

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

AGENDA BILL

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# 8

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>mpc</i>

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

Local Law № 8 of 2023

**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WHEREAS, pursuant to Section 575-58 of the City of Peekskill Code, the Zoning Ordinance may be amended, supplemented or repealed by the Common Council on its own motion or upon recommendation by the Planning Commission or on petition, and such proposed amendments shall be referred by the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 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 575-28, 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.

CERTIFIED COPY
September 12, 2023 DATE
Melinda Angelo
CITY CLERK AND REGISTRAR

LOCAL LAW № 8 OF 2023
AMENDING SECTIONS 575-28, 575-43 AND 575-60
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 575-28 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 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 Subsection 575-28.A (4) above.

- (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 unique natural setting and the public investment made in open space and preservation of vistas. Any development in the waterfront shall be reviewed by the

Planning Commission and Common Council, as applicable, with the following public objectives which should be evaluated in a comprehensive manner:

- (1) Preservation of open space and recreation opportunities.
- (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 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:

- (a) The disposition of various land uses and the area covered by each, in acres.
- (b) The general outline of the interior road system and all existing and 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.