

PROJECT AUTHORIZING RESOLUTION
(216 South Division LLC Project)

A meeting of the City of Peekskill Industrial Development Agency was convened on Tuesday August 25, 2020 at 7:00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 08/2020 -

RESOLUTION OF THE CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY (i) APPOINTING 216 SOUTH DIVISION LLC (THE "COMPANY", FOR ITSELF AND/OR ENTITIES TO BE FORMED) AS ITS AGENT TO UNDERTAKE THE PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE OF AN AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE PROVISION OF CERTAIN FINANCIAL ASSISTANCE TO THE COMPANY (AS FURTHER DEFINED HEREIN); (iv) ADOPTING FINDINGS WITH RESPECT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"); AND (v) AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 671 of the Laws of 1974 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **216 SOUTH DIVISION LLC**, for itself and/or a related entity or entity to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the acquisition by the Agency of a leasehold interest in a parcel of real property located at 216 South Division Street, Peekskill, New York (the “Land”, being more particularly described tax parcels 33.37-4-6) along with the existing improvements thereon consisting principally of a vacant residential structure (the “Existing Improvements”); (ii) the demolition of the Existing Improvements and the planning, design, construction, and operation of an approximately 27,000 sf 3-story mixed use facility comprised of 22 market rate apartment units and approximately 2,300 sf of commercial space along with related site improvements, access and egress improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other

items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"); and

WHEREAS, on July 28, 2020, the Agency adopted an initial resolution (the "Initial Project Resolution") which (i) accepted the Company's application, (ii) authorized the scheduling and conduct of a public hearing in compliance with the Act, (iii) described the contemplated forms of financial assistance to be provided by the Agency (the "Financial Assistance", as described herein); and

WHEREAS, the Planning Commission of the City of Peekskill (the "Planning Commission") reviewed the proposed Project pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQRA") and related Environmental Assessment Form ("EAF") and issued a Negative Declaration (the "Negative Declaration"), a copy of which, along with the EAF, are attached hereto as Exhibit A; and

WHEREAS, in accordance with the Initial Project Resolution, the Agency published and forwarded a Notice of Public Hearing to the Affected Tax Jurisdictions at least ten (10) days prior to said Public Hearing, copies of such notices and proof of publication and a copy of the minutes of the Public Hearing are attached hereto as Exhibit B; and

WHEREAS, pursuant to Section 859-a of the Act, the Agency held a public hearing on August 25, 2020 with respect to the Project (the "Public Hearing") and the proposed Financial Assistance (as further defined herein) being contemplated by the Agency whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance") in the form of: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; and (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the undertaking of the Project and the appointment of the Company as agent of the Agency to undertake same; (ii) the execution and delivery of an Agent and Financial Assistance and Project Agreements ("Agent Agreement"), Lease Agreement, Leaseback Agreement, and related documents; and (iii) the provision of the Financial Assistance to the Company, which shall include (a) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the

construction and equipping of the Facility, and (b) mortgage recording tax exemptions in connection with financings undertaken by the Company for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF PEEKSKILL INDUSTRIAL AGENCY AS FOLLOWS:

Section 1. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in the City of Peekskill, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(E) Based upon a review of the Application, the EAF and the Negative Declaration issued by the Planning Commission and submitted to the Agency, the Agency hereby:

(i) consents to and affirms the status of the Planning Commission as Lead Agency for review of the Project and Facility, within the meaning of, and for all purposes of complying with SEQRA;

(ii) ratifies the proceedings undertaken by the Planning Commission as Lead Agency under SEQRA with respect to the construction and equipping of the Facility pursuant to SEQRA; and

(iii) finds that the Project as reviewed by the Planning Commission involves an "Unlisted" Action (as such quoted term is defined under SEQRA). The Agency's subsequent review herein as an interested and/or involved agency is "uncoordinated" (as such quoted term is defined under SEQRA). Based upon the review by the Agency of the EAF and related documents delivered by the Company to the Agency and other

representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (iii) no “environmental impact statement” (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes a ratification of the Planning Commission’s “negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. Subject to (i) the Company executing the Agent Agreement, and (ii) the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, renovation, construction, reconstruction, rehabilitation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however, the Agent Agreement shall expire on December 31, 2021 (unless extended for good cause by the Executive Director of the Agency).*

Section 3. Based upon the representation and warranties made by the Company the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to approximately \$2,850,000.00, which result in New York State and local sales and use tax exemption benefits (“sales and use tax exemption benefits”) not to exceed \$238,687.50. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services, and, to the extent required, the Agency authorizes and conducts any supplemental public hearing(s).

