

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 September 11, 2023 beginning at 9:20 p.m., with Mayor Vivian McKenzie presiding, following the Pledge of Allegiance to the Flag.

Mayor McKenzie asked for a moment of silence expressed words in remember of 9/11.

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

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

City Staff: Jessica Ganus, Director of Section 8 and City Planner Peter Erwin.

PUBLIC COMMENTS ON AGENDA ITEMS

Leesther Brown- Peekskill – questioned about the criteria for the appointments to the boards;

Response by City Manager- posted on City website and Facebook. A resume is submitted. Then reviewed by Staff. The applicants are interviewed by the Council.

Questioned what is the Pilot Program at Middle School.

Response by City Manager – by the YB where the City Staff from the YB works with in the Peekskill Middle School on a program called Project Manhood.

Questioned for more information about the cannabis dispensary.

Response by City Manager – that will be a part of the CM report.

COMMUNICATIONS

None

DEPARTMENT HEAD AND CITY MANAGER REPORTS

City Manager Matt Alexander reported on the following areas:

* Assistant Corporation Counsel gave an update for Cannabis Legislation by the NYS. It has frozen all applications for cannabis dispensaries. Currently, there are 23 legal cannabis dispensaries.

*City Staff continues to work on the budget - 2 huge costs in the areas of health insurance and cost of paramedic and emt services

Capital purchases for next year

*City Staff (Sergeant Carter, Craig Jacobs and Malaka Garrett) were recognized at an event, Unlabelled Awards in NYC

*Annual report card for Quality of Life

NEW BUSINESS

PUBLIC HEARINGS

Section 8 – Annual and 5 Year Plan

Mayor McKenzie stated the purpose of the Public Hearing was to hear public comment on the proposed adoption of the THE CITY OF PEEKSKILL SECTION 8 PROGRAM IS REQUIRED TO ADOPT AN ANNUAL PLAN FOR 2024 AND FIVE YEAR PLAN (FISCAL YEARS 2024 - 2028) THAT DESCRIBES THE CITY'S SECTION 8 PROGRAM MISSION AND GOALS AND STRATEGIES FOR ACHIEVING THE MISSION AND GOALS OVER THE NEXT FIVE YEARS.

Mayor McKenzie declared the meeting opened.

The Clerk read the Notice of Public Hearing and advised the Legal Notice was published in the Journal News on August 27, 2023.

Roll Call – All present except Councilman Fernandez.

Section 8 Director Jessica Ganus gave a statement by City Official – reviewed the goals of the program.

Leesther Brown – Do the people from the last list that have not found an apartment?

Response by Jessica Ganus – Extensions are not guaranteed. 30 day extensions may be given.

There was no one in the Chambers or online who wished to speak during the Public Hearing. Motion to close public hearing was made by Deputy Mayor Riley and seconded by Councilman Fassett. Motion unanimously carried.

LOCAL LAW

C-3 Zone Amendments

Councilwoman Talbot moved to adopt the following resolution:

Local Law № ____ of 2023

**A LOCAL LAW 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 James Guerriero, 570 Taxter Rd. Suite 349 Elmsford, NY 10523 to amend the Zoning Ordinance with a zoning text amendment for properties in the C-3 zoning district; and

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

WHEREAS, a proposed Local Law was placed on the desks of the members of the Common Council amending Sections 575-31C, 575-34B(1) and 575-34B(2) of the City of Peekskill Zoning Code; and

WHEREAS, on January 10, 2023 the Planning Commission issued a positive recommendation to the Common Council to adopt this Local Law; and

WHEREAS, on February 27, 2023 and on August 21, 2023 public hearings were held on said Local Law after due publications of said notices of Public Hearings; and

WHEREAS, after a review of the Full Environmental Assessment Form (EAF) Parts 1, 2 and 3 pursuant to the State Environmental Quality Review Act (SEQRA), 6NYCRR Part 617 of the Environmental Conservation Law, the proposed action has been deemed a Type 1 Action; and

WHEREAS, after review of the Full EAF it has been determined that there will be no significant adverse impact on the environment as a result of this Local Law; and

WHEREAS, based on review of the EAF it has been determined that a negative declaration is warranted; and

WHEREAS, said Local Law has been on the desks of the members of the Common Council in its final form for at least seven (7) days, exclusive of Sundays.

