

**PROJECT AUTHORIZING RESOLUTION**  
*(BNS I, LLC Project – 1 Park Place)*

A regular meeting of the City of Peekskill Industrial Development Agency was convened on Tuesday, October 27, 2020 at 7:00 p.m.

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

Resolution No. 10-2020 - 07

RESOLUTION OF THE CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY (i) APPOINTING BNS I, LLC, FOR ITSELF AND/OR ON BEHALF OF AN ENTITY OR ENTITIES TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY 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, (the "Act"), the **CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to issue its revenue bonds, and/or enter into straight lease transactions and provide other forms of financial assistance; and

**BNS I, LLC**, for itself and/or for an entity or entities 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 1 Park Place, Peekskill, New York (the "Land", being more particularly described tax parcel 33.30-5-1) along with the existing improvements thereon consisting principally of a vacant superstructure improvements and related site work (the "Existing Improvements"); (ii) the construction and completion of the Existing Improvements and the planning, design, construction, and operation of a mixed use facility comprised of 181 market rate apartment units and approximately 16,500 sf of commercial space along with related site improvements, parking 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 September 22, 2020, the Agency adopted an initial project 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 (iv) authorized the negotiation of an Agent and Financial Assistance and Project Agreement (the "Agent Agreement"), Lease Agreement (the "Lease Agreement") and Leaseback Agreement (the "Leaseback Agreement") to be entered into with respect to the Project; and

WHEREAS, on November 14, 2017, the City of Peekskill Planning Commission adopted a negative declaration (the "Negative Declaration") under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, "SEQRA") with respect to the Project and in furtherance of the Company's application for Site Plan approval; and

WHEREAS, in accordance with the Initial Project Resolution, the Agency published and forwarded a Notice of Public Hearing to the City of Peekskill (the "City"), the County of Westchester (the "County"), and the Peekskill City School District (the "School", and together with the City and County, the "Affected Tax Jurisdictions") at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to Section 859-a of the Act, the Agency held a public hearing on Tuesday, October 27, 2020 at 7:00pm at the Peekskill City Hall, 840 Main Street, Peekskill, New York 10566 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, a copy of the minutes of the Public Hearing also being attached hereto within Exhibit A; and

WHEREAS, the City of Peekskill 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"), attached hereto as Exhibit B; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the appointment of the Company as agent of the Agency to undertake the Project; (ii) the execution and delivery of the Agent Agreement, Lease Agreement, the Leaseback Agreement and related documents; (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) a mortgage recording tax exemption for financings undertaken to construct the Facility; and (iv) the review and ratification of findings pursuant to SEQRA in connection with the Project.

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

Section 1. Based upon the representations made by the Company to the Agency in the 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) It is desirable and in the public interest for the Agency to (i) acquire title to or other interest in the Land, the Existing Improvements, Improvements and the Equipment constituting the Facility, (ii) lease or sell the Agency's interest in the Land, Existing Improvements, Improvements and Equipment constituting the Facility to the Company pursuant to a lease agreement or sale agreement, and (iii) enter into a Straight Lease Transaction with the Company; and

(C) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in the City of Peekskill, which is located within Westchester County, 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 facility or 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 facility or plant 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 and the Negative Declaration submitted to the Agency by the Company, the Agency hereby: consents to and affirms the status of the City of Peekskill Planning Commission as Lead Agency, within the meaning of and for all purposes of complying with SEQRA; determines that the proceedings undertaken by the City of Peekskill Planning Commission under SEQRA with respect to the undertaking of the Project by the Company satisfy the requirements of SEQRA; ratifies such proceedings by the City of Peekskill Planning Commission; and determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance

contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied.

Section 2. Subject to (i) the Company executing the Agent Agreement and Leaseback 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 \$16,000,000.00, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed \$1,340,000.00. 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 (or Deputy 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.

Section 6. The Chairman, Vice Chairman, or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter with the Straight Lease Documents, the "Agency Documents"); and, where appropriate, the 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, or Executive Director of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, or Executive Director of the Agency to constitute conclusive evidence of such approval; provided, that, in all events, recourse against the Agency is limited to the Agency's interest in 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 resolutions was duly put to vote on roll call, which resulted as follows:

	Yea	Nea	Absent	Abstain
Alan Kravitz	[ X ]	[ ]	[ ]	[ ]
Drew Claxton	[ ]	[X ]	[ ]	[ ]
Deborah Post	[ X ]	[ ]	[ ]	[ ]
Janice Thompson	[ X ]	[ ]	[ ]	[ ]
Nicholas Misch	[ X ]	[ ]	[ ]	[ ]
Dr. David Mauricio	[ X ]	[ ]	[ ]	[ ]
Juliene Bell-Smith	[ X ]	[ ]	[ ]	[ ]

The resolutions were thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss:

I, the undersigned Deputy Director 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 City of Peekskill Industrial Development Agency (the "Agency") including the resolution contained therein, held on October 27, 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 3rd day of March, 2021.

  
\_\_\_\_\_  
Kathy R. Lockwood  
Deputy Director

[SEAL]

**EXHIBIT A**  
**PUBLIC HEARING MATERIALS**





CITY OF PEEKSKILL  
CITY HALL

840 MAIN STREET  
PEEKSKILL, NEW YORK 10566

(914) 737-3400  
FAX NO. 914-737-2688

**NOTICE OF PUBLIC HEARING**

October 12, 2020

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

Re: City of Peekskill Industrial Development Agency  
BNS I, LLC Project – 1 Park Place  
In connection with an Application for Sales and Mortgage Tax Exemption  
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 27<sup>th</sup> day of October 2020, at 7:00 p.m., local time, at Peekskill City Hall, 840 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.cityofpeekskill.com/peekskill-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](mailto: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**

**No. 9489-0090-0027-6197-6283-06**

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

**No. 9489-0090-0027-6197-6283-13**

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

**City of Peekskill, New York**

**No. 9489-0090-0027-6197-6283-20**

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

**No. 9489-0090-0027-6197-6283-37**

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

**Peekskill City School District**

**No. 9489-0090-0027-6197-6283-44**

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

**No. 9489-0090-0027-6197-6283-51**

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 27<sup>th</sup> day of October, 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.

BNS I, 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 1 Park Place, Peekskill, New York (the "Land", being more particularly described tax parcel 33.30-5-1) along with the existing improvements thereon consisting principally of a vacant superstructure improvements and related site work (the "Existing Improvements"); (ii) the construction and completion of the Existing Improvements and the planning, design, construction, and operation of an mixed use facility comprised of 181 market rate apartment units and approximately 16,500 sf of commercial space along with related site improvements, parking 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.cityofpeekskill.com/peekskill-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](mailto:mrudikoff@cityofpeekskill.com).

DATED: October 12, 2020

CITY OF PEEKSKILL INDUSTRIAL  
DEVELOPMENT AGENCY

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628306[Remove X](#)

Your item was picked up at a postal facility at 10:22 am on October 19, 2020 in WHITE PLAINS, NY 10601.

## Delivered

October 19, 2020 at 10:22 am  
Delivered, Individual Picked Up at Postal Facility  
WHITE PLAINS, NY 10601

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[Return Receipt Electronic](#)

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[Tracking History](#)

**October 19, 2020, 10:22 am**

Delivered, Individual Picked Up at Postal Facility  
WHITE PLAINS, NY 10601

Your item was picked up at a postal facility at 10:22 am on October 19, 2020 in WHITE PLAINS, NY 10601.

**October 19, 2020, 8:04 am**

Arrived at Post Office  
WHITE PLAINS, NY 10606

**October 17, 2020, 1:16 pm**

Departed USPS Regional Destination Facility  
WHITE PLAINS NY DISTRIBUTION CENTER

**October 16, 2020, 9:40 pm**

Arrived at USPS Regional Destination Facility  
WHITE PLAINS NY DISTRIBUTION CENTER

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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**Product Information**

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**See Less**

Feedback

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Go to our FAQs section to find answers to your tracking questions.

**FAQs**

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628313[Remove X](#)

Your item was picked up at a postal facility at 10:22 am on October 19, 2020 in WHITE PLAINS, NY 10601.

