

A public meeting of the Common Council was held in the Common Council Chambers of the Municipal Building, 840 Main Street, Peekskill, New York and virtually via ZOOM on June 26, 2023, beginning at 7:30 p.m., with Mayor Vivian McKenzie presiding, following the Pledge of Allegiance to the Flag.

Present were: Councilmen Brian Fassett, Robert Scott, Dwight Douglas, and Councilwoman Kathleen Talbot, Deputy Mayor Patricia Riley, and Mayor Vivian McKenzie.
Councilman Fernandez was absent.

Also present were: City Manager Matthew Alexander, Corporation Counsel Timothy Kramer, City Clerk Cassandra Redd and Sergeant at Arms Chief Dylewski.

Proclamation issued to James McGrath.
Swearing in Ceremony for Volunteer Firefighters Arthur Esposito, Christopher Kioski and James Lobato.

PUBLIC COMMENTS ON AGENDA ITEMS

Elaine Walker, Mallard Way, commented on Safe Streets that does not violate interstate truck commerce. Resolution #17- specifically looks at high and middle schools. She asked why it doesn't include elementary school level.

DTHenry for meeting – 6/25/23 see attached.

COMMUNICATIONS

Brian Orsi- PFDC for meeting 6/26/23 see attached.

DEPARTMENT HEAD AND CITY MANAGER REPORTS

City Manager Matt Alexander reported on the following areas:

*Quality of Life and accomplishments of the committee which include an increase in police response

*PD, Building and Fire had a local enforcing and inspection nighttime businesses. There were 31 summonses issued over the weekend.

*DPW keeping streets clean

*Planning with Water & Sewer Grant application submission in July

NEW BUSINESS

Resolution #J-1 - Appoint Volunteer Firefighter- Arthur Esposito

Deputy Mayor Riley moved to adopt the following resolution:

WHEREAS, the City of Peekskill Fire Department seeks qualified candidates to be appointed as volunteer firefighters for the City of Peekskill; and

WHEREAS, Arthur Esposito has expressed interest in being appointed as a volunteer firefighter in the City of Peekskill; and

WHEREAS, this candidate is at least 18 years old; and

WHEREAS, this candidate is not an active career firefighter in the City of Peekskill; and

WHEREAS, the city has received confirmation from the Fire Department surgeon, or his designee, that the candidate is deemed physically fit to perform the normal duties of a volunteer firefighter; and

WHEREAS, the candidate's application has been authorized by the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control; and

WHEREAS, the Fire Chief of the City of Peekskill Fire Department approves his application for consideration by the Common Council of the City of Peekskill.

NOW, THEREFORE, BE IT

RESOLVED, that the following named individual is hereby appointed to the active volunteer list of the Peekskill Fire Department:

		<u>Classification</u>
Arthur Esposito	Peekskill, NY 10566	TBD

and be it further

RESOLVED, that this candidate shall be required to meet all requirements of membership of the

City of Peekskill Fire Department.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-2 - Appoint Volunteer Firefighter- Christopher Koski

Councilwoman Talbot moved to adopt the following resolution:

APPOINTMENT OF VOLUNTEER FIREFIGHTER

WHEREAS, the City of Peekskill Fire Department seeks qualified candidates to be appointed as volunteer firefighters for the City of Peekskill; and

WHEREAS, Christopher Koski has expressed interest in being appointed as a volunteer firefighter in the City of Peekskill; and

WHEREAS, this candidate is at least 18 years old; and

WHEREAS, this candidate is not an active career firefighter in the City of Peekskill; and

WHEREAS, the city has received confirmation from the Fire Department surgeon, or his designee, that the candidate is deemed physically fit to perform the normal duties of a volunteer firefighter; and

WHEREAS, the candidate's application has been authorized by the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control; and

WHEREAS, the Fire Chief of the City of Peekskill Fire Department approves his application for consideration by the Common Council of the City of Peekskill.

NOW, THEREFORE, BE IT

RESOLVED, that the following named individual is hereby appointed to the active volunteer list of the Peekskill Fire Department:

Classification

Christopher Koski

Cortlandt Manor, NY 10567

TBD

and be it further

RESOLVED, that this candidate shall be required to meet all requirements of membership of the

City of Peekskill Fire Department.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-3 - Appoint Volunteer Firefighter- James Lobato

Councilwoman Douglas moved to adopt the following resolution:

APPOINTMENT OF VOLUNTEER FIREFIGHTER

WHEREAS, the City of Peekskill Fire Department seeks qualified candidates to be appointed as volunteer firefighters for the City of Peekskill; and

WHEREAS, James Lobato has expressed interest in being appointed as a volunteer firefighter in the City of Peekskill; and

WHEREAS, this candidate is at least 18 years old; and

WHEREAS, this candidate is not an active career firefighter in the City of Peekskill; and

WHEREAS, the city has received confirmation from the Fire Department surgeon, or his designee, that the candidate is deemed physically fit to perform the normal duties of a volunteer firefighter; and

WHEREAS, the candidate's application has been authorized by the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control; and

WHEREAS, the Fire Chief of the City of Peekskill Fire Department approves his application for consideration by the Common Council of the City of Peekskill.