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council finds that this local law will not have a significant adverse impact on the environment; and be it further

RESOLVED, that the Common Council hereby issues a Negative Declaration pursuant to SEQRA; and be it further

RESOLVED, that said Local Law amending Sections 575-31C, 575-34B(1) and 575-34B(2) of the City of Peekskill Zoning Code is hereby adopted and shall be known as Local Law No. _____ for the year 2023 in the City of Peekskill.

**LOCAL LAW No. ___ 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 575-31C of the City of Peekskill Code is hereby amended as written below. All other sections and subsections of the Code remain unchanged, except as specified herein:

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. 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 575.34B(1) of the City of Peekskill Code is hereby amended as written below. All other sections and subsections of the Code remain unchanged, except as specified herein:

- (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 City of Peekskill Code is hereby amended as written below. All other sections and subsections of the Code remain unchanged, except as specified herein:

- (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:
 - [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: **[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, upon compliance with the following conditions: **[Added 9-14-2009 by L.L. No. 15-2009]**

- [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.

[a] Homeowners' association required, if applicable:

[i] 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.

[ii] 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.

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

[A] Be established before a certificate of occupancy or temporary certificate of occupancy has been issued for any dwelling unit in the development.

[B] 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.

[C] 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.

[D] 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.

[E] 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.

[F] Be able to adjust the assessment to meet changing needs.

[iv] 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.

[v] 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][c] 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:

- [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] For lots with a minimum of 20,000 square feet:

- [i] Lot depth: No lot shall have an average depth of less than 100 feet.
- [ii] Maximum building coverage: 90%.
- [iii] 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] Setbacks:

[A] 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] At 35 feet above street level: sixty-foot minimum setback from property line.

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

[v] 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] For lots between 10,000 square feet and 20,000 square feet in size:

[i] Maximum building coverage: 90%.

[ii] 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] Setbacks:

[A] 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] At 35 feet above street level: sixty-foot minimum setback from property line.

[iv] 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.

[e] 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.

[14] Bonus height provisions.

[a] 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] 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][b] for a list of qualifying items and their associated point values):

- [A] 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] 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] 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] 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] 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] 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] 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] For a majority of the landscaping, use native vegetation that requires no irrigation: one point.
- [ii] Build covered and secure bicycle storage facilities commensurate with anticipated demand, but for not less than 15% of projected building occupants: one point.
- [iii] 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] Incorporate an amenity in your plans which is not listed here that is satisfactory to the Common Council: one point.
- [v] Construct the majority of the parking required for the mixed-use residential building underground: two points.

- [vi] Commission the building for energy efficiency under the NYSERDA New Construction Program: two points.
- [vii] 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] 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] 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] Daylight a buried stream to create a public plaza with a water feature to the satisfaction of the Common Council: three points.
- [xi] 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] 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] 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] 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] 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] 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] Install a vegetated roof for at least 50% of the roof area: six points.

- [xviii] 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] 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.

It was seconded by Councilman Fernandez and unanimously passed.

