-8-2000]**
- [1] Evening closing time shall be no later than 9:00 p.m. on weekday evenings, including Sunday, and 10:00 p.m. for Friday and Saturday nights.
  - [2] No outdoor music or entertainment shall be allowed.
  - [3] Maximum site-generated lighting shall not exceed 0.5 foot\_candle at any property line abutting a residential district, and the source of all outdoor lighting shall not be visible beyond the property line. All selected lighting fixtures shall direct light toward the ground. All lighting plans, interior and exterior, are subject to the approval of the Director of Planning or designee. **[Amended 5-29-2012]**
  - [4] On-site parking shall be provided as a sum total of all uses on the property as regulated by Subsection H(1) and (2) below.
  - [5] No liquor or cigarettes are to be sold or consumed within the facility.
  - [6] In areas adjacent to residential districts, a visual and noise buffering shall be provided to the satisfaction of the Planning Commission. Such buffering shall include a minimum of twenty-foot-wide\_perimeter vegetative buffering, fencing, earthen berm, other materials or some combination thereof, as determined necessary by the Planning Commission to mitigate off-site impacts associated with the subject use.
  - [7] The applicant shall prepare a traffic impact study, which shall include proposals for any necessary mitigation measures to be undertaken by the applicant to the satisfaction of the Planning Commission.
  - [8] As a minimum, the applicant shall provide two security personnel at all times during the hours of operation. If the applicant proposes more than one primary access to the facility, an additional security officer will be required to monitor each access point. In addition, the applicant

shall prepare and submit for review a security analysis, which shall include proposals for any mitigation measures to be undertaken by the applicant to the satisfaction of the Common Council.

- (i) Special permits for mixed-use residential buildings, in order to increase the range of housing available in and near the City's downtown business district, and to increase the complement of residential uses that would support downtown businesses, the uses allowed in the C-3 District by special permit are amended to include the following, by special permit of the Common Council, upon compliance with the following conditions: [Added 9-14-2009 by L.L. No. 15-2009]

~~[1] Mixed-use residential buildings, according to the following regulations:~~

~~[a] The land area provided for each dwelling unit shall not be less than 525 square feet. [Amended 10-14-2014 by L.L. No. 7-2014]~~

~~[b] For each dwelling unit, there shall be provided suitably improved and usable recreation area and/or open space in the following amounts: 200 square feet for each bedroom. Usable recreation area and open space may be provided in the following ways, including:~~

~~[i] Outdoor landscaped area;~~

~~[ii] Outdoor passive/active recreation area;~~

~~[iii] Rooftop passive/active recreation area;~~

~~[iv] Indoor community center with appropriate facilities;~~

~~[v] Combination of the above.~~

[1] All mixed-use residential building development projects must provide certain amenities to the City of Peekskill, as outlined in § 575-34B(2)(i)[11].

[2] For all mixed-use residential buildings, the portion of the building used for residential purposes shall have an entrance that does not require access through the portion of the building used for nonresidential purposes, other than by means of a common lobby.

[3] Accessory uses for all mixed use residential buildings. In addition to the accessory uses currently allowed in the C-3 District, accessory uses may also include laundromats and guest suites for the sole use of the residents of the mixed-use residential building.

[4] For all mixed-use residential buildings, only the following non-residential uses are permitted:

[a] Retail stores (limited to the first and second floors);

[b] Computer, electronics, shoe and appliance repair shops (limited to the first and second floors);

[c] Restaurants, with or without accessory outdoor facilities (limited to first, second and rooftop floors);  
[Amended 9-10-2012 by L.L. No. 12-2012]

[d] Tailors and dry-cleaning stores solely for pickup and delivery and provided that no dry cleaning may be performed on the property (limited to the first and second floors);

[e] Health clubs (limited to first, second and rooftop floors);

- [f] Artist galleries, martial arts or dance studios used solely for commercial purposes (limited to the first and second floors); [Amended 9-27-2021 by L.L. No. 7-2021]
- [g] Museum, library or exhibit space (limited to the first and second floors).
- [h] Day-care centers and school-age child care as a principal use (limited to the first and second floors) by special permit of the Common Council. Added 9-27-2021 by L.L. No. 7-2021]

[5] View preservation/design review. In considering the site plan for all mixed-use residential buildings, the Planning Commission must find that the proposed mixed-use residential building does not adversely affect the views from surrounding residential development, and is compatible with surrounding development on issues such as, but not limited to, architecture (See § 575-34B(2)(i)[11]), facade treatment, wall openings, and landscaping. The Planning Commission must issue a finding that the development is compatible with these design guidelines for mixed-use developments in the C-3 District.

[6] Off-street loading. Provisions for off-street loading shall be provided as required by the Zoning Code. All loading berths shall be screened from streets and surrounding residential uses. Due to the potential for significant adverse effects on residential and other uses sharing the same lot, provisions for loading shall be given particular attention during the site plan review process. The Common Council will have the authority to waive any portion of the off-street loading requirement for developments applying for a mixed-use residential building special permit.

[7] Approval standards. All mixed-use development must be found consistent with the approval standards for site plans and special permits outlined at § 575-56 of the City of Peekskill Zoning Code.