NOW, THEREFORE, BE IT

RESOLVED, that the following named individual is hereby appointed to the active volunteer list of the Peekskill Fire Department:

		<u>Classification</u>
James Lobato	Peekskill, NY 10566	TBD

and be it further

RESOLVED, that this candidate shall be required to meet all requirements of membership of the City of Peekskill Fire Department.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-4 - Bond resolution – Sewer and SEQR Part 2

Councilwoman Scott moved to adopt the following resolution:

BOND RESOLUTION, DATED JUNE 26, 2023, AUTHORIZING THE ISSUANCE OF UP TO \$14,300,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF PEEKSKILL, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF WATER AND SEWER SYSTEM IMPROVEMENTS IN AND FOR THE CITY

WHEREAS, the Common Council of the City of Peekskill (the “City”), located in the County of Westchester, in the State of New York (the “State”), hereby determines that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction and reconstruction of water and sewer system improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and

incidental costs related thereto, at a total cost not to exceed \$14,300,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Peekskill, County of Westchester, State of New York, as follows:

RESOLVED, there is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$14,300,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of water and sewer system improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the “Project”); and be it further

RESOLVED, it is hereby determined that the Project is a specific object or purpose or of a class of object or purpose described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. Such serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of issuance of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and be it further

RESOLVED, the Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$14,300,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Common Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys

to pay for any costs of the Project for which proceeds of such obligations are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such item; and be it further

RESOLVED, subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute, on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller; and be it further

RESOLVED, each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due; and be it further

RESOLVED, when this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State; and be it further

RESOLVED, prior to the issuance of the obligations authorized herein, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Common Council of the City will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant effect on the environment; and be it further

RESOLVED, the City hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the City made with respect to the Project on or after the date of adoption of this bond resolution by the City; and be it further

RESOLVED, to the extent applicable, the City Comptroller is hereby authorized to execute and deliver in the name and on behalf of the City a project financing agreement prepared by the New York State Environmental Facilities Corporation (the “Project Financing Agreement”) and, to the extent applicable, the City Comptroller and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this bond resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement; and be it further

RESOLVED, for the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the City agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on

file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made; and be it further

RESOLVED, this bond resolution shall take effect immediately upon its adoption by the Common Council of the City.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-5 - Water System Improvements Project - SEQR Part 2

Councilwoman Fernandez moved to adopt the following resolution:

RESOLUTION DECLARING THAT THE PROPOSED CITY OF PEEKSKILL WATER SYSTEM IMPROVEMENTS PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the City of Peekskill (City) is proposing the City of Peekskill Water System Improvements Project (Project), located in the City of Peekskill, Westchester County, New York; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the City of Peekskill Common Council sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the City’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the City of Peekskill Common Council serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the City of Peekskill Common Council has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern; and

NOW, THEREFORE, BE IT

RESOLVED, that, the City of Peekskill Common Council hereby establishes itself as Lead Agency for the Project; and be it further

RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the City's knowledge of the area surrounding the Project, the City of Peekskill Common Council makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and be it further

RESOLUTION DECLARING THAT THE PROPOSED CITY OF PEEKSKILL WATER SYSTEM IMPROVEMENTS PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA/SERP, the City of Peekskill Common Council, as Lead Agency, hereby directs the City of Peekskill City Manager, or his designee, to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-6 - Purchase Agreement for Valves

Deputy Mayor Riley moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE WATER SUPERINTENDENT TO PURCHASE SIX12 INCH VALVES FROM HYDRA-STOP

WHEREAS, in July 2022, the Water Department purchased a Hydra-Stop valve insertion machine in order for the Water Department to install certain valves without shutting down the water system; and

WHEREAS, the Water Department now needs to replace (6) twelve-inch valves throughout the distribution system without disrupting water service, and

WHEREAS, the Hydra-Stop valve insertion machine is only compatible with Hydra-Stop components, including the accompanying valves; and

WHEREAS, it is in the public interest for the City to purchase the valves from Hydrastop as the City already owns and utilizes the Hydrastop valve insertion machine, and purchasing valves from a separate source would require the City to incur the additional expense of purchasing a separate machine or hiring a contractor to perform the work; and

WHEREAS, the cost for each valve is \$10,000; and

WHEREAS, these valves may be purchased without engaging in competitive bidding through the “sole source” exception to competitive bidding and because it is in the public interest to purchase these valves; and

WHEREAS, budget line 002.8340.0491 (Valves, Meters, etc.) has sufficient funds for this

\$60,000.00 purchase; and

NOW, THEREFORE BE IT

RESOLVED, that the Common Council hereby authorizes the Water Superintendent to purchase six 12 inch valves from Hydra-Stop; and be it further

RESOLVED, that the cost for this purchase will not exceed \$60,000.00; and be it further

RESOLVED, that the City Manager, or his designee, is hereby authorized to take all steps necessary to effectuate the intent of this resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-7 - 2023 Riverkeeper NYS DEC Hudson River Estuary Grant

Councilwoman Talbot moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF COLLABORATION BETWEEN RIVERKEEPER AND THE CITY FOR THE NYS DEC HUDSON RIVER ESTUARY GRANT PROGRAM

WHEREAS, over the past four years the Riverkeeper, a non-profit environmental organization devoted to the protection and restoration of the Hudson River, along with the City, have joined efforts on various environmental water quality projects throughout our area; and

WHEREAS, there is a new grant opportunity to further collaborate with Riverkeeper; and

WHEREAS, this new opportunity will satisfy the third priority of our Drinking Water Source Protection Plan (DWSP2), which is “watershed characterization”; and

WHEREAS, the City’s Watershed Inspector will coordinate efforts with Riverkeeper and NYS Department of Environmental Conservation engineers to identify road salt and excess nutrients, which are the highest priority contaminants in the watershed; and