1. Resolution #J-1 - Wellness in Nutrition (WIN) & Nutrition Services Incentive program (NSIP) Funding Contract

Councilman Fernandez moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR
PROGRAM AND SERVICES FOR FUNDING THROUGH THE NEW YORK STATE
WELLNESS IN NUTRITION (WIN) & NUTRITION SERVICES IMPROVEMENT
PLAN (NSIP) PROGRAMS FOR THE YEAR 2022/2023**

WHEREAS, the Westchester County Department of Senior Program and Services has informed

the City of Peekskill that they have approved a budget of \$94,117.00 through the New York State

Wellness in Nutrition Program (WIN) and Nutrition Services Improvement Plan (NSIP) funds, for the

period of April 1, 2022 through March 31, 2023, and

WHEREAS, WIN is intended to provide nutrition services to improve the well-being of those

elderly who are at high nutritional risk, with particular emphasis on the provision of services to the low

income, minority and isolated elders; and

WHEREAS, Nutrition Services Improvement Plan (NSIP) is intended to communicate needed

program benefits and services to eligible homebound elderly residents in the City of Peekskill who are at

high nutritional risk, with particular emphasis on the provision of services to the low income minority and

isolated elders; and

WHEREAS, the City of Peekskill has participated in the program in the past and wishes to

continue to do so; and

WHEREAS, the City of Peekskill will receive up to \$94,117.00 in reimbursements from Westchester County for providing meals under this program; and

WHEREAS, there is no required City match to obtain these funds; and

WHEREAS, the receivable funds for this contract will be assigned to line 001.0001.6002

WHEREAS, this Council wishes to ensure the nutritional upkeep of the City's elderly by continuing to provide this additional Nutrition Program.

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager, or his authorized designee, is hereby authorized to sign and

submit all documents provided by the Westchester County Department of Senior Programs and Services

for funding this program pursuant to the provisions of the Wellness in Nutrition Program (WIN) &

Nutrition Services Improvement Plan (NSIP); 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.

Motion made by Councilman Fassett to table resolution #13. Seconded by Councilman Douglas. Unanimously carried.

Resolution #J-2 - Additional Street closure for Ozland Festival

Councilman Douglas moved to adopt the following resolution:

**RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF
BROWN STREET FROM SOUTH DIVISION STREET TO BANK
STREET ON SEPTEMBER 16, 2023 FOR THE OZLAND FESTIVAL**

WHEREAS, this Council has received a request from Scarlett Antonia of Antonia Arts, Inc. in regard to the closing of Brown Street from South Division Street to Bank Street for the purpose of holding the Ozland Festival within the City of Peekskill; and

WHEREAS, this Council has determined that the operation of the Ozland Festival will be beneficial to the downtown area of the City of Peekskill; and

WHEREAS, this Council deems it in the best interest of the City to authorize the street closure as necessary to allow the operation of this festival.

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is hereby authorized to close Brown Street from South Division Street to Bank Street on September 16, 2023 between the hours of 11:00 AM to 7:00 PM; and be it further

RESOLVED, that for the purposes of this Ozland Festival, the City Code provisions that restrict sales, display and storage of merchandise on the sidewalks of the City of Peekskill is hereby suspended upon the following conditions:

1. This suspension shall operate solely for the benefit of those registered vendors participating in the Festival and for the merchants and retail stores located on S. Division Street.

2. This suspension of the City Code prohibitions shall be effective on Saturday, September 16, 2023, inclusive for a period from 11:00 AM to 7:00 PM; and be it further

RESOLVED, that the provisions of the City Code shall remain in full force and effect at all other times.

It was seconded by Councilman Fassett and unanimously passed.

Resolution #J-3 - Reappoint Joe Brady Board of Ethics

Councilman Scott moved to adopt the following resolution:

RESOLUTION REAPPOINTING JOSEPH BRADY TO THE BOARD OF ETHICS

WHEREAS, the authority and responsibility to make appointments to boards and commissions rests with the Common Council pursuant to the City Charter and other applicable law; and

WHEREAS, the Common Council desires to make such appointment as it deems in the interest of the City to fulfill existing and impending vacancies; and

WHEREAS, the applicant's background has been reviewed and is consistent with the establishment and composition of the board members as stated in Section 48-10 of the Peekskill City Code.

NOW, THEREFORE, BE IT

RESOLVED, that the following named person is hereby re-appointed to the Board of Ethics.