Section 4. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for financial assistance; (v) the sales and

use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project (collectively, items (i) through (vi) hereby defined as a "Recapture Event").

As a condition precedent of receiving sales and use tax exemption benefits and real property tax abatement benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency, cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, mortgage recording tax benefits and/or real property tax abatements abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands, if and as so required to be paid over as determined by the Agency.

Section 5. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any non-recourse leasehold mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by a lender to be identified by the Company (the "Lender") up to a maximum principal amount required to undertake the Project and/or finance equipment and other personal property and related transactional costs (hereinafter, with the Agent Agreement, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Acting Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman and/or Executive Director of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman and/or Executive Director of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited and any such security instruments shall inure to the leasehold interest previously transferred by the Agency to the Company relating to the Facility.

Section 6. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agent Agreement, Lease Agreement, Leaseback Agreement, and related documents, with such changes as shall be approved by the Chairman, Vice Chairman, the Executive Director and counsel to the Agency upon execution; provided the Agent Agreement and Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

Section 7. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees,

charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nea</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Alan Kravitz	[X]	[]	[]	[]
Drew Claxton	[]	[]	[X]	[]
Deborah Post	[X]	[]	[]	[]
Janice Thompson	[X]	[]	[]	[]
Nicholas Misch	[X]	[]	[]	[]
Dr. David Mauricio	[]	[]	[]	[X]

The Resolutions were thereupon duly adopted.

EXHIBIT A

SEQRA Materials

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 216 South Division Street		
Project Location (describe, and attach a general location map): 216 South Division Street, Peekskill, NY 10566		
Brief Description of Proposed Action (include purpose or need): Project is to demolish an existing residential structure and construct a three-story mixed use building containing 22 residential apartments and 2 commercial spaces of 2,265 SF with parking garage beneath.		
Name of Applicant/Sponsor: Joseph G. Thompson, Architect		Telephone: 845-532-8156 E-Mail: jgthompsonarchitect@gmail.co
Address: 1006 Brown Street, Suite 212		
City/PO: Peekskill		State: NY Zip Code: 10566
Project Contact (if not same as sponsor; give name and title/role): Joseph G. Thompson, Architect		Telephone: E-Mail:
Address: 1006 Brown Street, Suite 212		
City/PO: Peekskill		State: NY Zip Code: 10566
Property Owner (if not same as sponsor): Unicorn Contracting Corp.		Telephone: E-Mail:
Address: 10 Julia Lane		
City/PO: Cold Spring		State: NY Zip Code: 10516

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Commission Special Permit Final Site Plan Approval	
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Possible Parking Variance	
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1. Historic Landmarks Preservation Board 2. Peekskill IDA	HPB Approved March 26, 2020
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Is the project site within a Coastal Erosion Hazard Area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No only approval(s) which must be granted to enable the proposed action to proceed?	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): <hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): <hr/> <hr/> <hr/>	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C-2, Central Commercial District

b. Is the use permitted or allowed by a special or conditional use permit? Permitted Use Yes No
c. Is a zoning change requested as part of the proposed action?
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? City of Peekskill School District
b. What police or other public protection forces serve the project site? City of Peekskill Police Department
c. Which fire protection and emergency medical services serve the project site? City of Peekskill Fire Department
d. What parks serve the project site? Pugsley Park

D. Project Details**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Mixed Use, Residential and Commercial
b. a. Total acreage of the site of the proposed action? 0.3 acres
b. Total acreage to be physically disturbed? 0.3 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.3 acres
c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:
d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed?
iv. Minimum and maximum proposed lot sizes? Minimum Maximum
e. Will the proposed action be constructed in multiple phases?
i. If No, anticipated period of construction: 15 months Yes No
ii. If Yes:

- Total number of phases anticipated
- Anticipated commencement date of phase 1 (including demolition) month year
- Anticipated completion date of final phase month year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? If Yes, show numbers of units proposed.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>One Family</u>		<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	22 Residential Apartments
g. Does the proposed action include new non-residential construction (including expansions)? If Yes,				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ol style="list-style-type: none"> Total number of structures <u>1</u> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length Approximate extent of building space to be heated or cooled: <u>27,000 SF</u> square feet 				
h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,				
<ol style="list-style-type: none"> Purpose of the impoundment: _____ If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ If other than water, identify the type of impounded/contained liquids and their source. 				
<ol style="list-style-type: none"> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres Dimensions of the proposed dam or impounding structure: _____ height; _____ length Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____ 				
D.2. Project Operations				
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)				
If Yes:				
<ol style="list-style-type: none"> What is the purpose of the excavation or dredging? _____ How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? <ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ 				
<ol style="list-style-type: none"> Will there be onsite dewatering or processing of excavated materials? If yes, describe. _____ 				
<ol style="list-style-type: none"> What is the total area to be dredged or excavated? _____ acres What is the maximum area to be worked at any one time? _____ acres What would be the maximum depth of excavation or dredging? _____ feet Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Summarize site reclamation goals and plan: _____ _____ 				
b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes:				
<ol style="list-style-type: none"> Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ 				

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: 6,300 GPD gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: City of Peekskill Water Department
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: 6,300 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Peekskill Wastewater Treatment Plant
- Name of district: Peekskill Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)
_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, Yes No or Federal Clean Air Act Title IV or Title V Permit?

If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Estimate methane generation in tons/year (metric): _____	
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input checked="" type="checkbox"/> Randomly between hours of <u>7AM</u> to <u>11 PM</u> .	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____	
iii. Parking spaces: Existing <u>0</u> Proposed <u>22</u> Net increase/decrease <u>+ 22</u>	
iv. Does the proposed action include any shared use parking?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:	
vi. Are public/private transportation service(s) or facilities available within $\frac{1}{2}$ mile of the proposed site?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> • Monday - Friday: <u>7 AM - 4 PM</u> • Saturday: <u>7 AM - 4 PM</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	
ii. During Operations: Hours Associated with Residential Use And Commercial Use	
<ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	Noise associated with construction as described above
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	Small lighting fixtures at building entrances
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Product(s) to be stored	_____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	_____
iii. Generally, describe the proposed storage facilities:	_____
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	_____
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	_____
• Construction: _____ tons per _____ (unit of time)	_____
• Operation : _____ tons per _____ (unit of time)	_____
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	_____
• Construction: _____	_____
• Operation: _____	_____
iii. Proposed disposal methods/facilities for solid waste generated on-site:	_____
• Construction: _____	_____
• Operation: _____	_____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4,700 SF	10,000 SF +/-	+ 5,300 SF +/-
• Forested	0 Acres	0 Acres	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0 Acres	0 Acres	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0 Acres	0 Acres	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0 Acres	0 Acres	0
• Wetlands (freshwater or tidal)	0 Acres	0 Acres	0
• Non-vegetated (bare rock, earth or fill)	0 Acres	0 Acres	0
• Other Describe: <u>Lawn Area</u>	8,444 SF	3,000 SF +/-	- 5,444 SF +/-

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>ii. Dam's existing hazard classification:</i> <i>iii. Provide date and summarize results of last inspection:</i>	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i>	
<i>iii. Describe any development constraints due to the prior solid waste activities:</i>	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <input type="checkbox"/> Yes – Spills Incidents database _____ Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database _____ Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i>	
<i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): <u>360167, C360186, V00567, C360152, C360075</u></i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): Additional research is required, none pertain to subject site</i>	

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? _____ Explain: _____ _____ _____ 		<input type="checkbox"/> Yes <input type="checkbox"/> No
E.2. Natural Resources On or Near Project Site		
a. What is the average depth to bedrock on the project site? _____ feet		
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Predominant soil type(s) present on project site: _____ _____ _____		_____ % _____ % _____ %
d. What is the average depth to the water table on the project site? Average: _____ feet		
e. Drainage status of project site soils:		<input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site
f. Approximate proportion of proposed action site with slopes:		<input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Surface water features.		
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site? If Yes to either i or ii, continue. If No, skip to E.2.i.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:		
<ul style="list-style-type: none"> Streams: Name _____ Lakes or Ponds: Name _____ Wetlands: Name _____ Wetland No. (if regulated by DEC) _____ 		Classification _____ Classification _____ Approximate Size _____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____		
i. Is the project site in a designated Floodway?		
j. Is the project site in the 100-year Floodplain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k. Is the project site in the 500-year Floodplain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. Name of aquifer: Principal Aquifer		