WHEREAS, the analysis will utilize the DEC's Loading Estimator of Nutrient Sources (LENS) to estimate the sources of nutrients affecting our watershed; and

WHEREAS, the report created by this tool, combined with the data collected for the DWSP2 program, will be helpful in prioritizing the rehabilitation of critical areas which are most likely to be contributing excess nutrients to the Hollowbrook Creek; and

WHEREAS, the grant application deadline is July 12th; and

WHEREAS, the Water Superintendent finds it to be in the best interest of the City of to continue partnering with Riverkeeper; and

NOW, THEREFORE BE IT

RESOLVED, the City Manager or his designee sign a letter of collaboration between Riverkeeper and the City for this NYS DEC Hudson River Estuary Grant Program; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-8 - Request to contract or bid for 2023 Pavement Resurfacing of Streets (CHIPs paving)

Councilman Douglas moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE A SECOND YEAR CONTRACT EXTENSION OPTION CONTAINED IN BID NO. 2022-009 FOR THE RESURFACING OF VARIOUS CITY STREETS OR TO ADVERTISE FOR BIDS TO RESURFACE THE STREETS

WHEREAS, due to weather conditions and overall use, streets throughout the City of Peekskill experience normal wear and tear resulting in damage to the roadways; and

WHEREAS, the City of Peekskill Department of Public Works (DPW) has identified numerous streets throughout the City that have experienced such damage and are in need of repair; and

WHEREAS, the targeted streets to be resurfaced include, but shall not be limited to Brown Street (from So. Division to Broad), Elm Street (from Maple to Wells), Homestead Avenue (from Washington to McKinley), Horton Drive, Overlook Avenue, Franklin Street (from Simpson to Washington), Frost Lane (from Lindbergh to Division), Liberty Street, Brandt Avenue, McCord Place, Buena Vista Blvd, James Street (from Brown to Main), Husted Avenue, Central Avenue

(from Nelson to Park), Howard Street (from High to Broad), Park & Recreation Office Parking Lot; and

WHEREAS, in 2022, the City obtained bids for Bid No. 2022-009 for resurfacing certain streets throughout the City, which was awarded to Waters Construction Company; and

WHEREAS, the bid and contract with Waters Construction Company allows for a second year option upon mutual consent of all parties; and

WHEREAS, the City has notified Waters Construction Company of its desire to exercise the second year option; however, Waters Construction Company has not yet advised whether it will agree to the second year; and

WHEREAS, in the event that Waters Construction Company declines the second year option, the Superintendent of the DPW desires to advertise for bids for the purpose of resurfacing the City streets listed above; and

WHEREAS, funding is available in account #007.5197.0406.0502.2012.

WHEREAS, reimbursement is available from CHIPs funding in the approximate amount, not to exceed \$665,000.00, and potential Joint Pavement Agreements with Con Edison in the approximate amount not to exceed \$300,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager, or his designee, is hereby authorized to exercise the “Second Year Contract Extension Option” with Waters Construction Company in accordance with Bid No. 2022-009; and be it further

RESOLVED, that if Waters Construction Company declines the second year option, City Staff is hereby authorized to advertise for bids for the resurfacing of streets,; and be it further

RESOLVED, that the City Manager, or his designee, is hereby authorized to adjust and change the list of targeted streets based on anticipated pavement quantities and paving costs and logistics of potential future utility and street work at costs not to exceed the amounts stated herein.

RESOLVED, that this Resolution take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-9 - Request to enter into joint pavement agreements with Con Edison

Councilman Scott moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT PAVING AGREEMENT WITH CON EDISON TO REPAIR VARIOUS CITY STREETS

WHEREAS, due to weather conditions and overall use, streets throughout the City of Peekskill experience normal wear and tear resulting in damage to the roadways; and

WHEREAS, ConEd routinely performs work throughout the City, which require repairs and resurfacing of the City streets, for which ConEd is responsible; and

WHEREAS, the Superintendent of DPW has held discussions with representatives from ConEd, whereby the parties would enter into agreements in which the City takes the responsibility to perform the pavement restorations, after which ConEd will reimburse the City; and

WHEREAS, such an agreement is beneficial to the City because it gives the City the opportunity to have time to install necessary utilities before the road is paved, or if the roadway is planned to be paved at a later date, so that the roadway is not required to be paved a second time, which would be an additional cost to the City; and

WHEREAS, the Superintendent of DPW desires to enter into a Joint Paving Agreement with Con Edison to repair the following targeted streets: Depew Street Parking Lot (Dead End), Diven Street (from No. Division to Nelson), Grove Street, Requa Street (from Lower South to Washington), Bay Street (from Lower South to Washington), Franklin Street (from Lower South

to Washington), Roosevelt Avenue, Smith Street, Simpson Place and Washington Street Ramp (from South to Central); and

WHEREAS, authorizing the City Manager to enter into joint paving agreements with ConEd is in the best interests of the City of Peekskill.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT PAVING AGREEMENT WITH CON EDISON TO REPAIR VARIOUS CITY STREETS.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager, or his designee, is hereby authorized to enter into an agreement with Con Edison for a Joint Paving Agreement of the streets listed in this resolution; and be it further

RESOLVED, that the City Manager, or his designee, is hereby authorized to adjust and change the above list of targeted streets based on offered reimbursement values from Con Edison and logistics of potential future utility and street work; and be it further

RESOLVED, the agreement documents will be subject to the review and approval of the City Manager and Corporation Council; and be it further

RESOLVED, that this Resolution take effect immediately.