## Delivered

October 19, 2020 at 10:22 am  
Delivered, Individual Picked Up at Postal Facility  
WHITE PLAINS, NY 10601

[Feedback](#)[Get Updates ✓](#)

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**Text & Email Updates**

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**Return Receipt Electronic**

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**Tracking History****October 19, 2020, 10:22 am**

Delivered, Individual Picked Up at Postal Facility  
WHITE PLAINS, NY 10601

Your item was picked up at a postal facility at 10:22 am on October 19, 2020 in WHITE PLAINS, NY 10601.

**October 19, 2020, 7:10 am**

Out for Delivery  
PEEKSKILL, NY 10566



**October 18, 2020**

In Transit to Next Facility

**October 18, 2020, 12:00 pm**

Arrived at Hub

WHITE PLAINS, NY 10606

**October 16, 2020, 8:22 pm**

Departed USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 16, 2020, 11:56 am**

Arrived at USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 14, 2020, 10:51 pm**

Departed USPS Regional Origin Facility

ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 7:57 pm**

Arrived at USPS Regional Origin Facility

ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 6:42 pm**

Accepted at USPS Origin Facility

PITTSFORD, NY 14534

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

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**Product Information**

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**See Less** ^

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628320[Remove X](#)

Your item has been delivered to an agent for final delivery in PEEKSKILL, NY 10566 on October 19, 2020 at 1:44 pm.

## Delivered to Agent

October 19, 2020 at 1:44 pm  
Delivered to Agent for Final Delivery  
PEEKSKILL, NY 10566

[Get Updates ✓](#)[Feedback](#)

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**Text & Email Updates**

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**Return Receipt Electronic**

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**Tracking History****October 19, 2020, 1:44 pm**

Delivered to Agent for Final Delivery  
PEEKSKILL, NY 10566

Your item has been delivered to an agent for final delivery in PEEKSKILL, NY 10566 on October 19, 2020 at 1:44 pm.

**October 19, 2020, 10:27 am**

Available for Pickup  
PEEKSKILL, NY 10566

**October 19, 2020, 9:50 am**

Out for Delivery

PEEKSKILL, NY 10566

**October 19, 2020, 9:39 am**

Arrived at Post Office

PEEKSKILL, NY 10566

**October 18, 2020**

In Transit to Next Facility

**October 16, 2020, 9:23 pm**

Departed USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 16, 2020, 11:55 am**

Arrived at USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 14, 2020, 11:06 pm**

Departed USPS Regional Origin Facility

ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 10:02 pm**

Arrived at USPS Regional Origin Facility

ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 8:47 pm**

Accepted at USPS Origin Facility

PITTSFORD, NY 14534

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

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**Product Information**

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628337[Remove X](#)

Your item has been delivered to an agent for final delivery in PEEKSKILL, NY 10566 on October 20, 2020 at 12:02 pm.

## ✓ Delivered to Agent

October 20, 2020 at 12:02 pm  
Delivered to Agent for Final Delivery  
PEEKSKILL, NY 10566

[Get Updates ✓](#)

Feedback

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**Text & Email Updates**

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**Return Receipt Electronic**

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**Tracking History****October 20, 2020, 12:02 pm**

Delivered to Agent for Final Delivery  
PEEKSKILL, NY 10566

Your item has been delivered to an agent for final delivery in PEEKSKILL, NY 10566 on October 20, 2020 at 12:02 pm.

**October 20, 2020, 7:33 am**

Out for Delivery  
PEEKSKILL, NY 10566

**October 20, 2020, 7:22 am**

Arrived at Post Office

PEEKSKILL, NY 10566

**October 19, 2020**

In Transit to Next Facility

**October 18, 2020, 12:15 am**

Departed USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 16, 2020, 9:40 pm**

Arrived at USPS Regional Destination Facility

WHITE PLAINS NY DISTRIBUTION CENTER

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

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**Product Information**

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**See Less** ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628344[Remove X](#)

Your item was delivered to an individual at the address at 12:47 pm on October 20, 2020 in PEEKSKILL, NY 10566.

## Delivered

October 20, 2020 at 12:47 pm  
Delivered, Left with Individual  
PEEKSKILL, NY 10566

[Get Updates ✓](#)[Feedback](#)

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[Text & Email Updates](#)

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[Return Receipt Electronic](#)

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[Tracking History](#)

**October 20, 2020, 12:47 pm**  
Delivered, Left with Individual  
PEEKSKILL, NY 10566

Your item was delivered to an individual at the address at 12:47 pm on October 20, 2020 in PEEKSKILL, NY 10566.

**October 20, 2020, 7:30 am**  
Out for Delivery  
PEEKSKILL, NY 10566

**October 20, 2020, 7:19 am**

Arrived at Post Office

PEEKSKILL, NY 10566

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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## Product Information

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See Less ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

Feedback

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 9489009000276197628351[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 1:37 pm on October 19, 2020 in PEEKSKILL, NY 10566.

## Delivered

October 19, 2020 at 1:37 pm  
Delivered, Front Desk/Reception/Mail Room  
PEEKSKILL, NY 10566

[Feedback](#)[Get Updates](#) 

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[Text & Email Updates](#)

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[Return Receipt Electronic](#)

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[Tracking History](#)

**October 19, 2020, 1:37 pm**

Delivered, Front Desk/Reception/Mail Room  
PEEKSKILL, NY 10566

Your item was delivered to the front desk, reception area, or mail room at 1:37 pm on October 19, 2020 in PEEKSKILL, NY 10566.

**October 19, 2020, 9:50 am**

Out for Delivery  
PEEKSKILL, NY 10566



**October 19, 2020, 9:39 am**

Arrived at Post Office  
PEEKSKILL, NY 10566

**October 18, 2020**

In Transit to Next Facility

**October 16, 2020, 9:23 pm**

Departed USPS Regional Destination Facility  
WHITE PLAINS NY DISTRIBUTION CENTER

**October 16, 2020, 11:55 am**

Arrived at USPS Regional Destination Facility  
WHITE PLAINS NY DISTRIBUTION CENTER

**October 14, 2020, 11:15 pm**

Departed USPS Regional Origin Facility  
ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 6:47 pm**

Arrived at USPS Regional Origin Facility  
ROCHESTER NY DISTRIBUTION CENTER

**October 14, 2020, 5:32 pm**

Accepted at USPS Origin Facility  
PITTSFORD, NY 14534

**October 14, 2020**

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

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**Product Information**

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**See Less**

# Journal News

media group

A GANNETT COMPANY [lohud.com](http://lohud.com)

**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** HARRIS BEACH LLP LGA  
**Address:** 99 GARNSEY RD  
PITTSFORD NY 14534  
USA

**Ad No.:** 0004421162  
**Pymt Method** Credit Card  
**Net Amt:** \$262.00

**Run Times:** 1

**Zone:** TJN-Westchester  
**No. of Affidavits:** 1

**Run Dates:** 10/16/20

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 27th day of October, 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.

BNS I, 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 1 Park Place, Peekskill, New York (the "Land", being more particularly described tax parcel 33.30-5-1) along with the existing improvements thereon consisting principally of a vacant superstructure improvements and related site work (the "Existing Improvements"); (ii) the construction and completion of the Existing Improvements and the planning, design, construction, and operation of an mixed use facility comprised of 181 market rate apartment units and approximately 16,500 sf of commercial space along with related site improvements, parking 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.cityofpeekskill.com/peekskill-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](mailto:mrudikoff@cityofpeekskill.com).

