

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. There shall also be attached or annexed thereto a certification executed by the Corporation Counsel, Municipal Attorney or other principal law officer (e.g., County Attorney, Town Attorney, Village Attorney) that the local law contains the correct text and that all proper proceedings have been had or taken for its enactment. Certification forms are provided herewith.
8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Peekskill

Local Law No. 8 of the year 20²³

A local law ZONING TEXT AMENDMENTS IN THE PRD & WF-PRD ZONING DISTRICTS
(Insert Title)
AMEND SECTIONS 575-28, 575-43 AND 575-60 OF THE CITY CODE TO ALLOW THE
DENSITY OF RENOVATED HISTORIC AND LANDMARKED BUILDINGS TO BE
DETERMINED BY COMMON COUNCIL SPECIAL PERMIT AND TO IMPOSE A

Be it enacted by the THE COMMON COUNCIL of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of PEEKSKILL as follows:

MINIMUM AND AVERAGE UNIT SIZE FOR NEW UNITS IN THE PRD AND WF-PRD ZONING DISTRICTS.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2023 of the (County)(City)(Town)(Village) of PEEKSKILL was duly passed by the COMMON COUNCIL on December 11, 20 23, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

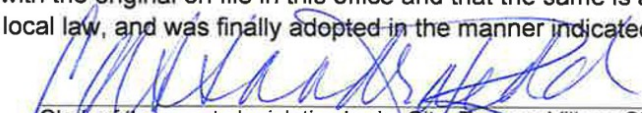
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



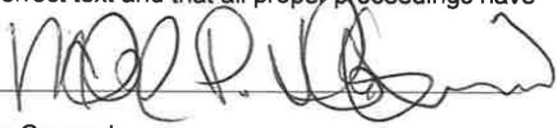
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Date: December 14, 2023

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Westchester

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Corporation Counsel
Title

County _____
City of Peekskill
Town _____
Village _____

Date: 12/15/2023

SUBJECT:

ADOPTION OF LOCAL LAW # 8
OF 2023 FOR ZONING TEXT
AMENDMENTS IN THE PRD & WF-
PRD ZONING DISTRICTS FOR THE
ADAPTIVE REUSE OF HISTORIC
BUILDINGS

FOR AGENDA OF: 12-11-23		AGENDA: LL# <u>8</u>
DEPT. OF ORIGIN:	PLANNING	
DATE SUBMITTED:	12-6-23	
DEPARTMENT HEAD:	JEAN FRIEDMAN, AICP	
EXHIBITS:		

APPROVED BY COMPTROLLER	
APPROVED AS TO FORM BY CORPORATION COUNSEL	MPH
APPROVED BY CITY MANAGER FOR SUBMISSION	<i>mea</i>

EXPENDITURE REQUIRED \$	0	AMOUNT BUDGETED \$	0	APPROPRIATION REQUIRED \$	0
----------------------------	---	--------------------------	---	------------------------------	---

SUMMARY STATEMENT

THIS RESOLUTION ADOPTS A LOCAL LAW TO AMEND SECTIONS 575-28, 575-43 AND 575-60 OF THE CITY CODE TO ALLOW THE DENSITY OF RENOVATED HISTORIC AND LANDMARKED BUILDINGS TO BE DETERMINED BY COMMON COUNCIL SPECIAL PERMIT AND TO IMPOSE A MINIMUM AND AVERAGE UNIT SIZE FOR NEW UNITS IN THE PRD AND WF-PRD ZONING DISTRICTS.

RECOMMENDED ACTION

ADOPT THIS LOCAL LAW.

MOVED BY:

SECONDED BY:

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

**A LOCAL LAW AMENDING
SECTIONS 575-28, 575-43 AND 575-60
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 Chateau Rive Tower LLC, 79 E. Putnam Avenue, Greenwich, CT 06830 to amend the Zoning Ordinance with zoning text amendments for properties in the PRD and WF-PRD zoning districts; and

WHEREAS, the proposed zoning text amendments will allow the Common Council to consider authorizing the issuance of a Special Permit that allows greater density in historic and landmarked buildings that are renovated for residential purposes, as long as the new units are a minimum of 600 square feet and an average of 750 square feet; and

WHEREAS, a proposed Local Law was placed on the desks of the members of the Common Council amending Sections 575-28, 575-43 and 575-60 of the City of Peekskill Zoning Code; and

WHEREAS, on October 11, 2023 the Planning Commission issued a positive recommendation to the Common Council to adopt this Local Law; and

WHEREAS, on November 27, 2023 a public hearing was 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

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 575-28, 575-43 and 575-60 of the City of Peekskill Zoning Code is hereby adopted and shall be known as Local Law No 8 for the year 2023 in the City of Peekskill.