Resolution #J-10 - Set public hearing C3 Zone Amendments

Councilman Fassett moved to adopt the following resolution:

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 one or 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 with a minimum width of 150 feet.

NOW, THEREFORE, BE IT

RESOLVED, that this Common Council will hold a public hearing at 10:00 a.m. or as soon as such Hearing may be called thereafter, on the 21st day of August 2023 in the Community Room at the Neighborhood Center, 4 Nelson Avenue, 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.

**ON 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 and public services, mixed-use residential buildings are intended to introduce a diverse twenty-four-hour-a-day residential population to the City's downtown area to support downtown businesses and to increase the range of housing available near the City's downtown business district. 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 in proximity 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]
 - [i] A community center or public amenity as per Section 575-34B(2)(i)[14][c][iii][D] herein.
- [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 and objectives for site plans and special permits as outlined in § 575-56 and 575-57 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 non-dedicated 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 45 feet above street level (if bonus height is granted): five-foot minimum setback from the street-level setback line

[iii] At 60 feet above street level (if bonus height is granted): 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 1.25 off-street parking spaces are required for each unit, off-street parking shall be provided as outlined in the City of Peekskill Zoning Code.

[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.

[i] The Special Permit application must include an analysis of the project's compatibility with the surrounding neighborhood character, including density, height, and types of uses in the surrounding neighborhood, the project's distance from the downtown C-2 zoning district, visual impacts and design characteristics of the project, and traffic and parking impacts. Issuance of a Special Permit and bonus height will be based upon a finding that the project is generally compatible with the surrounding neighborhood.

[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, if the Common Council finds that the Special Permit objectives in Section 575-57 and the Special Permit condition in Section 575-34B(2)(i) have been accomplished:

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

[C] 6 Points: Provide and manage a publicly accessible community center or an innovative public amenity that is satisfactory to the Common Council.

[D] 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%.

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

(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~~

It was seconded by Councilman Douglas. Everyone voted in the affirmative except Councilman Fernandez abstained. Motion carried.

Resolution #J-11 - Authorization to submit CFA & Momentum Fund Applications

Deputy Mayor Riley moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT 2023
MOMENTUM FUND AND CONSOLIDATED FUNDING APPLICATIONS
TO NEW YORK STATE AND TO IDENTIFY MATCHING FUNDS**

WHEREAS, New York State offers annual competitive grant funding through its Momentum Fund and its Consolidated Funding Application (“CFA”) Process; and

WHEREAS, New York State grants require match funding from each grantee; and

WHEREAS, the projects proposed for the 2023 applications were discussed with the Council at the June 20th and June 26th Committee of the Whole meetings; and

WHEREAS, the Common Council has approved the engagement of Barton & Loguidice to prepare five CFAs, and Choice Words LLC to prepare the Momentum Fund application; and

WHEREAS, Planning Department staff will prepare applications for two additional grants through CFA; and

WHEREAS, all applications are due to NYS on July 28, 2023; and

WHEREAS, the City desires to submit seven CFAs as follows: 1) Paramount Theater Renovation request to NYS Office of Parks, Recreation and Historic Preservation (OPRHP) for \$500,000 with a match of no less than \$166,667 and not to exceed \$850,000 from the General Fund; 2) DPW Salt Storage Shed Relocation to Corporate Drive: \$500,000 request to NYS DEC WQIP with a \$255,000 match from the General Fund; 3) Sewer System Extension Study to connect Fleischmann Pier and Charles Point restrooms with the City sanitary sewer system: Up to \$100,000 request to NYS DEC’s Engineering Planning Grant with up to a \$20,000 match from the Sewer Fund; 4) Railroad Avenue Elevation and Streetscape Improvements: \$2,250,000 request to NYS DOS LWRP with a \$750,000 match from the DRI Connectivity Project; 5) Fleischmann Pier Dredging Feasibility Study: Up to \$150,000 request to NYS DOS LWRP with a 25% match of up to \$50,000 from the General Fund; 6) Improvements to Pugsley Park to supplement DRI funds to construct the base bid portion of the project: \$500,000 request to NYS OPRHP, with the 25% match of \$166,667 from DRI funds for Pugsley Park; 7) Supplemental

Study to support the Comprehensive Plan: \$90,000 request to NYS DOS EPF with a \$10,000 match from the General Fund to study “Strategies to Promote Workforce Housing in Peekskill”; and

WHEREAS, the City desires to submit one Momentum Fund grant application for infrastructure in support of new residential development, which may include sewer, water, streetscapes, parking and other infrastructure, which will include a request for a minimum of \$3.75 million, and private development investment in housing can satisfy the 50% match.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager is hereby authorized to submit grant applications for the above projects, and to set aside matching funds; and be it further

RESOLVED, that the City Manager or his designee is hereby authorized to take all steps necessary to effectuate the intent of the resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-12 - Authorize to bid for Downtown Crosswalk

Councilwoman Talbot moved to adopt the following resolution:

**AUTHORIZATION TO RELEASE BID DOCUMENTS FOR
DOWNTOWN STAMPED CONCRETE CROSSWALKS**

WHEREAS, the City has entered into a contract with the Dormitory Authority of the State of New York (“DASNY”) in an amount of \$100,000 to design and construct high quality, durable,

and attractive stamped concrete crosswalks at certain intersections in the Downtown (the “Project”); and

WHEREAS, on December 27, 2022 the Common Council authorized an additional \$50,000 in City capital for the Project; and