DATED: October 16, 2020

CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY 4421162

**EXHIBIT B**  
**SEQRA MATERIALS**

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

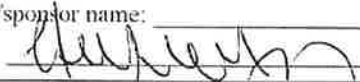
<b>Part 1 - Project and Sponsor Information</b> <b>ONE PARK PLACE, PEEKSKILL, N.Y.</b>			
Name of Action or Project: <b>NEW BUILDING</b>			
Project Location (describe, and attach a location map): <b>LOCATION AT PARK &amp; BROWN STREET BETWEEN JAMES STREET AND BROAD STREET.</b>			
Brief Description of Proposed Action: <b>TO CONSTRUCT A NEW 9-STORY MASONRY MIXED USE BUILDING WITH COMMERCIAL USES ON MAIN (STREET) LEVELS; COMMUNITY FACILITY &amp; AMENATIES ON THE 1ST FLOOR AND RESIDENCES ABOVE. PARKING LEVELS ARE LOCATED ON THE LOWER LEVELS OF THE STRUCTURE.</b>			
Name of Applicant or Sponsor: <b>EFSTATHIOS VALIOTIS</b>		Telephone: <small>719-267-0300</small> E-Mail: <small>EVVALIOTIS@AIMAREALTY.COM</small>	
Address: <b>31-10 37th STREET</b>			
City/PO: <b>LONG ISLAND CITY</b>		State: <b>N.Y.</b>	Zip Code: <b>11101</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b> <b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <small>"SPECIAL PERMIT" BY COMMON COUNCIL, "SITE PLAN APPROVAL" BY THE PLANNING COMMISSION, AND "AREA VARIANCE" BY THE ZONING BOARD OF APPEALS</small>			<b>NO</b> <b>YES</b>
3.a. Total acreage of the site of the proposed action?		<u>1.88</u> acres	
b. Total acreage to be physically disturbed?		<u>1.88</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>2.328</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
		X	
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		X	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	X		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
		X	
b. Are public transportation service(s) available at or near the site of the proposed action?		X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		X	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
			✓
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
			✓
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
			✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	X		
b. Is the proposed action located in an archeological sensitive area?			
	X		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	X		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
	X		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	X		
16. Is the project site located in the 100 year flood plain? <b>Flood plane is based on historic mapping, and not indicative of site.</b>	NO	YES	
		X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
			X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ PROVIDE DRYWELLS AND STORM DRAINS. _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO X	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO X	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO X	YES

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature:  \_\_\_\_\_

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	
2. Will the proposed action result in a change in the use or intensity of use of land?		<input checked="" type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Peckshull Planning Commission Name of Lead Agency	10.26.15 Date
Mr. Jeffrey Stein Print or Type Name of Responsible Officer in Lead Agency	see decision (Chairman) Title of Responsible Officer
see decision Signature of Responsible Officer in Lead Agency	[Signature] Signature of Preparer (if different from Responsible Officer)



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

**AGENDA BILL**

SUBJECT: APPROVAL OF A COMMON  
COUNCIL SPECIAL PERMIT AND BONUS  
HEIGHT DETERMINATION FOR 1 PARK  
PLACE MIXED USE BUILDING

FOR AGENDA OF: 3-14-16		AGENDA #
DEPT. OF ORIGIN:	PLANNING & DEVELOPMENT	
DATE SUBMITTED:	3-9-16	
DEPARTMENT HEAD:	JEAN FRIEDMAN, AICP	
EXHIBITS:		

APPROVED AS TO FORM BY CORPORATION COUNSEL	
APPROVED BY COMPTROLLER	
APPROVED BY CITY MANAGER FOR SUBMISSION	

EXPENDITURE REQUIRED \$	\$0	AMOUNT BUDGETED	\$0	APPROPRIATION REQUIRED \$	\$0
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**SUMMARY STATEMENT**

THIS RESOLUTION AUTHORIZES THE ISSUANCE OF A SPECIAL USE PERMIT AND MAKES A  
BONUS HEIGHT DETERMINATION FOR A MIXED USE BUILDING TO BE CONSTRUCTED AT 1  
PARK PLACE IN THE C-3 ZONING DISTRICT, WITH CONDITIONS.

**RECOMMENDED ACTION**

ADOPT RESOLUTION.

MOVED BY:

SECONDED BY:

ROLL CALL VOTE			
MAYOR CATALINA		COUNCILWOMAN TALBOT	
DEPUTY MAYOR CLAXTON		COUNCILMAN TORRES	
COUNCILWOMAN MCKENZIE		COUNCILMAN VESCE	
COUNCILMAN RAINEY			

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE ISSUANCE  
OF A SPECIAL USE PERMIT AND MAKING A BONUS HEIGHT  
DETERMINATION TO CONSTRUCT A MIXED USE RESIDENTIAL BUILDING  
AT 1 PARK PLACE IN THE C-3 ZONING DISTRICT**

**WHEREAS**, the Common Council has received an application from Efstathios Valiotis, 31-10 37<sup>th</sup> Avenue, Long Island City, New York 11101 for a Common Council Special Permit and Bonus Height Determination in order to construct a new mixed use building with residential and retail uses; and

**WHEREAS**, the subject property is located at 1 Park Place in the C-3 General Commercial District and is also known as Section 33.30, Block 5, Lot 1 on the City of Peckskill Official Tax Assessment Map; and

**WHEREAS**, pursuant to Section 575-57 of the City Code, this application was referred to the Planning Commission for its review and recommendation; and

**WHEREAS**, the Planning Commission provided a positive recommendation at its meeting on June 9, 2015; and

**WHEREAS**, the Common Council held a public hearing on this application on June 22, 2015; and

**WHEREAS**, on July 16, 2015 a variance was issued by the Zoning Board of Appeals (ZBA) for the number of elevators and the width of parking spaces; and

**WHEREAS**, bonus items #1, 2, 5, 6, and 16 worth 12 points as outlined in Section 575-34B(2)(i)[1][s] of the City Code (attached) have been proposed in the application allowing for the project to receive an additional 48 feet in height; and

**WHEREAS**, Section D of Chapter 575-34B(2)(i)[1][r][ii] requires the payment of a development fee as outlined in Section 275-18.1 of the City Code (attached) for this mixed use residential building; and

**WHEREAS**, pursuant to SEQRA, the proposed action is deemed an Unlisted Action;

**NOW, THEREFORE, BE IT**

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

**RESOLVED**, that the Common Council issues a bonus height determination of an additional 48 feet based upon the applicant providing bonus items worth 12 points as outlined in Section 575-34B(2)(i)[1][s] of the City Code (attached); and be it further

**RESOLVED**, that the applicant will pay the development fee as stipulated in Section D of Chapter 575-34B(2)(i)[1][r][ii] of the City Code and as outlined in Section 275-18.1 (attached); and be it further

**RESOLVED**, that Section A (exceptional architecture), Section B (underground parking), and Section C (recycling areas) of the attached Chapter 575-34B(2)(i)[1][r][ii] have been provided by the proposed development; and be it further

**RESOLVED**, that the application meets the standards of approval applicable to Special Permits as outlined in Section 575-57 of the Code of the City of Peekskill, and therefore the Common Council hereby authorizes the Director of Planning or her designee to issue a Special Permit for a mixed use building at 1 Park Place with the following conditions:

- Approval of a site plan by the Planning Commission pursuant to requirements for mixed use residential as outlined in Section 575-34B(2)(i) of the City Code and conformance with any and all conditions of the Site Plan approval.
- The final site plan provides bonus items #1, 2, 5, 6, and 16, or any bonus items that add up to 12 points or more, pursuant to Section 575-34B(2)(i)[1][s] of the City Code (attached).
- The Development Fee as required by Item D in Chapter 275, Article IV of the City Code, and particularly Section 275-18.1 (attached), will be paid by the applicant prior to the issuance of a Building Permit.

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



Christopher Giusti  
Christopher Gomez  
Andrew Mavian

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

May 10, 2016

APPL: Efstathios Valiotis P15-015/Z15-006  
31-10 37<sup>th</sup> Avenue,  
Long Island City, New York 11101

Owner: BNS I, LLC  
31-10 37<sup>th</sup> Avenue,  
Long Island City, New York 11101

Copies: Thomas E. Haynes, AIA  
570 Yonkers Avenue  
Yonkers, NY 10704

RE: **Continued Public Hearing** by the Planning Commission regarding **Final Site Plan Review and Steep Slopes Review** pursuant to Sections 575-56B and 575-34B; and **View Preservation/Design Review** pursuant to Section 575-34B (2) (i) (1) (j), for the proposed construction of a mixed-use building on property located in the C-3, General Commercial District.

Location: **One Park Place**  
Section-Block-Lot: 33.30-5-1 (Peekskill Tax Map)  
Zoning District: C-3, General Commercial

Dear Mr. Valiotis:

The Planning Commission reviewed the above-referenced matter during a Public Hearing held on Tuesday, May 10, 2016.