**[i] Homeowners' association required, if applicable:**

[A] Covenant and restriction. The applicant shall deliver to the City of Peekskill for its approval a covenant and restriction, in a form suitable for filing in the office of the Westchester County Clerk, prohibiting, in perpetuity, any land which is designated for common usable open space from being used for any other purpose. The applicant will pay the filing fee and present proof of the filing. Upon approval of the covenant and restriction the developer shall, forthwith, record same in the office of the Westchester County Clerk and, in any event, before the issuance of the first certificate of occupancy in the development.

[B] Organization for common ownership required. The applicant shall establish a legally constituted condominium or homeowners' association for the ownership and maintenance of all common space and any streets not accepted for dedication by the City of Peekskill. This organization shall not be dissolved nor shall it dispose of any common usable open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common usable open space and nondedicated streets.

[C] Rules of organizations. Any homeowners' association established shall:

{1} Be established before a certificate of occupancy or temporary certificate of occupancy has been issued for any dwelling unit in the development.

{2} Make membership automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being

accomplished by the purchase of a dwelling unit in the development.

{3} Guarantee access to all the common usable open space to all persons legally residing in the development and limit that access to the legal residents and their tenants and guests only. Every member of the association shall have a right and easement of enjoyment in and to the common usable open space.

{4} Be responsible for liability insurance, taxes and the maintenance of the common usable open space and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.

{5} Require owners of dwelling units to pay their pro rata share of the costs listed above and provide that an assessment levied by the organization shall have the same force and effect as a debt or ground rent or lien against the real property.

{6} Be able to adjust the assessment to meet changing needs.

[D] Common usable open space maintenance. The documents establishing or creating such organization shall provide a plan for the maintenance of all common usable open space and undedicated streets in the development. The City of Peekskill shall not be responsible for maintenance or enforcement of the site plan or association rules.

[E] The developer shall convey title to the common usable open space area to the aforesaid homeowners' association at such time as the aforesaid association is able to maintain the area or at such time as may be designated by the Planning Commission, which date shall be consonant with the policy expressed herein.

[8] Traffic and circulation. Provision must be made for vehicle entrances and exits to be laid out so as to minimize traffic hazards. The potential generation of traffic from the combined uses must be found to be within the capacity of the existing or planned streets providing access to the mixed-use residential building. Appropriate mitigation shall be required if a traffic study (done to the satisfaction of the City's Traffic Engineer) indicates that the project will result in a degradation in levels of service at nearby intersections or through streets. Furthermore, on sites larger than 20,000 square feet, a loading/unloading zone must be provided for a jitney vehicle. The Common Council has the authority to waive this requirement if it deems such a loading/unloading area to be infeasible for the site.

[9] Utilities. Sufficient capacity must exist to serve the proposed mixed-use facility for all water, sewer and other utility services. Appropriate mitigation and/or infrastructure upgrades shall be required if it is determined by the applicant's professional engineer (and confirmed by the City Engineer) that insufficient utility capacity exists for the project or if the condition of infrastructure adjacent to the site is not of a quality satisfactory to the City Engineer and the Department of Public Works. Additionally, CFC-based refrigerants are prohibited. [Amended 6-24-2019 by L.L. No. 3-2019]

[10] Common spaces. Provision must be made to adequately heat and cool common spaces, including but not limited to lobbies, hallways and elevators.

[11] Provision of amenities.

[a] The Common Council has determined that the promotion of exceptional architecture, facade revitalization and arts-related activity has historically resulted in positive benefits for downtown Peekskill. Therefore, any entity seeking a special permit under this chapter must

contribute to the City's efforts to promote these activities. Ultimately, these contributions will promote the health, safety and welfare of the City of Peekskill and improve the value of the specific development and the downtown area as a whole.

[b] The Common Council must find that the following have been provided before issuing a special permit:

[i] Exceptional architecture is to be provided to the satisfaction of the Common Council pursuant to the design guidelines as specified in Section 575-34.B(2)(i)[5] for mixed-use development in the C-3 District.

[ii] At least **three** points must be earned under the bonus height provisions, as outlined in § 575-34B(2)(i)[14] below, in order to qualify for this special permit.

[iii] Recycling areas: Coordinate the size and functionality of the recycling areas with the anticipated collection services for glass, plastic, office paper, newspaper, cardboard and organic wastes to maximize the effectiveness of the dedicated areas.

[12] For lots with a minimum of 40,000 square feet that are located along North Division Street:

[a] Maximum building coverage: 70%. **If green space on the exterior of the building (roof, terraces, etc) is provided to the satisfaction of the Common Council, then the maximum building coverage is 85%.**

[b] Lot depth: No lot shall have an average depth of less than 150 feet.

[c] Setbacks:

[i] At street level: ten-foot maximum setback from the property line.

[ii] At 40 feet above street level: five-foot minimum setback from the street-level setback line

[iii] At 60 feet above street level: ten-foot minimum setback from the street-level setback line.

[d] Maximum height: **four** stories or **45** feet, whichever is less. See Section 575-34.B(2)(i)[14][b] for bonus height provisions.

[e] Maximum floor area ratio: 5.0

[f] The land area provided for each dwelling unit shall not be less than 350 square feet, and suitably improved and usable recreation area and/or open space shall be provided at the rate of 150 square feet per bedroom. Usable recreation area and open space may be provided in the following ways, including:

[i] Outdoor landscaped area;

[ii] Outdoor passive/active recreation area;

[iii] Rooftop passive/active recreation area;

[iv] Indoor community center with appropriate facilities;

[v] Combination of the above.