WHEREAS, \$16,010 of the \$150,000 that is available in Project Account #007.5140.0200.0782 has been authorized to fund design, preparation of construction documents, bidding assistance, and construction inspection, and \$133,990 is available to fund Project construction; and

WHEREAS, the final Project design plans were presented to the Common Council and construction documents are completed and ready to be bid.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is hereby authorized to release the bid documents for the construction of the Downtown Stamped Concrete Crosswalks project; and be it further

RESOLVED, that the Project is considered a Type II Action under the State Environmental Quality Review Act, and no further environmental review is necessary; and be it further

RESOLVED, that the City Manager is hereby authorized to take any and all necessary steps to facilitate the intent of this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-13 - Refer special permit for kitchen incubator to Planning Commission and set public hearing

Councilman Douglas moved to adopt the following resolution:

**RESOLUTION REFERRING THE PEEKSKILL FIREHOUSE KITCHEN INCUBATOR
SPECIAL PERMIT APPLICATION TO THE PLANNING COMMISSION FOR A
RECOMMENDATION AND SETTING A PUBLIC HEARING DATE**

WHEREAS, an application has been submitted by the Peekskill Facilities Development Corporation for a Common Council Special Permit for the construction and operation of the Peekskill Firehouse Kitchen Incubator (the “Incubator”) at 701 Washington Street; and

WHEREAS, the subject property is owned by the City of Peekskill and a Letter of Joinder was authorized by the Common Council on January 23, 2023 and executed by the City Manager; and

WHEREAS, the Incubator is proposed to be located in the C-3 zoning district and therefore requires a Special Permit to operate as a manufacturing use; and

WHEREAS, pursuant to Section 300-55 of the City Code, this Special Permit application must be referred to the Planning Commission for its review and recommendation and a public hearing must be held.

NOW, THEREFORE, BE IT

RESOLVED, that the special permit application is hereby referred to the Planning Commission for its review and recommendation; and be it further

RESOLVED, that a Public Hearing is scheduled at 7:30 P.M. or as soon as such hearing may be called thereafter, on the 17th day of July, 2023 in the Common Council Chambers at City Hall, 840 Main Street, Peekskill, New York to consider the proposed Special Permit application to permit the construction and operation of the Peekskill Firehouse Kitchen Incubator in the C-3 Zoning District.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-14 - Authorization to submit Safe Streets for All Grant

Councilman Scott moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FEDERAL GRANT FUNDING THROUGH “SAFE STREETS AND ROADS FOR ALL” (“SS4A”)

WHEREAS, The U.S. Department of Transportation (“USDOT”) is soliciting applications for Safe Streets and Roads for All (“SS4A”) funding; and

WHEREAS, a SS4A grant could provide up to 80% of project costs for pedestrian and cyclist safety improvements in Peekskill, with matching funds of 20%; and

WHEREAS, an application for approximately \$10.8 million can be submitted to improve and expand upon the Downtown Revitalization Initiative (DRI) Pedestrian & Cyclist Connectivity project, including design and construction of the expanded Project.

WHEREAS, the DRI funds in the amount of \$2,728,000 for the Pedestrian & Cyclist Connectivity Project may be used as the local match for the federal grant.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager or his designee is hereby authorized to submit an application for approximately \$10.8 million to USDOT for SS4A funding to design and construct an expanded Pedestrian & Cyclist Connectivity project; and be it further

RESOLVED, that the \$2,728,000 in DRI funds from the Connectivity Project may be used as the local matching funds; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-15 - Comprehensive Traffic Safety Action Plan

Councilman Fassett moved to adopt the following resolution:

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-15 - Comprehensive Traffic Safety Action Plan

Councilman Fassett moved to adopt the following resolution:

RESOLUTION AUTHORIZING A TRAFFIC SAFETY ACTION PLAN

WHEREAS, the City of Peekskill seeks to make City Streets safer for pedestrians, bicyclists, and drivers; and

WHEREAS, in 2022 the City of Peekskill experienced a record high number of collisions between vehicles and pedestrians; and

WHEREAS, in 2023 the City of Peekskill delegated City Staff to create a Traffic Safety Task Force to record traffic safety data and prioritize locations for safety improvements; and

WHEREAS, the Traffic Safety Task Force worked with appropriate authorities at the Town of Cortlandt, Town of Yorktown, and NYS Department of Transportation (“DOT”) to

identify specific traffic safety improvements in the Route 202/35 – Route 6 – Bear Mountain Parkway corridor, including in Downtown Peekskill; and

WHEREAS, in June 2023, DOT published the Transportation Corridors Needs/Issues Goals & Strategies Report (“Corridor Report”) based on input from the Traffic Safety Task Force; and

WHEREAS, among other important safety benefits, the Corridor Report will help the City of Peekskill divert heavy truck through-traffic away from Downtown to improve the roadway safety of all drivers, cyclists, and pedestrians; and

NOW, THEREFORE, BE IT

RESOLVED, that the City of Peekskill is committed to achieving zero roadway fatalities and serious injuries every year; and be it further

RESOLVED, that the Corridor Report and shall serve as a Traffic Safety Action Plan (“Action Plan”) for the City of Peekskill; and be it further

RESOLVED, that the Traffic Safety Task Force shall maintain and add to the Action Plan in order to develop a comprehensive strategy to improve traffic safety for all Peekskill residents; and be it further

RESOLVED, that the Traffic Safety Task Force shall engage public stakeholders to improve and implement the Action Plan’s recommendations; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-16 - Set public hearing for Abandoned Shopping Carts Ordinance