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

Section 1: Section 575-28 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:

A. Purpose. This district is created to encourage and promote planned residential development where appropriate in location, character and timing based on the Land Use Plan and Housing Plan. The creation of this district is a desirable objective due to the limited land resources within the City suitable for further residential development and a pressing regional need for additional housing to support economic development. The provision of this district is designed to achieve the following objectives:

- (1) Protect the character and property values of adjoining land uses.
- (2) Permit a range of housing types with a flexibility in the regulations with respect to building bulk and placement.
- (3) Protect the natural features and open space character of the district.
- (4) Promote the adaptive reuse, full utilization and preservation of historic or landmarked buildings.

E. Uses subject to the issuance of a special permit.

(2) The following residential and nonresidential uses may be attendant to a planned residential development pursuant to this section:

- (a) Professional office uses where such uses are scaled primarily to serve the residents of the district.
 - (b) Public and quasi-public, institutional and recreational uses, including passive and active recreation and conservation areas.
 - (c) Adaptive reuse of existing historic or landmark buildings by a use and in a manner approved by the Common Council.
 - (d) Amenities intended for use by residents of a proposed development and/or residents of surrounding areas.
- (4) Residential density and standards.
- (a) Except as provided in subsection (e) below, parcel density shall not exceed nine dwelling units per net parcel acreage.
 - (e) When dealing with the adaptive reuse of pre-existing historic or landmark buildings for residential purposes pursuant to §575-28E(2)(c) limited to the existing confines of such pre-existing historic or landmark building, density shall be determined in accordance with plans approved by the Common Council as part of the special permit process in accordance with Section 575-28E(10), provided, however, that for newly constructed units within the confines of such historic or landmark building, the minimum dwelling unit floor area shall be 600 square feet and the average floor area for all newly constructed units within the confines of such historic or landmark building shall be not less than 750 square feet. It shall be

- (10) Application procedure and approval process for a preliminary site plan and a special permit application. Since the application for the special permit and the preliminary site plan are closely related, the review and approval process shall run simultaneously.
- (a) The applicant shall submit a preliminary site plan map at a minimum scale of one inch equals 30 feet to the Director of Planning. The preliminary site plan, which shall be accompanied by a special permit application, shall clearly show the following:
- [1] The disposition of various land uses and the area covered by each, in acres.
 - [2] The general outline of the interior road system and all existing and proposed rights-of-way and easements, whether public or private.
 - [3] Calculation and delineation of areas covered by bodies of water, steep slopes and rock outcropping as defined in § 575- 29C(2).
 - [4] Delineation of the various residential areas, indicating the number of dwelling units by each housing type: single-family detached and semidetached, attached dwellings, garden apartments and mid-rise apartments, plus a calculation of the parcel density in dwelling units per net parcel acreage.
 - [5] The interior common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the planned residential development and how it is to be owned and maintained.
 - [6] Appropriate site plan elements as specified in § 575-56E.
- (b) The Director of Planning review the preliminary site plan and all related documents and within 30 days of its submission shall certify as to whether the application is complete and whether the proposal meets all the general requirements herein. If the application is not complete or does not meet these general requirements, it shall be returned to the applicant with deficiencies noted.
- (c) Following certification as outlined in Subsection E(10)(b) above, the Director of Planning shall forward the application to the Common Council. The Common Council shall refer the application to the Planning Commission for a recommendation on the special permit and review of the preliminary plan.