Please be advised that the Planning Commission voted to deem the application an Unlisted Action under SEQRA, and to issue a Negative Declaration pursuant to 6 NYCRR Part 617, and **grant Final Site Plan Approval and Steep Slopes Approval** pursuant to Sections 575-56B and 575-34B; and **View Preservation / Design Approval** pursuant to Section 575-34B (2) (i) (1) (j), for the proposed construction of a mixed-use building on property located in the C-3, General Commercial District, to expire on November 10, 2016. All approvals are subject to strict compliance with the following conditions of approval:

*To be completed prior to the signing of the plans:*

1. Submission of five copies of the approved site plans for signature by the Planning Commission Chairman.
2. The following note shall be added to the final site plan submitted for signature: "Final brick selection shall be to the satisfaction of the City of Peekskill Director of Planning. Brick shall complement brick used at the One Park Place office building."
3. The following note shall be added to the final site plan submitted for signature: "Final construction plan details such as window trim and louver coloring, railing specification, window noise attenuation, playground equipment, and garage door type and coloring shall be to the satisfaction of the City of Peekskill Director of Planning."
4. The addition of the following note to the final site plan: "The Applicant must return to the Planning Commission for amended site plan approval if substantial changes are proposed, unless the Director of Planning determines such changes to be minor modifications to the site plan or to proposed occupancies."
5. Payment of all outstanding application fees and escrow balances. Replenishment at the time of building permit application is recommended at \$50,000.
6. Provision of performance requirements (cash or irrevocable letter of credit) as deemed necessary and in an amount determined by the City Engineer, Director of Planning and Director of City Services. Any required performance instrument must be acceptable to the City Corporation Counsel as to form, manner of execution and surety. \$200,000 of any amount posted shall be for traffic signals or other traffic control. Traffic analyses shall specifically review the return of Park Street to a two-way configuration, and shall include a review of accident data at the Broad Street and Park Street intersection, and appropriate recommendations.
7. Provision of a cash fund to be placed into an escrow account in the amount of \$50,000 for the express purpose of covering the costs of traffic analysis relative to area intersections.
8. Construction Plans shall reflect the following:
  - a. Elevation of flues/stacks on the roof above 7 ft., or they shall be placed on a bulkhead or other vertical design element.
  - b. Flues/stacks shall be consolidated wherever possible;
  - c. Restaurant flues/stacks shall be placed at a higher elevation to reduce noise and nuisance from operation;
  - d. Planters or other appropriate screening of mechanicals on the roof;
  - e. Use of a hardy stone base course material of a color approved by the Director (similar to that provided to the Planning Commission); and
  - f. Screening at penthouse levels to match parapet planters (i.e., increasing in height approaching the building).

*To be completed prior to issuance of a Building Department Permit:*

1. Payment of all Development Fees associated with the application for a mixed use residential building pursuant to Section 275 of the City Code.

*To be completed prior to commencement of building construction:*

1. Relocation of meters and striping on surrounding street to the satisfaction of the Director of City Services / Public Works.
2. Final construction plans shall demonstrate compliance with the City's Flood Development regulations.
3. Final construction plans shall incorporate green elements on the rooftop to the extent feasible.
4. Resolution of all remaining engineering matters to the satisfaction of the Director of Public Works (City Services) and/or the City's consulting engineer, including but not limited to the following:
  - a. Provision of details regarding any proposed retaining wall to include its appearance, structural integrity, and drainage.
  - b. Provision of information relative to drainage and utilities.
  - c. Provision of a Stormwater Pollution Prevention Plan including erosion control measures.
  - d. Provision of information relative to all work within adjacent street right-of-ways.

*General conditions applicable following issuance of a Building Department Permit:*

1. Continuation of escrow fees during the duration of the project to cover consulting costs. Such fees shall be held in escrow, and any amounts not used shall be returned to the Applicant.
2. All erosion control measures, including protection of existing area inlets and catch basins, shall be in place prior to site grading and shall be maintained in a functional condition at all times.
3. Adherence to all requirements of Chapter 492 (Stormwater Management & Erosion Control) of the City Code and related permits issued by other agencies.
4. Equipment and materials shall not be parked or stored within the street right-of-way without authorization by the Department of Public Works or Water / Sewer Department.
5. Appropriate measures to direct and maintain pedestrian and vehicle traffic flow along surrounding streets shall be implemented as needed during construction.
6. As-built plans shall be provided as required.
7. The applicant shall arrange for a pre-construction meeting with the Director of Public Works (City Services), prior to any demolition, excavation or grading, installation of stormwater or other utilities or other site work. The need for additional on-site construction meetings with the City will be arranged at that time.
8. Applicant shall work closely with the City to minimize construction effects on the adjacent commercial structure, nearby properties and residents and traffic, loading and parking operations on surrounding streets during grading and construction activities. Measures to include fencing to reduce the migration of dust off site.
9. The applicant shall notify the City of Peekskill Building Inspector or Director of Public Works (City Services) at least 48 hours before any of the following:

- a. Start of demolition and excavation;
  - b. Installation of sediment and erosion control measures;
  - c. Installation of first shoring elements;
  - d. Completion of foundation;
  - e. Start of construction;
  - f. Project completion.
10. Meeting with City personnel shall be scheduled as needed during site preparation and construction.
  11. The Applicant shall notify the City Planning Department when project occupancy - residential or commercial - begins.

*To be completed prior to issuance of a Certificate of Occupancy*

1. Replacement of sidewalk along adjacent streets, if and as deemed necessary by the City's Department of Public Works (City Services).
2. Provision of a signage plan detailing all storefront and identifying signage to the satisfaction of the Director of Planning. Plan to include a designated signage band at storefronts including height and width, any lighting associated with signs, and location and font for identifying signage. Sign permits will be obtained as needed.
3. Installation of all onsite landscaping, lighting, benches and street furniture, and street trees. Final choices shall be to the satisfaction of the Director of Planning.
4. Provision of leasing controls satisfactory to the Director of Planning that prohibits storage of items on terraces, and outlines the types of and/or sizes of items that may be placed on terraces.
5. Provision of controls satisfactory to the Director of Planning that common open space including the playground and plaza fronting Park Street shall be maintained by the developer and / or its successors in interest to the property. The documents establishing or creating a corporate organization acceptable to the City shall provide a plan for the maintenance of all common usable open space and undedicated streets in the development. The City of Peekskill shall not be responsible for maintenance or enforcement of the site plan or association rules.
6. Pursuant to the City zoning code, the applicant shall deliver to the City of Peekskill for its approval a covenant and restriction, in a form suitable for filing in the office of the Westchester County Clerk, prohibiting, in perpetuity, any land which is designated for common usable open space from being used for any other purpose. The applicant will pay the filing fee and present proof of the filing. Upon approval of the covenant and restriction the developer shall, forthwith, record same in the office of the Westchester County Clerk and, in any event, before the issuance of the first certificate of occupancy in the development.
7. Pursuant to the City zoning code, the applicant shall establish a legally constituted condominium or homeowners' association or other corporate organization acceptable to the city for the ownership and maintenance of all common space not accepted for dedication by the City of Peekskill. This organization shall not be dissolved nor shall it dispose of any common usable open space, by sale or otherwise, except to another

organization conceived and established to own and maintain the common usable open space. Any homeowners' association established shall:

- {1} Be established before a certificate of occupancy or temporary certificate of occupancy has been issued for any dwelling unit in the development.
- {2} Make membership automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development.
- {3} Guarantee access to all the common usable open space to all persons legally residing in the development and limit that access to the legal residents and their tenants and guests only, and to the public for the larger second floor terrace and playground area. Every member of the association shall have a right and easement of enjoyment in and to the common usable open space.
- {4} Be responsible for liability insurance, taxes and the maintenance of the common usable open space and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.
- {5} Require owners of dwelling units to pay their pro rata share of the costs listed above and provide that an assessment levied by the organization shall have the same force and effect as a debt or ground rent or lien against the real property.
- {6} Be able to adjust the assessment to meet changing needs.

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, five (5) 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 Assessor  
City Clerk  
City Manager  
Corporation Counsel  
Public Works



**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**STAFF REPORT**

TO: Planning Commission - April 12, 2016

FROM: John Lynch, AICP, Consulting Planner 

APPL: Efsthathios Valiotis  
31-10 37<sup>th</sup> Avenue,  
Long Island City, New York 11101

P15-015/Z15-006

Owner: BNS I, LLC  
31-10 37<sup>th</sup> Avenue,  
Long Island City, New York 11101

Copies: Georgios Georgopoulos, R.A.  
26-16 Ditmars Blvd.,  
Astoria, NY 11105

RE: **Continued Public Hearing** by the Planning Commission regarding **Final Site Plan Review and Steep Slopes Review** pursuant to Sections 575-56B and 575-34B; and **View Preservation/Design Review** pursuant to Section 575-34B (2) (i) (1) (j), for the proposed construction of a mixed-use building on property located in the C-3, General Commercial District.