[g] Off-street parking. Except for residential units, for which 1.0 off-street parking spaces are required for each unit, off-street parking shall be provided as outlined in the City of Peekskill Zoning Code.

[h] Minimum residential dwelling unit floor area. Minimum floor area shall be 600 square feet for a studio, 750 square feet for a one-bedroom unit, 850 square feet for a two-bedroom unit, and 1,000 square feet for a three-bedroom unit. No more than 50% of the dwelling units in a mixed-use residential building are permitted to have a floor area less than 800 square feet.

[13] For lots fronting on South James Street, Brown Street, Park Street and South Broad Street within 150 feet of the C-2 District and 200 feet of the R-6 District:

~~[1] Mixed-use residential buildings, according to the following regulations:~~

[a] The land area provided for each dwelling unit shall not be less than 525 square feet. **[Amended 10-14-2014 by L.L. No. 7-2014]**

[b] For each dwelling unit, there shall be provided suitably improved and usable recreation area and/or open space in the following amounts: 200 square feet for each bedroom. Usable recreation area and open space may be provided in the following ways, including:

[i] Outdoor landscaped area;

[ii] Outdoor passive/active recreation area;

[iii] Rooftop passive/active recreation area;

[iv] Indoor community center with appropriate facilities;

[v] Combination of the above.

~~[c] Mixed-use residential building development projects will have to provide certain amenities to the City of Peekskill, as outlined in § 575-34B(2)(i)[1][r] below.~~

~~[d] The portion of the building used for residential purposes shall have an entrance that does not require access through the portion of the building used for nonresidential purposes, other than by means of a common lobby.~~

~~[e] Only the following nonresidential uses are permitted in a mixed-use building:~~

~~[i] Retail stores (limited to the first and second floors);~~

~~[ii] Computer, electronics, shoe and appliance repair shops (limited to the first and second floors);~~

~~[iii] Restaurants, with or without accessory outdoor facilities (limited to first, second and rooftop floors); **[Amended 9-10-2012 by L.L. No. 12-2012]**~~

~~[iv] Tailors and dry-cleaning stores solely for pickup and delivery and provided that no dry-cleaning may be performed on the property (limited to the first and second floors);~~

~~[v] Health clubs (limited to first, second and rooftop floors);~~

~~[vi] Artist galleries, martial arts or dance studios used solely for commercial purposes (limited to the first and second floors); **[Amended 9-27-2021 by L.L. No. 7-2021]**~~

~~[vii] Museum, library or exhibit space (limited to the first and second floors).~~



~~[viii] Day care centers and school-age child care as a principal use (limited to the first and second floors) by special permit of the Common Council. [Added 9-27-2021 by L.L. No. 7-2021]~~

~~[f] Accessory uses. In addition to the accessory uses currently allowed in the C-3 District (except for § 575-32C(6), day care facilities), accessory uses may also include laundromats and guest suites for the sole use of the residents of the mixed-use residential building.~~

~~[g] Development regulations. Each site seeking to construct a mixed-use residential building shall be subject to the following development regulations:~~

~~[c] [i] For lots with a minimum of 20,000 square feet:~~

~~[i] [A] Lot depth: No lot shall have an average depth of less than 100 feet.~~

~~[ii] [B] Maximum building coverage: 90%.~~

~~[iii] [C] Maximum height: five stories or 55 feet, whichever is less. Please see § 575-34B(2)(i)[14][a][1] for bonus height provisions for an increase in height of up to a maximum of nine stories or 103 feet.~~

~~[iv] [D] Setbacks:~~

~~[A] {1} At street level: ten-foot maximum setback from the property line, except for property lines facing Brown Street, where a minimum setback of 25 feet is required.~~

~~[B] {2} At 35 feet above street level: sixty-foot minimum setback from property line.~~

~~[C] {3} At 79 feet above street level: seventy-five-foot minimum setback from property line.~~

~~[v] [E] Minimum residential dwelling unit floor area. Minimum floor area shall be 600 square feet for a studio, 750 square feet for a one-bedroom unit, 850 square feet for a two-bedroom unit, and 1,000 square feet for a three-bedroom unit. No more than 50% of the dwelling units in a mixed-use residential building are permitted to have a floor area less than 800 square feet. [Amended 10-14-2014 by L.L. No. 7-2014]~~

~~[d] [ii] For lots between 10,000 square feet and 20,000 square feet in size:~~

~~[i] [A] Maximum building coverage: 90%.~~

~~[ii] [B] Maximum height: three stories or 35 feet, whichever is less. Please see §575-34B(2)(i)[14][a][ii] for bonus height provisions for an increase of up to a maximum of five stories or 55 feet.~~

~~[iii] [C] Setbacks:~~

~~[A] {1} At street level: ten-foot maximum setback from the property line, except for property lines facing Brown Street, where a minimum setback of 25 feet is required.~~

~~[B] {2} At 35 feet above street level: sixty-foot minimum setback from property line.~~

~~[iv] [D]~~ Minimum residential dwelling unit floor area. At least 80% of the dwelling units in a project must have a minimum floor area of 900 square feet for a one bedroom unit, 1,200 square feet for a two-bedroom unit and 1,500 square feet for a three-bedroom unit. Up to 20% of the dwelling units in a project are permitted to be either studio or one-bedroom units with a minimum floor area of 700 square feet.