<u>Board of Ethics</u>	<u>Term Commences</u>	<u>Term Expires</u>
Joseph Brady Peekskill, New York 10566	9/11/23	9/11/28

It was seconded by Councilman Fernandez and unanimously passed.

Resolution #J-4 - Appoint Blanca Villa for Planning Commission

Councilman Fassett moved to adopt the following resolution:

RESOLUTION APPOINTING BLANCA VILLA TO THE PLANNING COMMISSION

WHEREAS, pursuant to §C198 of the Peekskill City Charter, the Planning Commission shall consist of seven members who shall be appointed by the Common Council; and

WHEREAS, the term of a member of the Planning Commission has expired or will expire, and the Common Council desires to appoint a member to the Planning Commission as it deems in the best interest of the City; and

WHEREAS, the political affiliations of the proposed member has been reviewed and, with this appointment, not more than four members of the Commission will be of the same political party.

NOW, THEREFORE, BE IT

RESOLVED, that the following named person is hereby appointed to the Planning Commission:

<u>Planning Commission</u>	<u>Term Commences</u>	<u>Term Expires</u>
Blanca Villa Peekskill, NY 10566	9/11/23	9/11/26

It was seconded by Councilman Douglas and unanimously passed.

Resolution #J-5 - Appoint Sheridan Taylor for Zoning Board of Appeals

Deputy Mayor Riley moved to adopt the following resolution:

RESOLUTION APPOINTING SHERIDAN TAYLOR TO THE ZONING BOARD OF APPEALS

WHEREAS, the authority and responsibility to make appointments to boards and commissions rests with the Common Council pursuant to the City Charter and other applicable law; and

WHEREAS, vacancies exist on the Zoning Board of Appeals; and

WHEREAS, the Common Council desires to make such appointments as it deems in the interest of the City to fill existing and impending vacancies; and

NOW, THEREFORE, BE IT

RESOLVED, that the following named person is hereby appointed to the Zoning Board of Appeals:

<u>Planning Commission</u>	<u>Term Commences</u>	<u>Term Expires</u>
Sheridan Taylor Peekskill, NY 10566	9/11/23	9/11/26

It was seconded by Councilman Fernandez and unanimously passed.

Resolution #J-6 - Set public hearing for Parking Hearing Officer

Councilwoman Talbot moved to adopt the following resolution:

**RESOLUTION SCHEDULING A PUBLIC HEARING
LOCAL LAW № _____ OF 2023
TO AMEND §100-4 OF THE PEEKSKILL CITY CHARTER ENTITLED “DUTIES OF
DIRECTOR, HEARING EXAMINERS”, REGARDING THE RESIDENCY
REQUIREMENT FOR PARKING COURT HEARING EXAMINERS**

WHEREAS, §100-4 of the Peekskill City Code specifies guidelines regarding the appointment of hearing examiners for Parking Court, including a requirement that the hearing examiners must be a resident of the City of Peekskill; and

WHEREAS, it is the best interest of the city to have a hearing examiner and two alternates in case the examiner is not available; and

WHEREAS, the City of Peekskill has recently solicited any qualifying persons interested in this position and appointed three interested applicants within city limits; and

WHEREAS, after the appointment of three examiners, two of them no longer want to retain the position; and

WHEREAS, the city is again seeking two alternate hearing examiners for the Parking Court; and

WHEREAS, an amendment to the qualifications will allow the City of Peekskill to review interested applicants in nearby counties, i.e. Dutchess, Orange, Putnam, and Rockland counties; and

WHEREAS, this will allow the city to have two additional hearing examiners available; and

WHEREAS, the Common Council desires to hold the public hearing on September 18, 2023 after publication in the City's official newspaper.

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 18th day of September, 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
AMENDING SECTION 100-4 OF THE PEEKSKILL CITY CODE ENTITLED
“DUTIES
OF DIRECTOR; HEARING EXAMINER”**

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.