m. Identify the predominant wildlife species that occupy or use the project site: <u>Squirrels and birds associated with urban setting</u>	
n. Does the project site contain a designated significant natural community? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Describe the habitat/community (composition, function, and basis for designation):	
ii. Source(s) of description or evaluation:	
iii. Extent of community/habitat:	
• Currently: _____ acres	
• Following completion of project as proposed: _____ acres	
• Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Species and listing (endangered or threatened):	
q. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Species and listing:	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? If yes, give a brief description of how the proposed action may affect that use:	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? If Yes, provide county plus district name/number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Are agricultural lands consisting of highly productive soils present? i. If Yes: acreage(s) on project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Source(s) of soil rating(s):	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? If Yes:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. CEA name:	
ii. Basis for designation:	
iii. Designating agency and date:	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
ii. Name: <u>Eligible Properties: Church of the Assumption Rectory, John McGurty Res. Proff. Office, Riley Bldg., Peekskill Downtown Historic District</u>	
iii. Brief description of attributes on which listing is based:	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s):	
ii. Basis for identification:	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify resource:	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):	
iii. Distance between project and resource:	miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation:	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

Jeffrey Stern, Chair
Ruth Wells, Vice Chair
Mark Porterfield, Secretary



Victor Drapala
Frank A. Filiciotto
Christopher Giusti
Christopher Gomez

CITY OF PEEKSKILL
Department of Planning and Development
840 Main Street
Peekskill, New York 10566
914-734-4211

July 14, 2020

APPL: Joseph G. Thompson, Architect
1006 Brown Street, Suite 212
Peekskill, NY 10566 Z20-005/P20-005

Owner: Unicorn Contracting Corp.
10 Julia Lane,
Cold Spring, NY 10516

RE: **Continued Public Hearing** by the Planning Commission regarding a **Special Permit** pursuant to Sections 575-33 B (11) and 575-57; **Final Site Plan Review** pursuant to Sections 575-33 B and 575-56 B (4) and 5; and **Parking Waivers** pursuant to Section 575-33 G (2), for the proposed construction of a mixed-use residential building on property located in the C-2, Central Commercial District.

Location: **216 South Division Street**
Section-Block-Lot: 33.37-4-6 (Peekskill Tax Map)
Zoning District: C-2, Central Commercial

Dear Mr. Thompson:

The Planning Commission reviewed the above-referenced matter during its regular meeting on Tuesday, July 14, 2020.

Please be advised that the Planning Commission voted to deem the application an Unlisted Action under SEQRA and adopted a Negative Declaration. The Planning Commission found that no park could be located on the subject property, and that the applicant will pay a development fee of \$229,500.00 prior to issuance of a building permit. Additionally, an I&I remediation contribution is also due and payable with the signing of the Final Site Plan(s).

The Planning Commission also voted to grant Approval of a Special Permit pursuant to Sections 575-33 B (11) and 575-57; Approval of a Final Site Plan pursuant to Sections 575-33 B and 575-56 B (4) and 5; and Parking Waivers pursuant to Section 575-33 G (2), for the proposed construction of a mixed-use residential building on property located in the C-2, Central Commercial District, to expire on January 14, 2021, subject to the following conditions:

Prior to the issuance of any City permits:

1. Final site plans submitted for signature shall conform to those presented to the Planning Commission in April 2020 and related civil engineered site plans prepared by Ralph G. Mastromonaco, PE. Six set of final site plans shall be submitted for signature.
2. Resolution of any and all remaining engineering matters to the satisfaction of the City Engineer and Department of Public Works (City Services).
3. The Applicant shall provide a payment into the City's Infiltration and Inflow (I&I) remedial fund to be determined by the Director of Planning and Development, in consultation with the Director of City Services.
4. A note shall be added to the final site plan that "Final construction plans shall incorporate provisions for bicycle parking for residents."
5. A note shall be added to the final site plan that "Final construction plans shall incorporate provisions for recycling to accommodate the expanded Westchester County recycling program."
6. A note shall be added to the final site plan that "Final construction plans shall provide adequate and appropriate interior soundproofing for individual units."
7. Provision of performance requirements (cash or irrevocable letter of credit) as deemed necessary and in an amount determined by the Director of Planning. Any performance instrument must be acceptable to the City Corporation Counsel as to form, manner of execution and surety.
8. Provision of inspection fees to allow for inspections during construction, prior to signing of the site plan.
9. Payment of any and all escrow balances, prior to signing of the site plan.
10. Maintenance of an escrow account during construction.
11. Payment of \$99,000 Development Fee.