Section 2: Section 575.43 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:

- A. Purpose. The City of Peekskill waterfront is a unique natural setting that provides water-related recreation opportunities, both passive and active, majestic views, habitat for wildlife, a transportation center and an opportunity for commercial and residential development. The creation of a waterfront district is intended to encourage the creation and/or maintenance of sound development within the City's waterfront area in a manner that optimizes the locational opportunity for appropriate commercial, residential, service and recreation activities, including the possible multiple use of sites, which shall be compatible with adjacent uses so as not to cause nuisance or environmental harm, and at the same time recognizes and protects the

- (2) Preservation and reclamation of views or vistas of Peekskill Bay and the Hudson Highlands.
- (3) Attractive rehabilitation of existing buildings.
- (4) Consolidation of transportation uses and services.
- (5) Provision for and support of water-related services and businesses.
- (6) Development of residential dwellings where such development advances the purposes set forth herein and in § 575-20 of this chapter.
- (7) Expansion of public rights-of-way and easements along the water's edge.
- (8) Promote the adaptive reuse, full utilization and preservation of historic or landmarked buildings.

F. Subarea WF-PRD.

(2) Special permit uses.

(b) The following uses are permitted in the WF-PRD Subarea subject to the issuance of a special permit by the Common Council:

[1] Residential uses limited to the following:

[a] Dwelling units, whether attached or semi-attached, including townhouse, garden apartment, and mid-rise apartment configurations, in accordance with the requirements of the WF Zoning District.

[b] Adaptive reuse of existing historic or landmark buildings by a use and in a manner approved by the Common Council.

(3) Lot area and building requirements.

(e) When dealing with the adaptive reuse of pre-existing historic or landmark buildings for residential purposes pursuant to §575-43.F(2)(b)[1][b] limited to the existing confines of such pre-existing historic or landmark building, density shall be determined in accordance with plans approved by the Common Council as part of the special permit process in accordance with Section 575-43L, provided, however, that for newly constructed units within the confines of such historic or landmark building, the minimum dwelling unit floor area shall be 600 square feet and the average floor area for all newly constructed units within the confines of such historic or landmark building shall be not less than 750 square feet. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the Common Council that the plans for the adaptive reuse of the pre-existing historic or landmark building, including necessary infrastructure, amenities and parking are adequate for such requested density and further the goals of this District as provided for in Section 575-43.A(8) above.

L. Special permit and site plan application procedures.

(1) The applicant shall submit a preliminary site plan map at a minimum scale of one

proposed rights-of-way and easements, whether public or private.

(c) Calculation and delineation of areas covered by bodies of water, slopes of 20% and over and rock outcroppings as defined in § 575-28E(4)(b).

(d) Delineating of the various residential areas, indicating the number of dwelling units by each housing type: attached dwellings, garden apartments and mid-rise apartments, plus a calculation of the parcel density in dwelling units per gross parcel acreage.

(e) The interior common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the planned residential development and how it is to be owned and maintained.

(f) Appropriate site plan elements as specified in § 575-56E.

(g) Evidence and documentation demonstrating compliance with the goals and standards of the WF Zoning District.

(2) The Director of Planning shall review the preliminary site plan and all related documents and, within 30 days of its submission, shall certify as to whether the application is complete and whether the proposal meets all the general requirements herein. If the application is not complete or does not meet these general requirements, it shall be returned to the applicant with the deficiencies noted.

(3) Following certification as outlined in Subsection L(2) above, the Director of Planning shall forward the application to the Common Council. The Common Council shall refer the application to the Planning Commission for a recommendation on the special permit and review of the preliminary plan. The Planning Commission shall render and issue a report recommending either approval, denial or approval with conditions within 45 days of the date of referral by the Common Council. Upon request of the Planning Commission, the Common Council may extend the time for a report for an additional 45 days.

Section 3: Section 575-60 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:

A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated:

HISTORIC OR LANDMARKED BUILDINGS

A building that is listed on the State or National Register of Historic Places; or has been determined to be eligible for listing on the National Register for Historic Places as determined by the Secretary of the Interior [administered by the State Historic Preservation Office (SHPO)]; or has been listed as a local historic landmark by the City of Peekskill; or has been identified as a contributing building to a historic district that is listed or eligible for listing (as determined by SHPO) on the National Register of Historic Places.

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