LOCAL LAW № _____ OF 2023
AMENDING SECTION 100-4 OF THE PEEKSKILL CITY CODE ENTITLED
“DUTIES
OF DIRECTOR; HEARING EXAMINER”

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 100 Parking Violations Bureau

§ 100-4. Duties of Director; hearing examiners.

A. The Chief Executive Officer shall appoint a Director, and the duties of the Director shall include but not be limited to:

(1) The supervision and administration of the work of the Bureau.

(2) Membership on the Appeals Board of the Bureau as provided hereinafter.

B. The Chief Executive Officer shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations. Hearing examiners shall be appointed and shall serve for such number of sessions as may be determined by the Chief Executive Officer and shall receive therefor such remuneration as may be fixed by the Chief Executive Officer. Hearing examiners shall not be considered employees of the City, and every hearing examiner shall be a resident of the City of Peekskill County of Westchester, County of Dutchess, County of Putnam, County of Orange or County of Rockland who shall have attained the age of 21 years prior to their

appointment and possess such temperament as the Chief Executive Officer finds to be compatible to the duties of the office.

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 Deputy Mayor Riley and unanimously passed.

Resolution #J-7 - Pilot Program at Peekskill Middle School to empower the Youth

Councilman Fernandez moved to adopt the following resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PEEKSKILL CITY SCHOOL DISTRICT FOR THE CONTINUATION OF THE MALE MENTORING PROGRAM CALLED “CLUB INSPIRE”

WHEREAS, in the Spring of 2023, the Youth Bureau, in collaboration with the Peekskill City School District; initiated a Pilot Program called “Club Inspire” at the Peekskill Middle School to empower youth; and

WHEREAS, this Pilot Program focused on implementing the “Manhood Project” curriculum dedicated to character building; communication skills and social emotional learning development and support; and

WHEREAS, the Pilot Program operated 2 days a week from March 27, 2023-June 7, 2023 and was facilitated by Darryl Francis; and

WHEREAS, the Peekskill City School District would now like to expand the pilot program into a full 28+ week curriculum in the Middle School (days and times to be determined).

NOW, THEREFORE, BE IT

RESOLVED, that the City Manager is hereby authorized to enter into an Agreement with the Peekskill City School District for the continuation of the Male Mentoring program called “Club Inspire” facilitated by a Youth Bureau staff member at the Middle School; and be it further

RESOLVED, that the term of this Agreement shall expire upon the 30th day of June, 2024; and be it further

RESOLVED, that the Agreement shall be subject to the review and approval of the City Manager and Corporation Counsel; and be it further

RESOLVED, 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 take effect immediately

It was seconded by Deputy Mayor Riley and unanimously passed.

Resolution #J-8 - Reject bid and authorize re-bid for Downtown Crosswalk Project

Councilman Douglas moved to adopt the following resolution:

AUTHORIZATION TO REJECT BID #2023-003 AND TO REBID THE DOWNTOWN STAMPED CONCRETE CROSSWALKS PROJECT

WHEREAS, the City of Peekskill 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 funds for the Project; and

WHEREAS, after allocating design and construction inspection costs, \$133,990 is available in the Project account to fund construction; and

WHEREAS, the City prepared construction documents and requested bids under Bid No. 2023-003 for these improvements, and one (1) bid was received on August 25, 2023 and was opened and read aloud; and

WHEREAS, the bid received contained a cost for the base bid that significantly exceeded the Project funding available for construction; and

WHEREAS, the bid documents specify that the City reserves the right to reject any and all bids and to solicit new bids where it is in the public interest; and

WHEREAS, the Project scope of work can be reduced in order to solicit new bids that may be more in line with the Project budget.

NOW, THEREFORE, BE IT

RESOLVED, that all bids submitted on August 25, 2023 for Bid No. 2023-003 “Downtown Stamped Concrete Crosswalks” are hereby rejected and the City Manager is hereby authorized to return all bid deposits; and be it further

RESOLVED, that the City Manager is hereby authorized to advertise a new Bid Notice for revised Project construction documents; 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 Deputy Mayor Riley and unanimously passed.