~~[h]~~ Proximity to downtown business district. Mixed use residential buildings are intended to introduce a diverse twenty-four hour-a-day residential population to the City's downtown area. In addition, it is expected that the additional traffic generated by mixed-use residential developments will require that convenient off-street parking be available on site and within the immediately surrounding neighborhood. Therefore, in an effort to reduce car dependency, utilize existing parking resources, and maintain a walkable, pedestrian-friendly community, all mixed-use residential buildings must be located adjacent to the City's downtown district where such additional parking resources exist. All developments containing mixed-use residential buildings must be located within 150 feet (as measured from the center of the tax lot) of a property designated as C-2 on the City of Peekskill Zoning Map.

~~[i]~~ Proximity to higher density residential development. All developments containing mixed-use residential buildings must be located within 200 feet (as measured from the center of the tax lot) of an R-6 District.

~~[j]~~ View preservation/design review. In considering the site plan for mixed-use residential buildings, the Planning Commission must find that the proposed mixed-use residential building does not adversely affect the views from surrounding residential development, and is compatible with surrounding development on issues such as, but not limited to, architecture (See § 575-34B(2)(i)[1][r][i]), facade treatment, wall openings, and landscaping. The Planning Commission must issue a finding that the development is compatible with the design guidelines for mixed-use development in the C-3 District.

~~[e] [k]~~ Off-street parking. Except for residential units, for which 1.25 off-street parking spaces are required for each unit, off-street parking shall be provided as outlined in the City of Peekskill Zoning Code. In considering site plans, the Planning Commission may approve the joint use of spaces, as outlined in § 575-12B of the Zoning Code.

~~[l]~~ Off-street loading. Provisions for off-street loading shall be provided as required by the Zoning Code. All loading berths shall be screened from streets and surrounding residential uses. Due to the potential for significant adverse effects on residential and other uses sharing the same lot, provisions for loading shall be given particular attention during the site plan review process. The Common Council will have the authority to waive any portion of the off-street loading requirement for developments applying for a mixed-use residential building special permit.

~~[m]~~ Approval standards. In addition the standards outlined below, all mixed-use development must be found consistent with the approval standards for site plans and special permits outlined at § 575-56 of the City of Peekskill Zoning Code.

~~[i]~~ Homeowners' associations required:

~~[A]~~ Covenant and restriction. The applicant shall deliver to the City of Peekskill for its approval a

~~covenant and restriction, in a form suitable for filing in the office of the Westchester County Clerk, prohibiting, in perpetuity, any land which is designated for common usable open space from being used for any other purpose. The applicant will pay the filing fee and present proof of the filing. Upon approval of the covenant and restriction the developer shall, forthwith, record same in the office of the Westchester County Clerk and, in any event, before the issuance of the first certificate of occupancy in the development.~~

~~{B} Organization for common ownership required. The applicant shall establish a legally constituted condominium or homeowners' association for the ownership and maintenance of all common space and any streets not accepted for dedication by the City of Peekskill. This organization shall not be dissolved nor shall it dispose of any common usable open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common usable open space and nondedicated streets.~~

~~{C} Rules of organizations. Any homeowners' association established shall:~~

~~{1} Be established before a certificate of occupancy or temporary certificate of occupancy has been issued for any dwelling unit in the development.~~

~~{2} Make membership automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development.~~

~~{3} Guarantee access to all the common usable open space to all persons legally residing in the development and limit that access to the legal residents and their tenants and guests only. Every member of the association shall have a right and easement of enjoyment in and to the common usable open space.~~

~~{4} Be responsible for liability insurance, taxes and the maintenance of the common usable open space and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.~~

~~{5} Require owners of dwelling units to pay their pro rata share of the costs listed above and provide that an assessment levied by the organization shall have the same force and effect as a debt or ground rent or lien against the real property.~~

~~{6} Be able to adjust the assessment to meet changing needs.~~

~~{D} Common usable open space maintenance. The documents establishing or creating such organization shall provide a plan for the maintenance of all common usable open space and undedicated streets in the development. The City of Peekskill shall not be~~

~~responsible for maintenance or enforcement of the site plan or association rules.~~

~~[E] The developer shall convey title to the common usable open space area to the aforesaid homeowners' association at such time as the aforesaid association is able to maintain the area or at such time as may be designated by the Planning Commission, which date shall be consonant with the policy expressed herein.~~

~~[n] Traffic and circulation. Provision must be made for vehicle entrances and exits to be laid out so as to minimize traffic hazards. The potential generation of traffic from the combined uses must be found to be within the capacity of the existing or planned streets providing access to the mixed use residential building. Appropriate mitigation shall be required if a traffic study (done to the satisfaction of the City's Traffic Engineer) indicates that the project will result in a degradation in levels of service at nearby intersections or through streets. Furthermore,~~

~~on sites larger than 20,000 square feet, a loading/unloading zone must be provided for a jitney vehicle. The Common Council has the authority to waive this requirement if it deems such a loading/unloading area to be infeasible for the site.~~