Deputy Mayor Riley moved to adopt the following resolution:

**RESOLUTION SCHEDULING A PUBLIC HEARING
ON LOCAL LAW № _____ OF 2023
ESTABLISHING CHAPTER 465 OF THE CODE OF
THE CITY OF PEEKSKILL ENTITLED “SHOPPING CARTS”**

WHEREAS, the City has experienced problems where shopping carts are removed from shopping establishments and abandoned on public property; and

WHEREAS, the City desires to address this problem by enacting a local law setting forth certain requirements for shopping establishments to ensure that shopping carts remain on their premises, and to impose penalties for abandoning shopping carts on public property; and

WHEREAS, a draft ordinance was presented to the Common Council and a public hearing was held on October 11, 2022; and

WHEREAS, following the public hearing, the Common Council desired to amend the draft local law; and

WHEREAS, City staff convened on the amendment and has presented the within draft local law to the Common Council for consideration, which includes amendments to Section 465-8 relating to penalties; and

WHEREAS, the within draft local law also contains provisions which provide owners of shopping establishments with ninety days from the date of the adoption of this local law to come into compliance with the requirements set forth therein.

NOW, THEREFORE, BE IT

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 17th day of July, 2023, via videoconferencing and in person at the City of Peekskill Council

Chambers located at Peekskill City Hall, 840 Main Street, Peekskill, New York 10566, on a proposed Local Law entitled:

**LOCAL LAW № _____ OF 2023
ESTABLISHING CHAPTER 465 OF THE CODE OF
THE CITY OF PEEKSKILL ENTITLED “SHOPPING CARTS”**

and, be it further

RESOLVED, that the City Clerk 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.

**LAW № _____ OF 2023
ESTABLISHING CHAPTER 465 OF THE CODE OF
THE CITY OF PEEKSKILL ENTITLED “SHOPPING CARTS”**

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

Section 1. Chapter 456 of the Code of The City of Peekskill to be entitled “Shopping Carts” is hereby adopted which shall read as follows:

Chapter 465. SHOPPING CARTS

ARTICLE I. IN GENERAL

§465-1. Definitions.

As used in this chapter the following terms shall mean as indicated below:

Owner

The merchant, purveyor of foods or other goods, establishment or corporation, who or which provides patrons or customers with shopping carts and, as a result thereof, has the responsibility under this chapter of placing the prescribed identification upon such carts.

Public Place

A street, sidewalk, avenue, road, alley, lane, highway, Broadway, concourse, driveway, culvert, crosswalk, every class of road, square, place, municipal parking lot and other places or spaces available to or used by the general public.

Shopping Cart

A hand drawn or propelled vehicle or wheeled container made of wire, metal, wood or other material, such as is generally provided by merchants for carting or carrying merchandise or food stuffs to automobiles or other places, hereinafter also referred to as a cart.

§465-2. Responsibility of owners

It shall be unlawful and a violation of this chapter for any owner to suffer or permit any person to take any shopping cart from the owner's premises or parking area, except to convey the same to an adjoining private or public parking lot or a sidewalk area immediately in front of or contiguous to the owner's premises. Within 90 days of the effective date of this chapter, the tenant or owner shall take means to prevent removal of shopping carts from the property such as, but not limited to, patrolling premises, installing wheel locks, utilizing a lock mechanism or coin deposit, or a perimeter locking device.

§465-3. Removal from premises of owner.

It shall be unlawful for any person to remove a shopping cart or suffer or permit such removal of a shopping cart from the property of any owner, except to convey the same to an adjoining private or public parking lot or a sidewalk area immediately in front of or contiguous to the owner's premises, and except that owners may move carts, in bulk, from one store to another store or to another location. All shopping carts removed from the owner's premises must be promptly returned to that property from any sidewalk, private parking lot, or public parking lot.

§465-4. Markings

Within 90 days of the effective date of this chapter, every owner shall make or cause the same to be marked and identified conspicuously with the name and address of the owner. Such identification shall be in the form of a metal tag securely fastened to the cart or a cutting or stamping on the frame of the cart, or as otherwise approved by the City of Peekskill.

§465-5. Notice.

Within 90 days of the effective date of this chapter, all owners shall display and maintain conspicuous signs in English and Spanish on the premises near all customer entrances and exits that notify customers that removal of shopping carts is prohibited by law and violators are subject to fines and/or imprisonment.

§465-6. Leaving on public property prohibited.

It shall be unlawful for any person to leave or suffer or permit to be left upon any public place any shopping cart.

§465-7. Exemption.

This chapter shall not apply to any shopping cart or personal property which may come into the possession or custody of any department of the City pursuant to this any other ordinance, law or regulation.

§465-8. Penalty.

Any person or entity who violates the provisions of the chapter shall, upon conviction thereof, be punished by a fine of not less than \$150.00 and not more than \$250.00 for a first offense. A second offense against the provisions of this chapter (committed within a three-year period, looking back from the date of the violation, regardless of the fines imposed on the prior violation) shall be punishable by a fine of not less than \$250.00 and not more than \$500.00. A third offense against the provisions of this chapter (committed within a three-year period, looking back from the date of the violation, regardless of the fines imposed on prior violations) shall be punishable by a fine of not less than \$500.00 and not more than \$1,000.00. All subsequent offenses against the provisions of this chapter committed within a three-year period, looking back from the date of the violation, regardless of the fines imposed on the prior violations, shall be punishable by a fine of \$1,000.00 or by imprisonment for a term not to exceed 15 days, or both.