Prior to the installation of final site improvements:

12. Final landscaping type, size (caliper and height) and location shall be satisfactory to the Director of Planning and shall be maintained in a vigorous, healthy condition.
13. Final lighting standards and details shall be to the satisfaction of the Director of Planning and shall be approved prior to purchase and installation.

Prior to issuance of the final Certificate of Occupancy:

14. All signage, including directional signage, shall be to the satisfaction of the City Director of City Services and Director of Planning.

15. Final water and sewer service connections, including the new water main, shall be to the satisfaction of the City Water/Sewer Superintendent.

At all times:

16. Construction will be limited to Monday to Friday, except holidays from 8:00 AM to 8:00 PM, and Saturdays from 9:00 AM to 5:00 PM. No activities will be permitted on Sundays or City holidays.

17. The Applicant or his designee shall confer on a regular basis with the City Director of Public Works with respect to but not limited to the following items: (a) roadway and/or sidewalk closures or restrictions; and (b) trenching and utility work in adjacent streets.

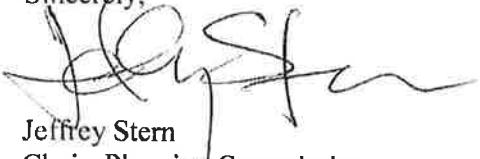
18. Final plans and construction activities shall protect surrounding structures from the impacts associated with rock and soil removal and other grading and construction activities.

Approval of the site plan shall be valid for the period outlined above for the purpose of obtaining a Building Permit. Please note that failure to secure any necessary permits during the approval period shall cause the site plan approval to become null and void.

Please be advised that in order to commence improvements to the property, six (6) original signed and sealed site plans must be submitted to the Department of Planning, along with a Performance Deposit, if required (see attached form). All conditions of approval must be either demonstrated on the final plans, or listed as notes on the final plans, prior to signature by the Planning Commission Chair.

This approval does not constitute an approval from private utility companies. If needed, please be sure to contact the utility companies as soon as possible since they typically require long lead times for approval and installation.

Sincerely,



Jeffrey Stern
Chair, Planning Commission

cc: Mayor and Common Council
Building Department
City Clerk
City Assessor
City Manager
Corporation Counsel

CERTIFIED COPY
July 21, 2020
Debra Petrowsky
CITY OF BELLWOOD, ILLINOIS

EXHIBIT B

[Public Hearing Notice and Minutes]

Attached Hereto



CITY OF PEEKSKILL
CITY HALL

340 Main Street
P.O. Box 10566
Peekskill, NY 10566

340 Main Street
P.O. Box 10566
Peekskill, NY 10566

NOTICE OF PUBLIC HEARING

August 11, 2020

To: The Chief Executive Officers of
The Affected Tax Jurisdictions
On Schedule A

Re: City of Peekskill Industrial Development Agency
216 South Division LLC Project
Notice of Public Hearing

Ladies and Gentlemen:

Please accept this letter as a notice of public hearing to be held pursuant to Article 18-A of the New York General Municipal Law by the City of Peekskill Industrial Development Agency (the "Agency") on the 25th day of August 2020, at 7:00 p.m., local time, at Peekskill City Hall, 340 Main Street, Peekskill, New York 10566, in connection with the above-referenced project and the financial assistance contemplated by the Agency. Please find enclosed a copy of the Notice of Public Hearing describing the Project and the financial assistance contemplated by the Agency. The Notice has been submitted to the *Journal News* for publication. **PLEASE NOTE** the following special hearing logistics and instructions:

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://www.portchesterny.com/home/industrial-development-agency>. However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo and local distancing restrictions at City facilities, the Agency will have limited accommodations for in-person public attendance or participation at this hearing for ten (10) or less individuals at the same time. In addition to this limited capacity gathering, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided

a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will also conduct a concurrent virtual public hearing via live audio broadcast on the Government Access Cablevision Channel 78/Verizon Fios Chanel 28, or on the City of Peekskill website at <https://www.cityofpeekskill.com/home/pages/meeting-video>. Any individuals seeking to participate and provide comment will also be provided with a video conference link at <https://www.cityofpeekskill.com/peekskill-industrial-development-agency>. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record, which can be submitted to Agency Executive Director Matthew Rudikoff at Peekskill City Hall, 840 Main Street, Peekskill, New York 10566 and/or mrudikoff@cityofpeekskill.com.