Resolution #J-9 - Kitchen Incubator: Set public hearing for land transfer title

Councilman Scott moved to adopt the following resolution:

RESOLUTION OF THE COMMON COUNCIL SCHEDULING AND AUTHORIZING THE CONDUCT OF A PUBLIC HEARING RELATING TO THE PROPOSED

**TRANSFER OF TITLE TO A CERTAIN CITY-OWNED PARCEL OF LAND AND
RELATED IMPROVEMENTS LOCATED AT 701 WASHINGTON STREET
TO PEEKSKILL FACILITIES DEVELOPMENT CORPORATION IN CONNECTION
WITH A PROPOSED PROJECT KNOWN AS THE PEEKSKILL FIREHOUSE
KITCHEN INCUBATOR (AS MORE PARTICULARLY DESCRIBED HEREIN)**

WHEREAS, the City of Peekskill (the “City”) owns a certain parcel of real property and related improvements, formerly operated as the Centennial Hose Municipal Fire Station, which is located at 701 Washington Street and is more particularly described as TMID No. 32.20-9-1 and containing approximately 8,000 square feet of vacant building space formerly utilized as a fire station (herein, the “Property”); and

WHEREAS, the Peekskill Facilities Development Corporation (“PFDC”), which is a not-for-profit local development corporation and supporting organization of the City, proposes to utilize the Property for the “Peekskill Firehouse Kitchen Incubator” (“PFKI” or the “Project), a unique kitchen incubator facility providing: (i) commercial kitchens available for lease to startup food businesses (“Foodpreneurs”) and other food production and food sales entrepreneurs, (ii) community-based food skills training services and programs for food entrepreneurs, (iii) job training and other workforce development initiatives (the “Facility”); and

WHEREAS, it is contemplated that the Project will be structured as a “public-private partnership” led by PFDC, with the City of Peekskill Industrial Development Agency (“PIDA”) and the County of Westchester (the “County”) providing programming and financial support for the construction and long-term operation of the Facility; and

WHEREAS, in May 2021 the Common Council adopted a Resolution of Support for the PFKI in furtherance of the application by PFDC for Federal and State grant funding resources for the project; and

WHEREAS, in April, 2023, PFDC was awarded a \$2,995,835 Grant from the US Department of Commerce – Economic Development Administration (“EDA”) as a primary source of funding to undertake the planning, design, engineering, construction , renovation and initial equipping of the Project and Property (the “EDA Grant”); and

WHEREAS, the overall plan for development and management of the Project, along with the EDA Grant terms and conditions require that PFDC become the fee owner of the Property, in all events prior to PFDC releasing bid documents for construction; and

WHEREAS, the City is empowered to undertake the direct surplus of the Property to PFDC pursuant to and in accordance with Section 1411(d) of the Not-for-Profit Corporation Law (“N-PCL”); and

WHEREAS, the Common Council of the City desires to declare fee title to the Property unneeded for direct City use and make the same available for redevelopment into the PFKI, by and through PFDC (the “Disposition”); and

WHEREAS, in accordance with N-PCL Sections 1411(d)(3) and (4), the City desires to schedule and conduct a public hearing to consider the Disposition.

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby schedules a Public Hearing at 7:30 P.M. or as soon as such hearing may be called thereafter, on the 25th day of September, 2023, in the Common Council Chambers at City Hall, 840 Main Street, Peekskill, New York regarding the proposed Disposition of the Property to PFDC, all as further described herein.