ARTICLE II. REMOVAL FROM PUBLIC PROPERTY

§465-9. Removal by City Services

The Director of City Services or the Building Inspector (or his/her designee) shall remove, or cause to be removed, from time to time, any shopping cart found upon any public place, and shall take the same to City property where it shall be held until redeemed, sold or otherwise disposed of as provided in this chapter.

§465-10. Notice to owner and redemption by owner.

Whenever the City shall remove any shopping cart bearing identification of ownership, the Director of City Services or the Building Inspector (or his/her designee) shall mail a notice to the owner at the address shown on the identification tag, cut, stamp or other City approved marking. Such notice shall advise that such cart may be redeemed upon payment to the department of finance of the sum of fifty dollars (\$50.00) for each cart so redeemed and shall set forth the place for the redemption of such cart where possession of the same may be procured. Payment for redemption shall be made to the Department of Finance and a receipt shall be given therefor, which receipt shall entitle such owner to redeem, at the place of storage thereof, one or more carts, as provided for in said receipt, upon surrender of the same at the

place of storage of such cart or carts. No cart shall be delivered to a person seeking to redeem the same unless proof is submitted establishing, to the satisfaction of the City, such person's ownership or right to possession. Any delivery to a person deemed entitled thereto by the City, from the proof submitted, shall be an absolute defense of the City against any other person claiming to be entitled thereto.

§465-11. Auction of unredeemed carts.

After the mailing of the notice provided for in Section 465-10 of this Code or after removal of a shopping cart bearing no identification of ownership, the City shall, from time to time, sell such carts at public auction. Notice of such public auction shall be given by publication in the official newspaper of the City by publication at least once, the first date of publication to be not less than ten (10) days prior to the date of public auction and shall set forth the time and place of holding such public auction and shall also advise that said carts will be sold at public auction. Any cart or carts may be redeemed by the owner thereof at least two (2) days prior to such public auction upon payment to the city of the sum of fifty dollars (\$50.00) for each cart. No cart shall be delivered to a person seeking to redeem the same unless proof is submitted establishing, to the satisfaction of the city, such person's ownership or right to possession. Any delivery to a person deemed entitled thereto by the city, from the proof submitted, shall be an absolute defense of the city against any other person claiming to be entitled thereto. Such sale at public auction shall be conducted by the Director of City Services, or such other person as he or she shall designate.

§465-12. Carts not sold at auction.

If a shopping cart is not sold at public auction, the City may similarly offer the same again for sale at public auction or may dismantle or destroy or otherwise dispose of such cart. Any disposition of such cart made pursuant to this chapter shall be without any liability on behalf of the City or to any person lawfully entitled thereto or having any interest therein.

§465-13. Use of funds.

Upon a redemption or sale of a shopping cart, the proceeds shall be deposited in the general funds of the city.

§465-14. Adoption.

This local law shall take effect on the date on which this local law is filed with the Secretary of State.

Section 2. This local law shall take effect on the date on which this local law is filed with the Secretary of State.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-17 - Memorandum of Understanding with PCSD for School Resource Officers

Councilwoman Talbot moved to adopt the following resolution:

RESOLUTION FOR THE CITY OF PEEKSKILL AND THE PEESKILL CITY SCHOOL DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT DEFINES THE ROLE OF PEEKSKILL POLICE SCHOOL RESOURCE OFFICERS ASSIGNED TO PEEKSKILL CITY SCHOOLS

WHEREAS, as part of a shared services agreement between the City of Peekskill and the Peekskill City School District, Peekskill Police Officers, also known as School Resource Officers, are assigned to the Peekskill High School and Middle School during the school year; and

WHEREAS, Education Law §2801-a, requires schools to define the roles of Law Enforcement Officers that are deployed in schools; and

WHEREAS, the City of Peekskill and the Peekskill City School District have collaborated to prepare a Memorandum of Understanding (MOU) that clearly defines the roles of School Resource Officer that are assigned to Peekskill City Schools; and

WHEREAS, This MOU encompasses the 2023-2024 school year and may be terminated without cause by either party upon thirty (30) days prior written notice; and

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager is hereby authorized to enter into a Memorandum of Understanding with the Peekskill City School District, 1031 Elm St., Peekskill N.Y. 10566, in regards to defining the roles of the School Resource Officers assigned to their schools; and be it further

RESOLVED, that this Agreement shall be reviewed and approved by the Corporation Counsel and City Manager; and be it further

RESOLVED, that this resolution shall take effect immediately.

It was seconded by Councilman Scott and unanimously passed.

Resolution #J-18 - Authorization to Settle Lawsuit

Councilman Douglas moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SETTLE A LAWSUIT
FILED BY JAHMAR SMITH IN THE UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK UNDER CIV. NO. 21-cv-03267**

WHEREAS, Jahmar Smith a lawsuit against the City of Peekskill and individual employees of the City of Peekskill; and

WHEREAS, the parties have reached an agreement to settle the lawsuit by payment made by the City to Jahmar Smith in the amount of One Hundred Five Thousand Dollars (\$105,000.00) in exchange for a release to resolve all claims among them; and

WHEREAS, the settlement is fair and reasonable, settles all claims that were or could have been asserted against the City and avoids the expense and risk of litigation; and

WHEREAS, there are sufficient funds in account #001.1900.1930 to fund this settlement; and

WHEREAS, the City Manager finds that it is in the best interest of the City of Peekskill to settle this matter for the amount agreed upon by the parties; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Peekskill to settle this matter for the amount agreed upon by the parties.