You are welcome to participate in this hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located.

Very truly yours,

CITY OF PEEKSKILL INDUSTRIAL
DEVELOPMENT AGENCY

Schedule A

Westchester County, New York

Certified Mail No. 9489-0090-0027-6197-6322-11

Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Certified Mail No. 9489-0090-0027-6197-6322-28

Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

City of Peekskill, New York

Certified Mail No. 9489-0090-0027-6197-6322-35

Peekskill City Hall
Attn: Mayor
840 Main Street
Peekskill, New York 10566

Certified Mail No. 9489-0090-0027-6197-6322-42

Peekskill City Hall
Attn: City Manager
840 Main Street
Peekskill, New York 10566

Peekskill City School District

Certified Mail No. 9489-0090-0027-6197-6322-59

Peekskill City School District
Attn: Superintendent
1031 Elm Street
Peekskill, New York 10566

Certified Mail No. 9489-0090-0027-6197-6322-66

Peekskill City School District
Attn: President, Board of Education
1031 Elm Street
Peekskill, New York 10566

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the City of Peekskill Industrial Development Agency (the "Agency") on the 25th day of August, 2020, at 7:00 p.m., local time, at Peekskill City Hall, 840 Main Street, Peekskill, New York 10566, in connection with the matter described below. **PLEASE NOTE** the special hearing logistics and instructions included at the end of this notice.

216 SOUTH DIVISION LLC, for itself and/or a related entity or entity to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in a parcel of real property located at 216 South Division Street, Peekskill, New York (the "Land", being more particularly described tax parcels 33.37-4-6) along with the existing improvements thereon consisting principally of a vacant residential structure (the "Existing Improvements"); (ii) the demolition of the Existing Improvements and the planning, design, construction, and operation of an approximately 27,000 sf 3-story mixed use facility comprised of 21 market rate apartment units and approximately 2,300 sf of commercial space along with related site improvements, access and egress improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

The Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance") in the form of: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; and (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

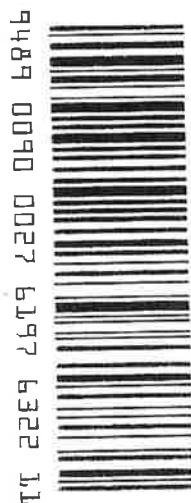
In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://www.portchesterny.com/home/industrial-development-agency>. However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo and local distancing restrictions at City facilities, the Agency will have limited accommodations for in-person public attendance or participation at this hearing for ten (10) or less individuals at the same time. In addition to this limited capacity gathering, and in

furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will also conduct a concurrent virtual public hearing via live audio broadcast on the Government Access Cablevision Channel 78/Verizon Fios Chanel 28, or on the City of Peekskill website at <https://www.cityofpeekskill.com/home/pages/meeting-video>. Any individuals seeking to participate and provide comment will also be provided with a video conference link at <https://www.cityofpeekskill.com/peekskill-industrial-development-agency>. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record, which can be submitted to Agency Executive Director Matthew Rudikoff at Peekskill City Hall, 840 Main Street, Peekskill, New York 10566 and/or mrudikoff@cityofpeekskill.com.

DATED: August 11, 2020

CITY OF PEEKSKILL INDUSTRIAL
DEVELOPMENT AGENCY

City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566



Label 890-PB, Oct. 2015
Pitney Bowes

Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601



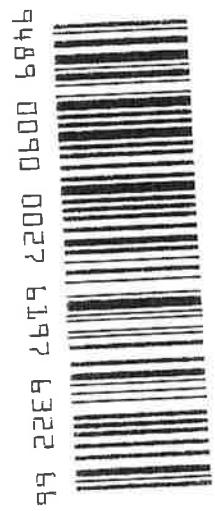
Label 890-PB, Oct. 2015
Pitney Bowes

City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566

Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601



City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566



Label 890-PB, Oct 2015
Pitney Bowes

Peekskill City School District
Attn: President, Board of Education
1031 Elm Street
Peekskill, New York 10566