Location: **One Park Place**  
Section-Block-Lot: 33.30-5-1 (Peekskill Tax Map)  
Zoning District: C-3, General Commercial

**MATERIAL(S) REVIEWED IN PREPARATION OF STAFF REPORT**

1. Lighting specifications: Eye Lighting International (full specs are in master file)
2. Garage Rolling Gate Door Color Choices
3. Review Park Street elevation with lighting shown, vegetated privacy screen at terraces & add'l vegetation at penthouse terrace level

**BACKGROUND & ANALYSIS**

The Common Council issued a Special Permit authorizing construction of this mixed use residential building, and a bonus height determination allowing an additional 48 feet pursuant to the C-3 zoning standards for these uses.

The Applicant has also been seeking construction financing for the proposed development and has been informed by banks that the office building must be legally separated from the area supporting the proposed mixed use building. The Applicant is putting together an application for a commercial subdivision, which we expect to be placed on the May Planning Commission agenda.

The Applicant has indicated that engineering will be wrapped up shortly and information is expected at the April meeting. This report is intended to provide guidance on remaining items relative to the proposed building's appearance and Staff's proposed approach to addressing drainage, utilities and construction. This report will also provide a summary of the SEQR review that has occurred to date to inform the Commission action in this regard. Finally, the Applicant has provided photographs of recently completed projects in the NYC area; Staff has selected number of these to share with the Commission.

As you will remember, the Commission requested that the Applicant revise the Park Street rendering as follows:

1. to show signage on the first and terrace levels on the rendering, and a more complete signage plan for the proposal generally;
2. to specify a hardier material / finish as a "foundation" course;
3. to show all rooftop elements including flues, stacks, vents and mechanical equipment.

Staff has requested information in relation to drainage, construction details, site utilities, and the grading in the area of the playground / rear of the office building. The Planning Commission specifically requested that information regarding the logistics of construction – i.e., potential street closures, the amount of material to be excavated and removed from the site including number of truck trips, duration of grading, site preparation and building construction activities, staging areas for construction materials and equipment. Staff has also recommended to the Applicant that samples of the existing soils be tested as to their suitability for re-use as fill.

We are confident that drainage and any potential utility issues can be resolved by Staff and the City's and site engineers as construction plans are developed. Construction logistics will be monitored and – apart from information provided in response to the Commission's specific requests – a dialog will be maintained between City staff and the construction manager before and during the course of construction. We expect that the grading plan will include a retaining wall behind the existing office building to allow an area above to accommodate the proposed playground.

Any proposal for onsite management of stormwater runoff will include an onsite component. It is unlikely that all site stormwater runoff will be handled onsite given the amount of impervious surface associated with the proposal. A portion of the site's stormwater runoff will be brought to or otherwise collected by City inlets / catch basins in the adjacent streets; this is a generally acceptable solution so long as capacities and conditions are confirmed by the Applicant's engineer. We will work with the Applicant to resolve any issues that are identified as construction proceeds.

Finally, we believe that – based on the Commission's feedback to date – certain relatively minor architectural details such as the final specification for the garage roll-up doors, and the choice of playground equipment can be handled by Staff as construction proceeds.

#### SEQRA

In September of 2015, the Applicant provided a draft short EAF, another draft was submitted in October of 2015; both were attached to earlier Staff reports. Staff also prepared a draft Part 2 and draft determination of significance in late October of 2015.

The relevant environmental issues for this project have been (1) aesthetics and architecture; (2) traffic and parking; (3) drainage and utilities; and (4) construction effects. Aesthetics and architecture have received concentrated attention throughout the review process. Traffic was addressed in a Staff analysis summarized in the November 2015 Staff report; the Applicant has agreed to post a \$250,000 bond to perform requisite analyses along with a commitment to implement recommended mitigation – including signal warrant analyses as needed – at intersections that will process major portions of traffic associated with the development. We will recommend that a portion be posted as cash to allow for the analyses as warranted, with the remainder as a bond or Letter of Credit. Adequate parking (and loading) has been provided onsite with parking spaces also being provided for use by office building occupants, and the public. The potential for adverse effects with respect to drainage and utilities is low; as noted above details can be worked out during permitting and construction. Construction logistics will also be addressed at that time, although specific information has been requested by Staff and the Commission as noted earlier. As noted previously, we intend to incorporate similar conditions relating to submission of construction phasing, staging and scheduling information and construction vehicle routing into any recommendation for approval as have been incorporated into other relatively large-scale construction projects in the downtown area. In addition, erosion control details and a Stormwater Pollution Prevention Plan must be submitted by the Applicant to the City and to the NYS Department of Environmental Conservation.

In addition to the above items, Staff projects that an additional 23 students would attend Peekskill public schools when the project is fully leased. The District currently has an enrollment of 3,146 based on NYS Education Department data. Based on Staff projections, an increase of 23 students represents 0.73 percent of total enrollment. The enrollment increase would be spread throughout the 13 grades. This information has been provided to the Peekskill City School District.

A small portion of the project site lies within the McGregory brook 100-year floodplain as currently mapped by FEMA. No base flood elevation has been established, and the Applicant has been apprised of the potential for flooding in this small area within several feet of Park Street. Staff has recommended that the final construction plans include a setback from the Park Street front property line, and measures to address potential flooding of basement and sub-basement levels. Any construction within the mapped area will be required to meet FEMA construction requirements and obtain flood insurance as needed.

With regard to steep slopes, the area below Brown Street slopes significantly as shown on the topographic mapping attached to this Staff report.

The entire area of slope onsite would be eliminated by the proposal.

#### Applicant's Projects

Photographs have been provided for four of the Applicant's NYC area projects. One includes a rooftop tennis court. In addition, a copy of the rendering for Vordonia Towers (34-46 Vernon Boulevard in LI City, Queens is attached; one of the photos shows this building under construction.

## STAFF RECOMMENDATION

Staff believes that, with resolution of the three items noted earlier and the Applicant providing some detail relative to construction, the Planning Commission can act on SEQR and the site plan application at this time.

Staff recommends that the subject application be deemed an Unlisted action under SEQRA, and that a Negative Declaration be issued.

Staff recommends that the Planning Commission grant **Final Site Plan Review and Steep Slopes Review** pursuant to Sections 575-56B and 575-34B; and **View Preservation / Design Review** pursuant to Section 575-34B (2) (i) (1) (j), for the proposed construction of a mixed-use building on property located in the C-3, General Commercial District, to expire on October 12, 2016. All approvals are subject to strict compliance with the original conditions of approval:

*To be completed prior to the signing of the plans:*

1. Submission of five copies of the approved site plans for signature by the Planning Commission Chairman.
2. The following note shall be added to the final site plan submitted for signature: "Final brick selection shall be to the satisfaction of the City of Peekskill Director of Planning. Brick shall complement brick used at the One Park Place office building."
3. The following note shall be added to the final site plan submitted for signature: "Final construction plan details such as window trim and louver coloring, railing specification, window noise attenuation, playground equipment, and garage door type and coloring shall be to the satisfaction of the City of Peekskill Director of Planning."
4. The addition of the following note to the final site plan: "The Applicant must return to the Planning Commission for amended site plan approval if substantial changes are proposed, unless the Director of Planning determines such changes to be minor modifications to the site plan or to proposed occupancies."
5. Payment of all outstanding application fees and escrow balances. Replenishment at the time of building permit application is recommended at \$50,000.
6. Provision of performance requirements (cash or irrevocable letter of credit) as deemed necessary and in an amount determined by the City Engineer, Director of Planning and Director of City Services. Any required performance instrument must be acceptable to the City Corporation Counsel as to form, manner of execution and surety. \$200,000 of any amount posted shall be for traffic signals or other traffic control. Traffic analyses shall specifically review the return of Park Street to a two-way configuration, and shall include a review of accident data at the Broad Street and Park Street intersection, and appropriate recommendations.

7. Provision of a cash fund to be placed into an escrow account in the amount of \$50,000 for the express purpose of covering the costs of traffic analysis relative to area intersections.