~~[o] Utilities. Sufficient capacity must exist to serve the proposed mixed use facility for all water, sewer and other utility services. Appropriate mitigation and/or infrastructure upgrades shall be required if it is determined by the applicant's professional engineer (and confirmed by the City Engineer) that insufficient utility capacity exists for the project or if the condition of infrastructure adjacent to the site is not of a quality satisfactory to the City Engineer and the Department of Public Works. Additionally, CFC-based refrigerants are prohibited. **[Amended 6-24-2019 by L.L. No. 3-2019]**~~

~~[p] Common spaces. Provision must be made to adequately heat and cool common spaces, including but not limited to lobbies, hallways and elevators.~~

~~[q] Elevators. All mixed use developments must provide elevators for the use of all occupants according to the following schedule: for the first 50 dwelling units: one elevator; for buildings with 51 to 100 dwelling units: two elevators; for buildings with 101 to 150 dwelling units: three elevators; for buildings above 151 dwelling units: to be determined by the Planning Commission. Additionally, a separate elevator must be provided for each 20,000 square feet or part thereof of nonresidential use above the first floor.~~

~~[r] Provision of amenities.~~

~~[i] — The Common Council has determined that the promotion of exceptional architecture, facade revitalization and arts related activity has historically resulted in positive benefits for downtown Peekskill. Therefore, any entity seeking a special permit under this chapter must contribute to the City's efforts to promote these activities. Ultimately, these contributions will promote the health, safety and welfare of the City of Peekskill and improve the value of the specific development and the downtown area as a whole.~~

~~[ii] — The Common Council must find that the following have been provided before issuing a special permit:~~

~~[A] Exceptional architecture is to be provided to the satisfaction of the Common Council pursuant to the design guidelines for mixed-use development in the C-3 District.~~

~~[B] At least two points must be earned under the bonus height provisions, as outlined in § 575-34B(2)(i)[1][s] below, in order to qualify for this special permit.~~

~~[C] Recycling areas: Coordinate the size and functionality of the recycling areas with the anticipated collection services for glass, plastic, office paper, newspaper, cardboard and organic wastes to maximize the effectiveness of the dedicated areas.~~

~~[D] Payment of the developer fee for downtown mixed use residential buildings. (See § 275-19 of the City Code.)~~

[14] ~~[s]~~ Bonus height provisions.

[a] ~~[i]~~ The Common Council has the authority to grant the following height bonuses for lots fronting on South James Street, Brown Street, Park Street and South Broad Street within 150 feet of the C-2 District and 200 feet of the R-6 District, up to the maximums outlined in §575-34B(2)(i)[13][c][iii] and § 575-34B(2)(i)[13][d][ii] above:

~~[i]~~ ~~[A]~~ For lots greater than 20,000 square feet in size, bonuses are granted according to the following points-based system (Please refer to the points menu in §575-34B(2)(i)[14][c] for a list of qualifying items and their associated point values):

~~[A]~~ ~~{1}~~ A mixed-use residential building must qualify for at least six points (two required points plus four bonus points) for a bonus of 12 feet in height.

~~[B]~~ ~~{2}~~ A mixed-use residential building must qualify for at least eight points (two required points plus six bonus points) for a bonus of 24 feet in height.

~~[C]~~ ~~{3}~~ A mixed-use residential building must qualify for at least 12 points (two required points plus 10 bonus points) for a bonus of 48 feet in height.

~~[ii]~~ ~~[B]~~ For lots between 10,000 and 20,000 square feet, bonuses are granted according to the following points-based system (Please refer to the points menu in § 575-34B(2)(i)[14][b] for a list of qualifying items and their associated point values.):

~~[A]~~ ~~{1}~~ A mixed-use residential building must qualify for at least six points (two required points plus four bonus points) for a bonus of 10 feet in height.

~~[B]~~ ~~{2}~~ A mixed-use residential building must qualify for at least eight points (two required points plus six bonus points) for a bonus of 20 feet in height.

~~[b]~~ ~~[C]~~ Bonus items and their associated point value, i.e., "points menu" for lots fronting on South James Street, Brown Street, Park Street and South Broad Street within 150 feet of the C-2 District and 200 feet of the R-6 District. Selected bonuses must be applied, installed or otherwise associated with the subject property. Bonuses are nontransferable.

- [i] ~~{1}~~ For a majority of the landscaping, use native vegetation that requires no irrigation: one point.
- [ii] ~~{2}~~—Build covered and secure bicycle storage facilities commensurate with anticipated demand, but for not less than 15% of projected building occupants: one point.
- [iii] ~~{3}~~ Provide parking located within 50 feet of the main building entrance for low-emitting and fuel-efficient vehicles for 5% of the total vehicle parking capacity of the site: one point.
- [iv] ~~{4}~~ Incorporate an amenity in your plans which is not listed here that is satisfactory to the Common Council: one point.
- [v] ~~{5}~~ Construct the majority of the parking required for the mixed-use residential building underground: two points.
- [vi] ~~{6}~~ Commission the building for energy efficiency under the NYSERDA New Construction Program: two points.
- [vii] ~~{7}~~ Commit to purchase 100% renewable energy for non-tenant electricity needs (through vendors such as Accent Energy, Con Ed Solutions or NYSERDA, for example) for at least 30 years by including such language as a deed restriction: two points.
  
- [viii] ~~{8}~~ Contract with a business or businesses that has its primary location in the City of Peekskill for an amount of labor equivalent to 5% of the value of the entire project. Must be verifiable to the satisfaction of the Common Council: three points.
  