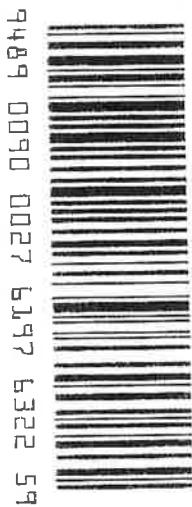
Label 890-PB, Oct. 2015
Pitney Bowes

City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566

Peekskill City Hall
Attn: Mayor
840 Main Street
Peekskill, New York 10566



City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566



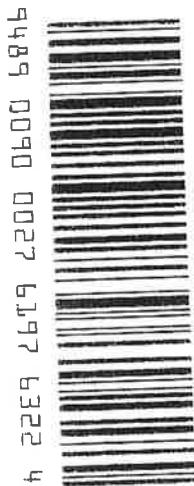
Label 890-PB, Oct. 2015
Pitney Bowes

Peekskill City School District
Attn: Superintendent
1031 Elm Street
Peekskill, New York 10566



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Pitney Bowes

City of Peekskill Industrial Development Agency
840 Main Street
Peekskill, New York 10566



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Pitney Bowes

Peekskill City Hall
Attn: City Manager
840 Main Street
Peekskill, New York 10566



Agency:
HARRIS BEACH LLP LGA
99 GARNSEY RD
PITTSFORD, NY 14534
ATTN: Amy Abbink
Acct: TJN-014794301

Client: HARRIS BEACH LLP LGA
99 GARNSEY RD,
PITTSFORD, NY 14534
Acct No: TJN-014794301

This is not an invoice

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0004326898	PIDA 216 NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD ON THE ARTICLE	Legal Notices	2 col x 78 lines	\$312.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		<i>Subtotal:</i>		\$342.00
		Agency Commission	0	\$0.00
		Net Total Due:		\$342.00

Run Dates: 08/15/2020

The Journal News
P. O. Box 822883
Philadelphia, PA 19182-2883



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 15 day of August in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas J. Kestrop, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nicholas Penstvorm being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone: Westchester **Run Dates:** 08/15/2020

Signature

Sworn to before me, this 15 day of August, 2020

~~Notary Public, State of Wisconsin, County of Brown~~

My commission expires

Legend:

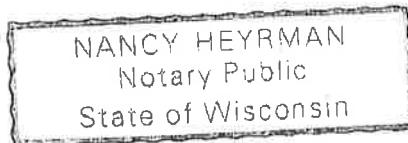
WESTCHESTER:

Westchester.
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Croton-on-Hudson, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawkhorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdy's, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Ridge Hill, Blauvelt, Congers, Garnerville, Haverslawn, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloansburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004326898



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DATED: August 11, 2020 CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY 4326898

ALERT: DUE TO LIMITED TRANSPORTATION AVAILABILITY AS A RESULT OF NATIONWIDE ...**EVIDENCE OF MAILING NOTICE
AND NOTICE LETTER**[FAQs >](#)**Track Another Package +****Track Packages
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Get the free Informed Delivery® feature to receive
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Certified Mail No. 9489-0090-0027-6197-6322-11
Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

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August 17, 2020 at 10:08 am
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148 Martine Avenue
White Plains, New York 10601

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Your item has been delivered to an agent for final delivery in PEEKSKILL, NY 10566 on August 14, 2020 at 12:15 pm.

✓ Delivered to Agent

August 14, 2020 at 12:15 pm
Delivered to Agent for Final Delivery
PEEKSKILL, NY 10566

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Peekskill City Hall
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840 Main Street
Peekskill, New York 10566

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August 14, 2020 at 12:15 pm
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PEEKSKILL, NY 10566

Certified Mail No. 9489-0090-0027-6197-6322-42

Peekskill City Hall
Attn: City Manager
840 Main Street
Peekskill, New York 10566

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✓ Delivered

August 18, 2020 at 11:18 am
Delivered, Front Desk/Reception/Mail Room
PEEKSKILL, NY 10566

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Peekskill City School District
Attn: Superintendent
1031 Elm Street
Peekskill, New York 10566

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PEEKSKILL, NY 10566

Get Updates ▾**Certified Mail No. 9489-0090-0027-6197-6322-66**

Peekskill City School District
Attn: President, Board of Education
1031 Elm Street
Peekskill, New York 10566

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STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

I, the undersigned Secretary of the City of Peekskill Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing extract of the minutes of the meeting of the Wayne County Industrial Development Agency (the "Agency") including the resolution contained therein, held on August 25, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Agency this 26th day of August, 2020.



Gloria A. Zonghetti, Secretary

[SEAL]