*To be completed prior to commencement of building construction:*

1. Relocation of meters and striping on surrounding street to the satisfaction of the Director of City Services / Public Works.
2. Final construction plans shall demonstrate compliance with the City's Flood Development regulations.
3. Final construction plans shall incorporate green elements on the rooftop to the extent feasible.
4. Payment of all Development Fees associated with the application.
5. Resolution of all remaining engineering matters to the satisfaction of the Director of Public Works (City Services) and/or the City's consulting engineer, including but not limited to the following:
  - a. Provision of details regarding any proposed retaining wall to include its appearance, structural integrity, and drainage.
  - b. Provision of information relative to drainage and utilities.
  - c. Provision of a Stormwater Pollution Prevention Plan including erosion control measures.
  - d. Provision of information relative to all work within adjacent street right-of-ways.

*General conditions applicable following issuance of a Building Department Permit:*

1. Continuation of escrow fees during the duration of the project to cover consulting costs. Such fees shall be held in escrow, and any amounts not used shall be returned to the Applicant.
2. All erosion control measures, including protection of existing area inlets and catch basins, shall be in place prior to site grading and shall be maintained in a functional condition at all times.
3. Adherence to all requirements of Chapter 492 (Stormwater Management & Erosion Control) of the City Code and related permits issued by other agencies.
4. Equipment and materials shall not be parked or stored within the street right-of-way without authorization by the Department of Public Works or Water / Sewer Department.
5. Appropriate measures to direct and maintain pedestrian and vehicle traffic flow along surrounding streets shall be implemented as needed during construction.
6. As-built plans shall be provided as required.
7. The applicant shall arrange for a pre-construction meeting with the Director of Public Works (City Services), prior to any demolition, excavation or grading, installation of stormwater or other utilities or other site work. The need for additional on-site construction meetings with the City will be arranged at that time.
8. Applicant shall work closely with the City to minimize construction effects on the adjacent commercial structure, nearby properties and residents and traffic, loading and parking operations on surrounding streets during grading and construction activities. Measures to include fencing to reduce the migration of dust off site.

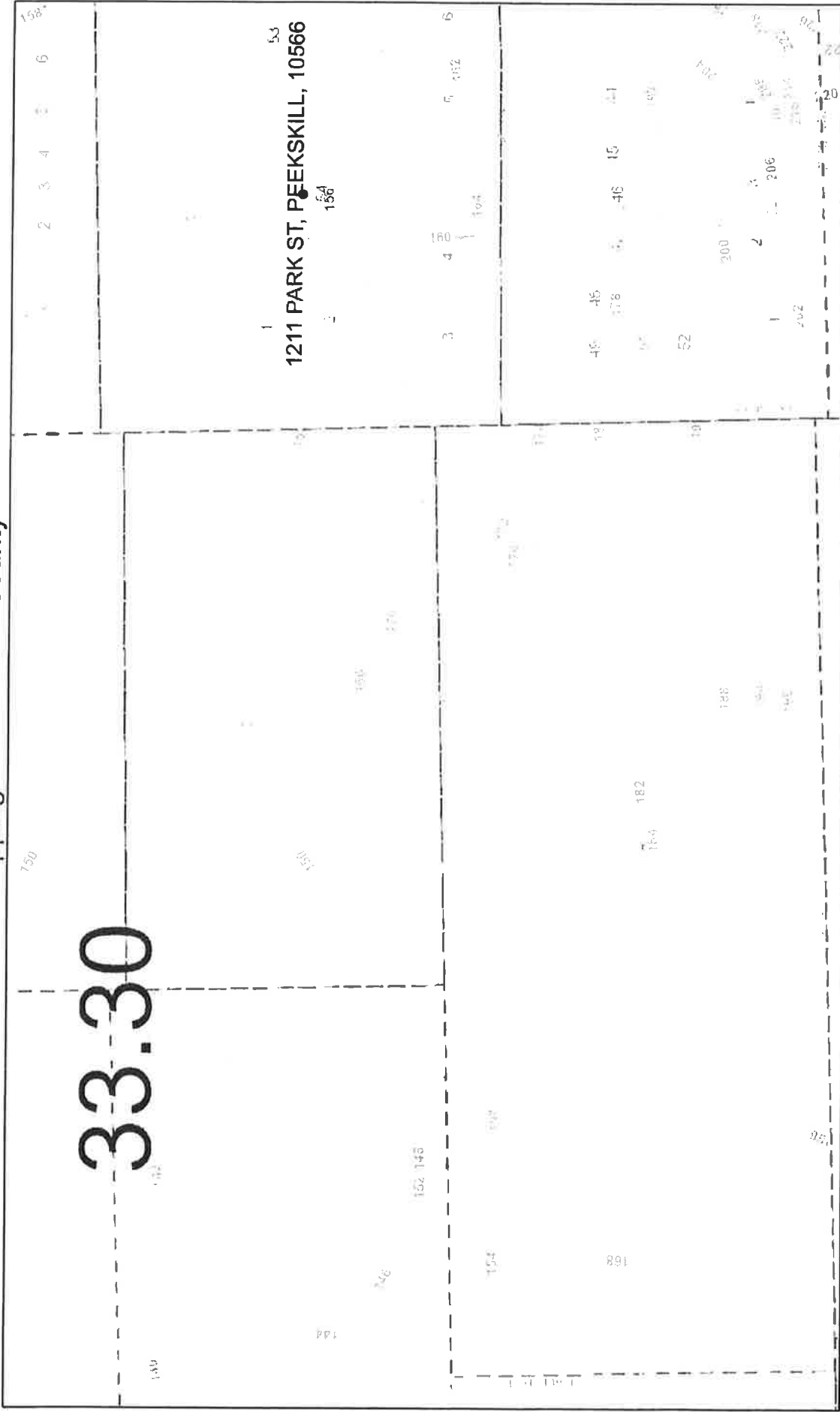
9. The applicant shall notify the City of Peekskill Building Inspector or Director of Public Works (City Services) at least 48 hours before any of the following:
  - a. Start of demolition and excavation;
  - b. Installation of sediment and erosion control measures;
  - c. Installation of first shoring elements;
  - d. Completion of foundation;
  - e. Start of construction;
  - f. Project completion.
10. Meeting with City personnel shall be scheduled as needed during site preparation and construction.
11. The Applicant shall notify the City Planning Department when project occupancy – residential or commercial – begins.

*To be completed prior to issuance of a Certificate of Occupancy*

1. Replacement of sidewalk along adjacent streets, if and as deemed necessary by the City's Department of Public Works (City Services).
2. Provision of a signage plan detailing all storefront and identifying signage to the satisfaction of the Director of Planning. Plan to include a designated signage band at storefronts including height and width, any lighting associated with signs, and location and font for identifying signage. Sign permits will be obtained as needed.
3. Installation of all onsite landscaping, lighting, benches and street furniture, and street trees. Final choices shall be to the satisfaction of the Director of Planning.
4. Provision of leasing controls satisfactory to the Director of Planning that prohibits storage of items on terraces, and outlines the types of and/or sizes of items that may be placed on terraces.
5. Provision of controls satisfactory to the Director of Planning that common open space including the playground and plaza fronting Park Street shall be maintained by the developer and / or its successors in interest to the property. The documents establishing or creating a condominium organization shall provide a plan for the maintenance of all common usable open space and undedicated streets in the development. The City of Peekskill shall not be responsible for maintenance or enforcement of the site plan or association rules.
6. Pursuant to the City zoning code, the applicant shall deliver to the City of Peekskill for its approval a covenant and restriction, in a form suitable for filing in the office of the Westchester County Clerk, prohibiting, in perpetuity, any land which is designated for common usable open space from being used for any other purpose. The applicant will pay the filing fee and present proof of the filing. Upon approval of the covenant and restriction the developer shall, forthwith, record same in the office of the Westchester County Clerk and, in any event, before the issuance of the first certificate of occupancy in the development.
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  - {1} Be established before a certificate of occupancy or temporary certificate of occupancy has been issued for any dwelling unit in the development.

- {2} Make membership automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development.
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- {6} Be able to adjust the assessment to meet changing needs.