RESOLVED, that the City Clerk is authorized to publish a Notice of Public Hearing at least 10 days prior to said hearing; and be it further

RESOLVED, that this Resolution takes effect immediately.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-10 - ADA Parking 110 Fremont Street

Councilman Fassett moved to adopt the following resolution:

RESOLUTION AMENDING CHAPTER 290 OF THE VEHICLE AND TRAFFIC CODE OF THE CITY OF PEEKSKILL

WHEREAS, the Chief of Police has received proof of necessity for the placement of a Handicapped Parking Space in front 110 Fremont Street in the City of Peekskill; and

WHEREAS, this Common Council has received recommendations from the Chief of Police that Part 290 of the Administrative Regulations of the City of Peekskill be amended to add the handicapped parking space; and

WHEREAS, this Common Council deems it in the best interests of the City that Part 290 of the City’s Traffic Regulations be amended to add the handicapped parking space.

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 290 of the City’s Administrative Regulations, Section 290-97 thereof, entitled “Parking for the Handicapped”, is hereby amended by the addition of the following:

Name of Street	Location
110 Fremont St.	One space on the west side of 110 Fremont St. and

be it further

RESOLVED, that this amendment to Part 290 of the City of Peekskill Traffic Regulations shall take effect immediately.

It was seconded by Deputy Mayor Riley and unanimously carried.

Resolution #J-11 - ADA Parking 925 First Street

Deputy Mayor Riley moved to adopt the following resolution:

**RESOLUTION AMENDING CHAPTER 290 OF THE VEHICLE AND TRAFFIC CODE
OF THE CITY OF PEEKSKILL**

WHEREAS, the Chief of Police has received proof of necessity for the placement of a Handicapped Parking Space in front 925 1st Street in the City of Peekskill; and

WHEREAS, this Common Council has received recommendations from the Chief of Police that Part 290 of the Administrative Regulations of the City of Peekskill be amended to add the handicapped parking space; and

WHEREAS, this Common Council deems it in the best interests of the City that Part 290 of the City’s Traffic Regulations be amended to add the handicapped parking space.

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 290 of the City’s Administrative Regulations, Section 290-97 thereof, entitled “Parking for the Handicapped”, is hereby amended by the addition of the following:

Name of Street	Location
925 1 st St.	One space on the south side of 925 1 st St. and be it further

RESOLVED, that this amendment to Part 290 of the City of Peekskill Traffic Regulations shall take effect immediately.

It was seconded by Councilman Fassett and unanimously carried.

Resolution #J-12 - ADA Parking 850 Paulding Street

Councilwoman Talbot moved to adopt the following resolution:

**RESOLUTION AMENDING CHAPTER 290 OF THE VEHICLE AND TRAFFIC CODE
OF THE CITY OF PEEKSKILL**

WHEREAS, the Chief of Police has received proof of necessity for the placement of a Handicapped Parking Space in front of 850 Paulding St. in the City of Peekskill; and

WHEREAS, this Common Council has received recommendations from the Chief of Police that Part 290 of the Administrative Regulations of the City of Peekskill be amended; and

WHEREAS, this Common Council deems it in the best interests of the City that Part 290 of the City’s Traffic Regulations be amended;

NOW, THEREFORE, BE IT

1. Chapter 290 of the City’s Administrative Regulations, Section 290-97 thereof, entitled “Parking for the Handicapped”, is hereby amended by the addition of the following:

Name of Street	Location
850 Paulding St	One space on the north side of 850 Paulding St; and

BE IT FURTHER

RESOLVED, that this amendment to Part 290 of the City of Peekskill Traffic Regulations shall take effect immediately.

It was seconded by Councilman Fernandez and unanimously carried.

Resolution #J-13 - Settlement of Lawsuit -Tabled

Councilwoman Talbot moved to add Resolution #14 to agenda
It was seconded by Councilman Douglas and unanimously carried.