NOW, THEREFORE, BE IT

RESOLVED, that the Corporation Counsel is hereby authorized to settle this lawsuit Jahmar Smith against the City of Peekskill and individual employees of the City of Peekskill in

the United States District Court Southern District of New York under Civ. No. 21-cv-03267; and
be it further

RESOLVED, that the Corporation Counsel is hereby authorized to execute any and all documents on behalf of the City of Peekskill in connection with this settlement, including but not limited to settlement agreements and releases, subject to the review and approval of the City Manager; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-19 - Climate Smart Task Force

Councilman Scott moved to adopt the following resolution:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CREATION OF A CLIMATE SMART TASK FORCE.

WHEREAS, New York State Department of Environmental Conservation has encouraged the creation of local climate smart task forces to provide municipalities with guidance and community input in pursuit of climate-smart development, generally, and Climate Smart Community designation, specifically; and

WHEREAS, the City of Peekskill has recently entered into an agreement with the Center for Economic and Environmental Partnership to act as the City's Sustainability Coordinator and to lead the City's effort in obtaining Climate Smart Community designation; and

WHEREAS, the formation of a Climate Smart Task Force is a requirement for Climate Smart Community designation.

NOW THEREFORE BE IT

RESOLVED, that the City of Peekskill's Climate Smart Task Force is hereby created, to be initiated by the City's Sustainability Coordinator; and be it further

RESOLVED, that the Task Force must include at least one representative from the City government (staff) and must include at least two community members; and be it further

RESOLVED, that the purpose of the Task Force is to ensure progress toward the City's sustainability goals, and specifically, submission of the Climate Smart Community Bronze Application; and be it further

RESOLVED, that this resolution shall take immediate effect.

It was seconded by Councilwoman Talbot and unanimously passed.

CITIZENS DESIRING TO BE HEARD

Maryann Heckhouse, 29 Buena Vista Avenue, discussed on going feud with neighbor due to noise which is affecting her quality of life and disturbing the peace.

Eric Coleman, 29 Buena Vista Avenue, discussed the paving of the street. He wants a part of the North Division Street area to be included.

No one online would like to speak online.

ADJOURNMENT

Motion made by Deputy Mayor Riley to adjourn the meeting, seconded by Councilwoman Talbot unanimously approved. Meeting adjourned at 8:15pm.

Respectfully submitted,

Cassandra Redd, MPA
City Clerk

Redd, Cassandra

From: Brian Orsi <mr.brianorsi@gmail.com>
Sent: Monday, June 26, 2023 10:00 AM
To: McKenzie,Vivian; Fassett, Brian; Fernandez, Ramon; Riley, Patricia; Douglas, Dwight; Scott, Rob; Talbot,Kathie
Cc: Alexander, Matthew; Redd, Cassandra
Subject: Communications- PFDC for meeting 6/26/23

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Council

I applaud your efforts to work with CEEP and establish a Climate Smart Task Force, however, I hope the irony is not lost of some of you that in the very same agenda, you're proposing C3 zone amendments, limiting heights in our downtown.

There is a serious disconnect here and again, it calls into question who exactly this Council is working for and advocating for.

Any serious environmental study pertaining to urban areas and virtually all environmental impact groups say the same thing- one of the only meaningful ways to curb climate change is to increase housing density.

Nobody in this discussion is suggesting we start building 20+ story towers in Peekskill, but capping the c3 zone to 4 stories, and holding on for dear life to parking minimums in new development is foolish and shortsighted, and only reaffirms Peekskill's poor reputation among the contractor and builder community- that it is simply too difficult to do things here- causing them to take their investment somewhere else, like Beacon, for example.

I know some on the council believe you are "saving Peekskill" and preserving its character. But by capping density, you are very directly contributing to displacing people. Peekskill is 40% Hispanic and almost 25% Black. These policies will affect these communities first. They already are.

The majority of the staff at PCH have been priced out of Peekskill. The manager who lost her home in a fire? Randy- everyone's favorite barista? Gone. Living somewhere else because of the cost of housing here. We need vast amounts of more housing or this will continue.

To preserve the "character" of Peekskill, protect the people first. And that means making sure they have affordable places to live. Only volume can adequately do that.

Please, do some real research on climate change and how its directly related to housing and community health, displacement, and how to address these things.

Even the AARP is advocating for denser communities.

<https://www.aarp.org/livable-communities/housing/info-2020/missing-middle-housing.html>

Sincerely,
Brian Orsi

Redd, Cassandra

From: dthenry <dthenry@optonline.net>
Sent: Sunday, June 25, 2023 7:14 PM
To: Redd, Cassandra
Subject: Public Comments on Agenda Items

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My comments are directed to J-17: Memorandum of Understanding with PCSD for School Resource Officers.

This is the Summary Statement:

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PEEKSKILL AND THE PEEKSKILL CITY SCHOOL DISTRICT TO DEFINE THE ROLES OF THE SCHOOL RESOURCE OFFICERS ASSIGNED TO PEEKSKILL SCHOOLS BY THE PEEKSKILL POLICE DEPARTMENT

At the prior Cow, I was frankly shocked that there was no Council discussion relating to the bullying incidents and this Resolution -- which leads me to the following questions:

Does the School Resource Officer's role include involvement with bullying issues?

If so, is it mandatory for the respective school administration to inform the SRO of all incident reports?

Is the SRO involved with the discipline process?

Is the SRO tasked with visiting the home of the involved children?

In closing, here is your opportunity to show that the parents' concerns are being addressed.

Thank you.