- [ix] ~~{9}~~ Install a high-efficiency combined heat and power generation system, a fuel cell, a geothermal heating and cooling system and/ or any advanced HVAC system to the satisfaction of the City Engineer: three points.
  
- [x] ~~{10}~~ Daylight a buried stream to create a public plaza with a water feature to the satisfaction of the Common Council: three points.
  
- [xi] ~~{11}~~—Contract with a business or businesses that have their primary location in the City of Peekskill for an amount of labor equivalent to 10% of the value of the entire project (must be verifiable to the satisfaction of the Common Council): four points.
  
- [xii] ~~{12}~~ Install on-site renewable energy systems that provide for at least 10% of the building's projected year-round baseline electrical energy demand and are consistent with the design guidelines and height limitations described above: four points.
  
- [xiii] ~~{13}~~ Daylight 75% of interiorspaces by following LEED Credit 8.1 as described in Version 2.2 of the LEED New Construction and Major Renovation Guide (text available in the City Planning Department): four points.
  
- [xiv] ~~{14}~~ Install on-site renewable energy systems that provide for at least 50% of the building's year-round baseline electrical energy demand and are consistent with the design guidelines and height limitations described above: six points.

[xv] {15} Install on-site renewable energy systems that provide for at least 90% of the building's baseline HVAC demand and are consistent with the design guidelines and height limitations described above: six points.

[xvi] {16} Contract with a business or businesses that have their primary location in the City of Peekskill for an amount of labor equivalent to 30% of the value of the entire project. Must be verifiable to the satisfaction of the Common Council: six points.

[xvii] {17} Install a vegetated roof for at least 50% of the roof area: six points.

[xviii] {18} Install on-site renewable energy systems that provide for at least 90% of the building's year-round baseline HVAC demand and 50% of the building's peak-load electrical energy demand and are consistent with the design guidelines and height limitations described above: 10 points.

[xix] {19} Propose a groundbreaking development design that results in positive national news coverage for Peekskill and prove, to the satisfaction of the Common Council, that it will permanently increase tourism and/or business-related visits to Peekskill: 10 points.

[c] The Common Council has the authority to grant the following height bonuses for lots over 40,000 square feet that are located along North Division Street:

[i] A mixed-use residential building must qualify for at least six points (three required points plus three bonus points) to receive a bonus of 15 feet or one-story in height. An additional 15 feet or one-story in height can be granted by qualifying for an additional six bonus points.

[ii] All bonus items in Section 575-34.B(2)(i)[14][b] are not applicable for lots located along N. Division Street.

[iii] Bonus items and points for lots over 40,000 square feet that are located along N. Division Street:

[A] 6 Points: Payment into a public/city infrastructure fund as specified in § 275-21 to be managed by the City Manager or his designee, to be used for municipal infrastructure improvements including but not limited to parking facilities, water and sewer, storm water management, and flood control; or in the alternative, provision of public/city infrastructure for municipal purposes including but not limited to public parking facilities, water and sewer, storm water management, and flood control, the cost of which to be commensurate in amount with the payment which would have been paid into the infrastructure fund as identified above; or in the alternative, the Common Council may accept any combination of payment or infrastructure commensurate in amount with the total infrastructure payment as

specified in § 275-21, in exchange for granting bonus height.

[B] 3 Points: Provide 5% of the required number of parking spaces for electric vehicle charging stations, located within 50 feet of the main building entrance.

[C] 6 Points: Designate 15% of the units as affordable/workforce housing

[D] 6 Points: Provide and manage a publicly accessible community center or an innovative public amenity within the development

[E] 3 Points: Provide exceptional vegetation and landscaping on the property and vegetate 25% of the total roof area, while maintaining maximum building coverage at 70%.

(j) Artist lofts. **[Added 10-14-2014 by L.L. No. 6-2014]**

[1] No artist loft may exist on the first floor of the structure in which it is located. This provision may be waived by the Planning Commission only if all of the following conditions are satisfied:

[a] The portion of the loft space primarily intended for residential use does not directly face the street.

[b] The appearance of the loft from the street shall be consistent with the character of the surrounding area.

[c] That the entrance to the artist loft, including retail, studio and residential areas, is exclusive and shall not be shared with any other use in the building.

[2] Each artist loft shall be separated from other artist lofts or other uses within a particular building. Access to artist lofts may be provided

from common access areas, halls or corridors.

[3] Each artist loft must be individually equipped with an enclosed bathroom containing a bathroom sink, water closet, shower and appropriate venting.

[4] Each artist loft must be individually equipped with a kitchen that contains a four-burner stove and oven, with a range hood vented to the exterior of the unit. Each unit must provide a minimum of five feet of countertop, a kitchen sink, and a minimum of 10 linear feet of storage cabinetry. Each unit must contain a garbage compactor and garbage disposal unit.

[5] Each artist loft must contain a livable floor area of no less than 800 square feet.

[6] No more than 49% of the livable floor area of the artist loft may be devoted to residential space. In no event may said residential area exceed 980 square feet.

[a] Direct access between living and working areas must be provided, and no separate access/egress to the residential area is permitted except for emergency access/egress.

[7] Sprinkler systems must be provided in all common hallways and areas of any building containing an artist loft if the loft contains only one legal means of egress. Hard-wired smoke detectors with battery backups must be provided for all units.