# Mapping Westchester County



March 29, 2016

2 Foot Contours

 Municipal Boundaries

1:1,482

0 65 130 260 Feet

Westchester County GIS



617.20  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>																		
<b>ONE PARK PLACE, PEEKSKILL, N.Y.</b>																		
Name of Action or Project: <b>NEW BUILDING</b>																		
Project Location (describe, and attach a location map): <b>LOCATION AT PARK &amp; BROWN STREET BETWEEN JAMES STREET AND BROAD STREET.</b>																		
Brief Description of Proposed Action: <b>TO CONSTRUCT A NEW 9-STORY MASONRY MIXED USE BUILDING WITH COMMERCIAL USES ON MAIN (STREET) LEVELS; COMMUNITY FACILITY &amp; AMENATIES ON THE 1ST FLOOR AND RESIDENCES ABOVE. PARKING LEVELS ARE LOCATED ON THE LOWER LEVELS OF THE STRUCTURE.</b>																		
Name of Applicant or Sponsor: <b>EFSTATHIOS VALIOTIS</b>		Telephone: <small>718-267-0300</small>																
		E-Mail: <small>EVALIOTIS@ALMAREALTY.COM</small>																
Address: <b>31-10 37th STREET</b>																		
City/PO: <b>LONG ISLAND CITY</b>		State: <b>N.Y.</b>	Zip Code: <b>11101</b>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;"><b>NO</b></td><td style="width: 50%; text-align: center;"><b>YES</b></td></tr><tr><td style="height: 30px;"></td><td style="height: 30px;"></td></tr></table>	<b>NO</b>	<b>YES</b>													
<b>NO</b>	<b>YES</b>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <small>"SPECIAL PERMIT" BY COMMON COUNCIL, "SITE PLAN APPROVAL" BY THE PLANNING COMMISSION, AND "AREA VARIANCE" BY THE ZONING BOARD OF APPEALS</small>			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;"><b>NO</b></td><td style="width: 50%; text-align: center;"><b>YES</b></td></tr><tr><td style="height: 30px;"></td><td style="height: 30px;"></td></tr></table>	<b>NO</b>	<b>YES</b>													
<b>NO</b>	<b>YES</b>																	
3 a. Total acreage of the site of the proposed action?		<u>1.88</u>	acres															
b. Total acreage to be physically disturbed?		<u>1.88</u>	acres															
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>2.328</u>	acres															
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td colspan="5"><input type="checkbox"/> Parkland</td></tr></table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
		X	
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
			X
b. Are public transportation service(s) available at or near the site of the proposed action?			X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
			✓
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
			✓
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
			✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
		X	
b. Is the proposed action located in an archeological sensitive area?			X
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
		X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
		X	
16. Is the project site located in the 100 year flood plain? Flood plane is based on historic mapping, and not indicative of site.	NO	YES	
			X
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ PROVIDE DRYWELLS AND STORM DRAINS. _____	NO	YES	
			X

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO X	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO X	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO X	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: <u>Oct. 2015</u> Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?		✓
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing:		
a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Prehskull Planning Commission Name of Lead Agency	10.26.15 Date
Mr. Jeffrey Stein Print or Type Name of Responsible Officer in Lead Agency	see decision (Chairman) Title of Responsible Officer
see decision Signature of Responsible Officer in Lead Agency	[Signature] Signature of Preparer (if different from Responsible Officer)

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

# 2. Will the proposed action result in a change in the use or intensity of use of land?

THE EXISTING USE OF THE LAND IS VACANT, THE PROPOSED USE IS A MIX-USE RESIDENTIAL BUILDING.

# 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

THE NEW PROPOSED MIX-USE BUILDING PROVIDES COMMERCIAL RETAIL SPACES AS WELL AS RESTAURANTS AND A FITNESS CENTER THAT WILL INCREASE THE EXISTING LEVEL OF TRAFFIC, HOWEVER, THERE IS A PROPOSED PARKING GARAGE THAT IS AVAILABLE TO THE PUBLIC.

# 7. Will the proposed action impact existing:

a. public / private water supplies?

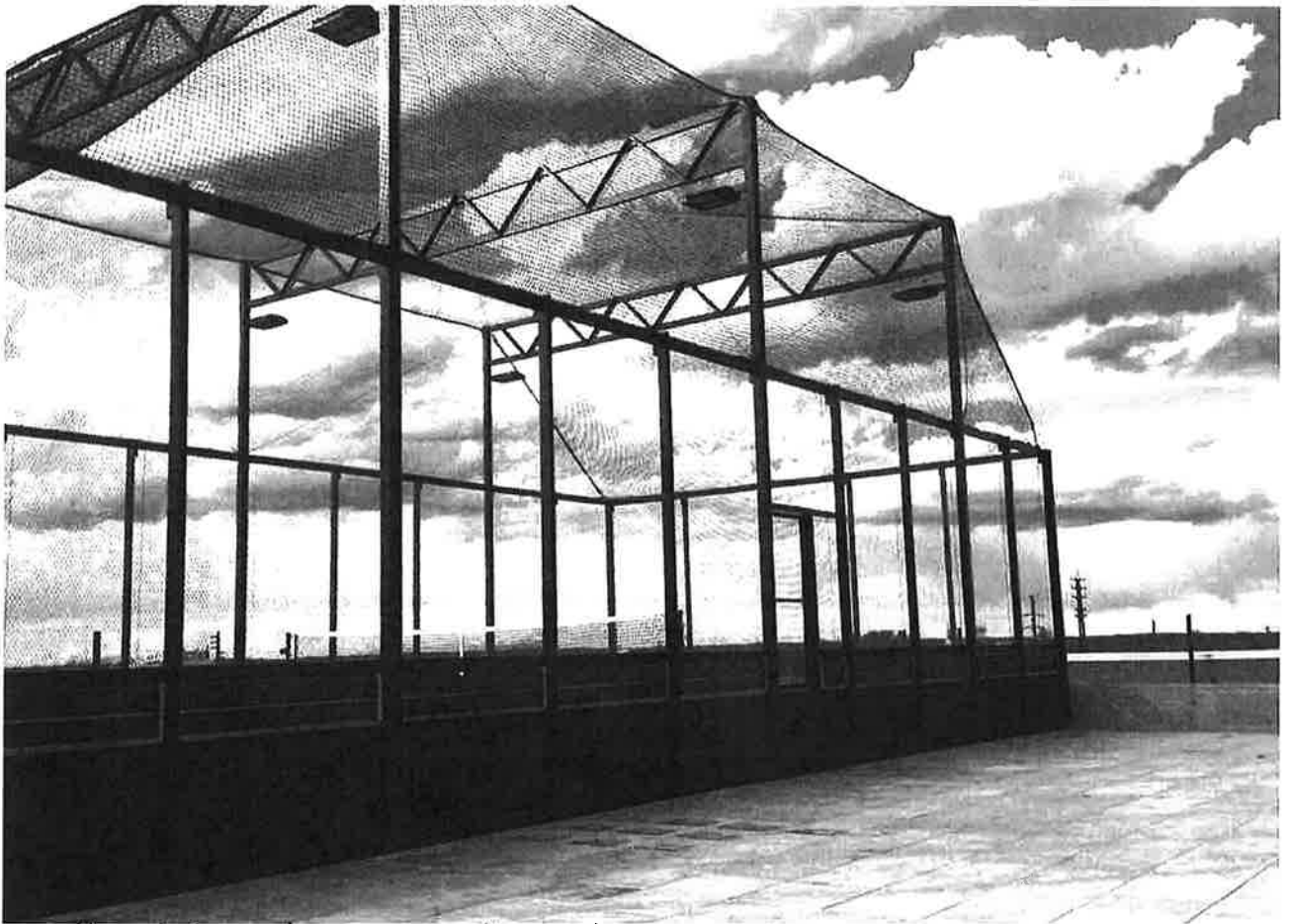
b. public / private wastewater treatment utilities?