Resolution #J-14 – Award Bid#2023-002 for improvements to Pugsley Park and authorize the transfer of funds

Resolution read in its entirety by Mayor McKenzie.
Deputy Mayor Riley moved resolution:

**RESOLUTION REJECTING THE LOW BID RECEIVED FOR BID #2023-002
DUE TO THE BID WITHDRAWAL FROM MCCAREY’S LANDSCAPING, INC.,
AND AWARDING BID NO. 2023-002 TO CON-TECH CONSTRUCTION
TECHNOLOGY, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT FOR IMPROVEMENTS TO PUGSLEY PARK,
AND ALLOCATING AND TRANSFERING CITY FUNDS FOR THIS PURPOSE**

WHEREAS, the City entered into a contract for funding with the New York State

Department of State (“DOS”) in an amount of \$576,248 to design and construct improvements to

Pugsley Park and Monument Park; and

WHEREAS, New York State Department of State (“DOS”) made a written commitment in an amount of \$380,000 to provide additional construction funding for the Project; and

WHEREAS, City matching funds in an amount of \$72,585 have been allocated and are available in the Project account; and

WHEREAS, after allocating design costs, \$949,833 in DOS and City funding is available for Project construction; and

WHEREAS, the City prepared construction documents and requested bids under Bid No.

2023-002 for these improvements, and two (2) bids were received on June 9, 2023 and were opened and read aloud; and

WHEREAS, the City must reject the low bid received for Bid #2023-002 due to the withdrawal of McCarey’s Landscaping, Inc.’s bid, and may enter into a contract with the next lowest responsible bidder – Con-Tech Construction Technology, Inc.; and

WHEREAS, Con-Tech Construction Technology, Inc. from Somers, NY submitted the lowest responsible bid in the amount of \$1,071,750 to construct the base bid, which includes improvements to Pugsley Park (the “Project”); and

WHEREAS, the City also anticipates improvements to Monument Park to commence in the spring of 2024; and

WHEREAS, funds will be transferred from the Water Contingency Account

#002.1900.1990 in the amount of \$83,000 and from the General Contingency Account

#001.1900.1990 in the amount of \$38,917, into the Capital Fund account for this project

#007.8686.0406.0780 to supplement the DOS funding in order to award the base bid and to construct the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the City rejects the low bid received for Bid #2023-002 due to the bid withdrawal from McCarey’s Landscaping, Inc.; and be it further

RESOLVED, that Bid No. 2023-002 is hereby awarded to Con-Tech Construction Technology, Inc. for a total price of \$1,071,750 to construct the Project; and be it further **RESOLVED**, that the City Manager or his designee is hereby authorized to enter into a

contract with Con-Tech Construction Technology, Inc., 1961 Route 6, Suite R-3, Carmel, NY

10512 for improvements to Pugsley Park at a price not to exceed \$1,071,750; and be it further

RESOLVED, that DOS and City matching funds in the amount of \$949,833 are authorized for this purpose; and be it further

RESOLVED, that City matching funds in the amount of \$83,000 from the Water Contingency Account #002.1900.1990 and \$38,917 from the General Contingency Account #001.1900.1990 are authorized for Project construction, to be transferred to the Project account;

and be it further

RESOLVED, that the contract shall be subject to the review and approval of the City

Manager and Corporation Counsel; and be it further

RESOLVED, that this Resolution shall take effect immediately.

It was seconded by Councilwoman Talbot. Councilman Douglas abstained. Motion passed.

CITIZENS DESIRING TO BE HEARD

Leesther Brown – Questioned: Are you supposed to use Water Funds for another project?

Response by City Manager: yes, there is a portion of the contract which involves water pipe.

Leesther called for Councilman Fassett to step down because of previous action and Councilman Scott to step down because he broke the law.

Expressed concern for illegal shop owners.

Mayor responded: we do not have any legal dispensaries in Peekskill.

Auzzie -Blondery owner from Main Street- would like to consider 3rd Friday in November of every year Blonder Day and eventually have a festival.

Pat Cortelli- online- President of American Legion Unit 274 and VP – Westchester County – Will drop off a brochure to Clerk’s about a suicide program.

ADJOURNMENT

Motion made by Councilman Fassett to adjourn the meeting, seconded by Councilman Douglas and unanimously carried. Meeting adjourned at 10:27pm.

Respectfully submitted,

Cassandra Redd, MPA
City Clerk