[8] In order to ensure that the use is compatible with the other nearby uses, artist lofts shall not be used for storage of flammable liquids or hazardous



materials; welding; or any open-flame work. Further, the creation of art shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within the first-floor space or any other commercial or residential unit within the structure or beyond any lot line.

[9] The artist loft must be occupied by at least one person who is certified as an artist by the City's Artist Certification Committee.

[10] The artwork that is to be created within the artist loft must be compatible with other uses which occur or are to occur within the building in which the artist loft is to be located.

[11] No more than two persons per bedroom may reside within an artist loft. **[Amended 5-26-2015 by L.L. No. 4-2015]**

[12] Up to three nonresident employees may be employed within an artist loft. This requirement may be waived for artist lofts that occur on

the first floor of a structure that provide retail space on that first floor.

[13] Other than in a first-floor retail-oriented area, articles offered for sale within an artist loft must include those produced by the artist occupying said artist loft and may be offered with other like items.

[14] Air conditioners, clotheslines and other objects or equipment shall be prohibited from projecting from any window that is visible from a public street.

[15] One flush-mounted, non-illuminated sign attached adjacent to or near the street entrance door to the artist loft may be used to identify the artist. This sign may list only the name of the artist with a one- or two-word description of the type of artwork or craft that is to be conducted within the artist loft. Where two or more artist lofts occur within the same building, the signs must be placed in an orderly fashion in relation to each other and must be part of a coherent directory in which signs are ordered in a horizontal fashion.

[16] Work space and accessory residential space shall not be rented separately or used by persons other than those people legally residing within the artist loft.

C. Accessory uses shall be the same as permitted and regulated in the C-1 District, § 575-32C.

D. All uses, whether principal uses, accessory uses or special permit uses, other than off-street parking and accessory outdoor dining facilities, shall be carried on in roofed buildings fully enclosed on all sides. **[Amended 5-8-2000]**

E. Uses prohibited. Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, radiation or which presents a hazard to public health or safety is prohibited.

F. Lot and building requirements shall be as follows, as specified in Section 575-34B(2):

(1) Minimum lot area: 10,000 square feet.

(2) Minimum frontage: 100 feet.

(3) Minimum depth: 100 feet.

(4) Minimum yards:

(a) Front: 10 feet.

(b) No side or rear yard is required, but, if provided, such yard shall have a minimum dimension of not less than six feet, or 10 feet where the yard abuts a street. Where a rear or side yard abuts a residence district boundary, no building shall be erected within 30 feet of such boundary.

- (5) Maximum coverage: 70%.
- (6) Maximum floor area ratio: 1.4.

G. Location of accessory buildings on lot. Accessory buildings may be erected not closer than 10 feet to a rear property line, except that where such property line adjoins a residential district, such accessory buildings may be no closer than 30 feet.

H. Off-street parking.

(1) Off-street parking requirements are the same as for the Shopping Center C-1 District plus: **[Amended 10-14-2014 by L.L. No. 6-2014]**

Use	Parking Requirement
Wholesale and warehouse use	1 space per 500 square feet of gross floor area
Manufacturing	1 space per 300 square feet of gross floor area or 1 space per employee on the largest shift, whichever is larger
Automobile repair facilities for light vehicles, minor repairs	1 for each employee on the maximum shift, plus 3 for each service bay, plus 1 for each vehicle used in operation of the facility
Day-care center or school-age child care	As a principal use, 1 parking space per 10 children on the maximum shift plus 1 parking space per employee on the maximum shift; as an accessory use, 1 parking space per employee on the maximum shift
Museum	1 for each 1,000 square feet of gross floor area plus 1 per employee on the maximum shift
Libraries	1 for each 500 square feet of gross floor area plus 1 per employee on the maximum shift
School, business	1 for each 2 classroom seats plus 1 for each staff member on the maximum shift
Artist lofts	1.25 per artist loft

(2) Notes relating to waiver of part or all of the parking requirement and joint use of parking area (§ 575-33G) shall apply to the C-3 District.

I. Off-street loading. All loading and unloading shall take place on the lot, but not nearer than 50 feet to any residence district boundary. The requirements are the same as for the Shopping Center C-1 District.

**Section 4:** This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Changes Shown as Follows:

Text to be added – underlined

Text to be deleted – ~~strike through~~

# MEMORANDUM

Department of Planning and Development

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TO: Matthew Alexander, City Manager

FROM: Jean Friedman, AICP, Director of Planning

DATE: February 8, 2023

**Re: Zoning Text Amendments for the C-3 zoning district – Set Public Hearing**

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Proposed zoning text amendments for properties on N. Division Street in the C-3 zone were discussed at the February 6<sup>th</sup> Committee of the Whole. Attached is the revised text (with new changes highlighted) as directed by Council on February 6<sup>th</sup>, summarized as follows:

1. Four stories will be allowed with a Common Council Special Permit if the development earns at least three bonus points. The Common Council has the authority to grant a bonus of one or two additional floors to a maximum height of six stories or 70 feet. Bonus points are needed to obtain the bonus height (see below).
2. None of the existing bonus items (Section [14][b]) will be applicable to receive bonus height for eligible lots on N. Division Street. These bonus items, including the use of non-fossil fuels, can be requested by the Planning Commission during site plan review.
3. Bonus items that are applicable for properties on N. Division Street (in Section [14][c]) are:
  - [A] Payment into a public/city infrastructure fund as specified in § 275-21 to be managed by the City Manager or his designee, to be used for municipal infrastructure improvements including but not limited to parking facilities, water and sewer, storm water management, and flood control; or in the alternative, provision of public/city infrastructure for municipal purposes including but not limited to public parking facilities, water and sewer, storm water management, and flood control, the cost of which to be commensurate in amount with the payment which would have been paid into the infrastructure fund; or in the alternative, the Common Council may accept any combination of payment or infrastructure commensurate in amount with the total infrastructure payment as specified in § 275-21, in exchange for granting bonus height. 6 points

- [B] Provide 5% of the required number of parking spaces for electric vehicle charging stations, located within 50 feet of the main building entrance. 3 points
  - [C] Designate 15% of the units as affordable/workforce housing 6 points
  - [D] Provide and manage a publicly accessible community center or an innovative public amenity within the development 6 points
  - [E] Provide exceptional vegetation and landscaping on the property and vegetate 25% of the total roof area, while maintaining maximum building coverage at 70%. 3 points
4. A mixed-use residential building must qualify for at least six points to receive a bonus of 15 feet (one-story in height). An additional one-story (15 feet in height) can be granted by qualifying for an additional six bonus points.
  5. The Homeowners' Association (HOA) requirement remains as currently written in the Code.
  6. In Section [12][a], the Maximum Building Coverage is 70%, but can be increased to 85% if green vegetated space on the exterior of the building (roof, terraces, etc) is provided to the satisfaction of the Common Council.

If Council concurs with the attached final language, then a resolution can be considered at the February 14<sup>th</sup> Council meeting that sets a public hearing for February 27<sup>th</sup> to receive comment on the proposed zoning text amendment.

Please place this item on the February 14, 2023 Committee of the Whole for discussion and direction.



**ELECTRIC**

258 Millard Avenue, Sleepy Hollow, NY 10591 (914) 631-1087

# PROPOSAL

**TO:** City of Peekskill  
 Dept. of Recreation  
 840 Main St.  
 Peekskill, NY 10566  
 Attn: Mark Fetzer  
[mfetzer@cityofpeekskill.com](mailto:mfetzer@cityofpeekskill.com)

<b>PHONE</b>	<b>DATE</b> 1/30/2023
<b>FAX</b>	
<b>JOB NAME/LOCATION</b> Pool House	
<b>JOB NUMBER</b> PEEKSKILL 19	

We hereby submit specifications and estimates for:

Provide labor and material for the following:

- Demo the existing 100A, 120/208V, three-phase, 4 wire panel from the pool house.
- Install one (1) 100A,120/208V, three-phase, 4 wire panel.
- Transfer all existing loads into new panel.
- Install new standard circuit breakers and GFCI type breakers to match the existing.
- Install one (1) 120/208V, three-phase, 4 wire transient voltage surge suppressor. (TVSS)
- Replace six (6) burned out receptacles with heavy duty commercial type receptacles.
- Install two (2) 5KW, 208V, single-phase, heaters. (heaters furnished by others)
- Install two (2) 208V, 30A, single-phase circuits to feed the heaters.
- Install one (1) dedicated 120V, 20A, GFCI circuit at the upper platform.
- Install one (1) quad receptacle.

<b>Material</b>	<b>\$</b>	<b>3,184.00</b>
<b>Labor</b>	<b>\$</b>	<b>5,600.00</b>

All work is to be performed during normal business hours Monday thru Friday from 7:00AM to 5:00PM.  
**Work will not commence until receipt of signed proposal and Purchase Order.**  
**Price does not include sales tax.**

WE PROPOSE hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

Eight thousand seven hundred eighty four and 00/100-----dollars \$8,784.00

Payment to be made as follows:

Customer will be invoiced upon acceptance of proposal. Payment due 30 days after date of invoice.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within 14 days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do work as specified. Payment will be made as outlined above.

Signature\_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature\_\_\_\_\_

# MEMORANDUM

Department of Parks & Recreation

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To: Matthew Alexander, City Manager

From: Catherine Montaldo, Superintendent of Recreation

Date: 2/8/23

Re: Pool Filter Room Repairs

Matt,

As we spoken about, the Veteran's Memorial Pool Filter Room electrical panel is in serious need of being replaced. Staff have been working in the Filter Room this winter to do maintenance and have been hampered with power issues. As you can imagine the space with the water and chlorine corrodes the metals in the space. We do not want the pool to have any issues during the summer season and hope to move quickly on this to ensure all repairs will be done properly as well as quickly.

Park Foreman Mark Fetzer had LM Electrical come out and inspect the site and provide a quote to do the upgrade in the filter room. Price quote is attached. They quoted a price of \$8,784.00 for the work. This includes all parts and labor needed to overhaul the electrical system.

We will be looking for additional quotes from qualified companies, but time is of the essence, as we need to be able to award the contract as soon as possible, and have the work done before we begin to ready the pool for summer use in April. I would like to get Council approval to move forward with the work as soon as we have at least 4 quotes as required under City code. The maximum we would be paying is \$8,800.00 for the work. We have just over \$14,000 in the Pool Maintenance line 7180.0458 to cover this expense.

I would like to present this information to the Council at the mini Cow on Tuesday, Feb. 14.

Thank you.