SINCE THE CURRENT LAND IS VACANT, THE PROPOSED MIX-USE RESIDENTIAL BUILDING WILL IMPACT BOTH THE PUBLIC WATER SUPPLIES AND THE PUBLIC WASTEWATER TREATMENT UTILITIES.

add 7 narrative  
from m. hally  
submitted EAF  
09.15 [Signature]

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div style="display: flex; justify-content: space-between;"> <div>_____ Name of Lead Agency</div> <div>_____ Date</div> </div>	
<div style="display: flex; justify-content: space-between;"> <div>_____ Print or Type Name of Responsible Officer in Lead Agency</div> <div>_____ Title of Responsible Officer</div> </div>	
<div style="display: flex; justify-content: space-between;"> <div>_____ Signature of Responsible Officer in Lead Agency</div> <div>_____ Signature of Preparer (if different from Responsible Officer)</div> </div>	

**PRINT**

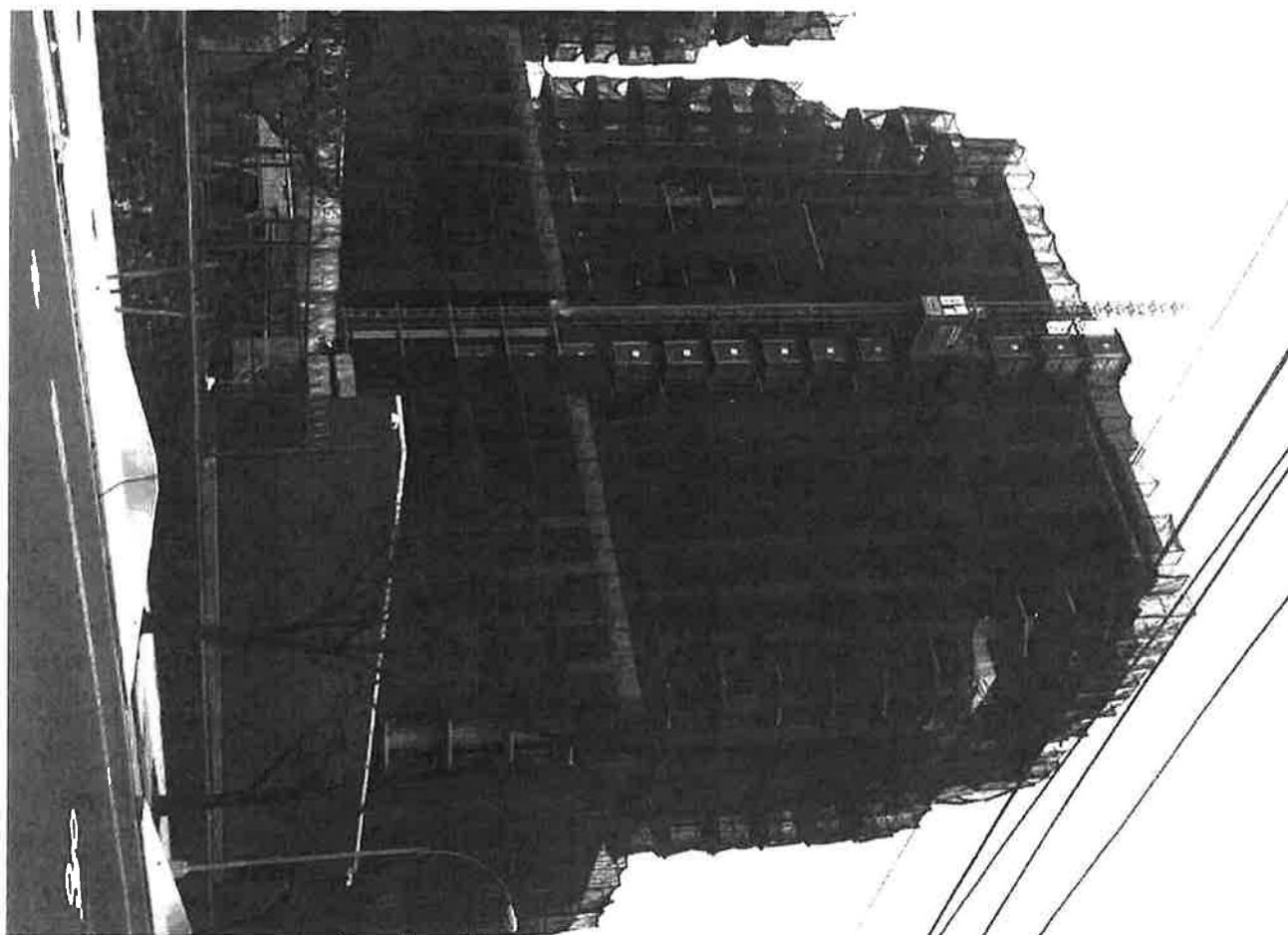


14 Brooklyn Avenue, Valley Stream, NY



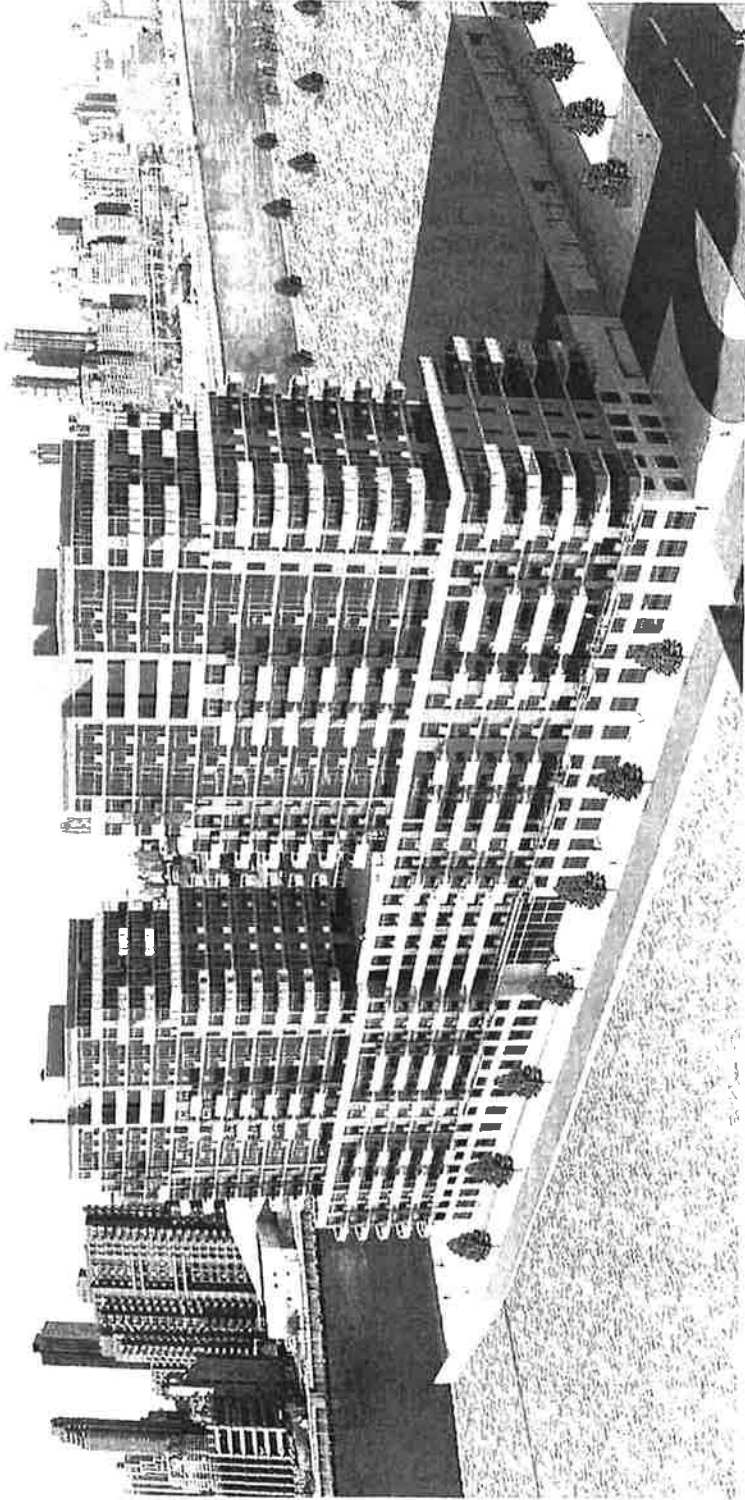
34-46 Vernon Blvd, Queens, NY





34-46 Vernon Blvd, Queens, NY





34-46 VERNON BLVD., L.I.C., N.Y.  
2 TOWERS 17-STORY BUILDING  
MULTIFAMILY HOUSE  
404 UNITS

## VORDONIA TOWERS