

To: Mayor Casale and the Beacon City Council
 From: John Clarke, City Planning Consultant
 Date: May 17, 2019
 Re: Special Permit Reviews

A Special Permit is an authorization of a particular land use which is permitted in a zoning law, subject to certain requirements imposed by such law to assure that the proposed use is in harmony with the zoning and will not adversely affect the neighborhood if such requirements are met.

First, it is important to note that it is unusual for elected boards or councils to review Special Permits, according to a 2017 survey of Dutchess County municipalities. The City of Poughkeepsie and all eight villages give Special Permit authority to the Planning Board. Of the 20 towns, 13 give Special Permit approvals to the Planning Board, one has the Zoning Board of Appeals approve Special Permits, and four split the authority between Planning Boards and ZBAs, depending on the use. In the Town of Wappinger the Planning Board generally approves Special Permits, but the Town Board retains authority for six specific uses, including water and sewer treatment plants, mobile home parks, and private recreational clubs or golf courses in residential districts. In the Town of Dover the Planning Board approves Special Permits, except the Town Board retains authority for communication towers, soil mining, and the former Harlem Valley Psychiatric Center property.

It is generally recommended that Planning Boards approve Special Permits to reduce the potential for political influences and to avoid passing applicants back and forth between separate reviewing bodies for SEQRA, Special Permits, and Site Plan public hearings and approvals. Special Permits should also be limited to those particular uses that need additional criteria to ensure compatibility with the surrounding area. Ideally, the City Council should add specific standards in the zoning law for most uses requiring a Special Permit and the Planning Board can be responsible for reviewing compliance with those standards.

The following shows uses that are subject to a Special Permit under existing zoning, compared to the latest draft changes to the Schedule of Use Regulations table. An * indicates a use with additional Special Permit standards.

Existing Zoning		Draft Zoning Changes	
Two-Family Dwellings	RD		
Multifamily Dwellings	RD, GB	Multifamily Dwellings	RD
Artist Live/Work Space*	LB, GB, L, LI		
Retail, Personal Service, Bank Office	L	Retail, Personal Service, Bank Office	L
	L		L
Retail Truck or Trailer*	WP		
Artist Studio	R1, RD, PB, OB, LB, GB, LI, HI	Artist Studio	HI
		Auction Gallery	HI
Art Gallery or Exhibit Space	R1, RD, PB, OB	Art Gallery/Exhibit Space	HI
Commercial Recreation	GB, LI, HI		
Adult Use*	LI, HI	Adult Use*	LI
Restaurant/Coffee House	OB, LB, L, WP	Restaurant/Coffee House	L, WP
Bar or Brew Pub	LB, GB, CMS, HI, LI	Bar or Brew Pub	GB, CMS, L, LI
Microbrewery/Microdistillery	LB, GB, L, LI, HI	Microbrewery/Microdistillery	GB, CMS, L
Food Preparation Business	L	Food Preparation Business	CMS, L
Bed and Breakfast*	R1, RD, PB, OB, LB, GB, WP, LI, HI	Bed and Breakfast*	R1, RD, T, GB, WP, LI

Existing Zoning		Draft Zoning Changes	
Inn	WP	Inn	WP
Hotel*	GB, LI, HI		
Park, Preserve, Public Rec.	R1, RD, PB, LB, OB, GB, LI, HI	Day Care Center	LI
Public Library	R1, RD, PB, OB	Park, Preserve, Public Rec.	CMS, LI, HI
Museum	R1, RD, PB, OB, WD, HI	Museum	R1, RD, T
Club*	R1, RD, PB, OB, LB, GB, LI, HI	Social Club*	R1, RD, T, GB, LI
Fire or Ambulance Facility	R1, RD, PB, OB, LB, GB, LI, HI	Ambulance Service	R1, RD, T,
		Golf Course	R1, RD
Hospital* or Nursing Home*	R1, RD, PB, OB, LB	Hospital* or Nursing Home*	R1, RD
		Animal Care Facility	R1, RD GB, LI
College or University	GB, LI, HI	College or University	R1, RD
Trade School/Training Program	GB, LI, HI	Trade School/Training Program	L
Private or Nursery School	R1, RD, PB, OB, LB, GB, LI, HI	Private or Nursery School	R1, RD, T, LI
Parking as Principal Use	R1, RD, PB		
		Vehicle Sales or Rental Lot	GB, LI
Public Garage with Repairs	CMS		
Gas Station*	LB, GB, HI	Gas Station*	GB, LI
Car Wash*	GB, HI	Car Wash*	GB, LI
Auto Body or Repair*	GB, LI, HI	Auto Body or Repair*	GB, LI, HI
Wholesale or Storage	LI		
		Workshop	T
Industrial/Manufacturing	L	Industrial/Manufacturing	L
Wireless Communications*	All Districts	Wireless Communications*	All Districts
Horticultural Nursery	R1, RD, PB, OB, LB, GB, LI, HI	Horticultural Nursery	R1, RD, GB, LI
Historic District Overlay*	All Districts	Historic District Overlay*	All Districts
Ski Facility	R1		
Accessory Apartment*	R1, RD	Accessory Apartment*	R1, RD, T
Artist Studio as Accessory Use	R1, RD		

This list highlights that Beacon's existing zoning has too many Special Permit requirements, especially those without any additional standards beyond the four general standards in Section 223-18 B(1). The draft zoning changes to the Schedule of Use Regulations table now under discussion reduces the number of required Special Permits, but the Council could consider eliminating a few more. For example, the 2017 Comprehensive Plan Update and Linkage rezoning process allowed certain commercial uses along the north side of West Main Street, so perhaps a Special Permit should not be required for offices or retail-type uses there. Also, the City Council has mapped a limited number of parcels in RD districts, designated for attached and multifamily housing, so it may not be necessary for multifamily housing to then be subject to a Special Permit and separate Council review.

My suggestion is that the Council consider giving the Planning Board responsibility for Special Permit reviews, consistent with almost all communities in the County. Most of the Special Permit uses remaining in the draft zoning changes are either relatively harmless uses that just need an extra level of scrutiny because of the particular district or have supplemental standards that the Planning Board can implement. The City Council could retain control for uses with wider-scale impacts, such as Wireless Communication Towers, or with particular sensitivities, such as in the Waterfront Park district, the Historic District and Landmark Overlay zone, and maybe certain uses in the R1 or T districts. Various Special Permit standards should be made more explicit and enforceable, but the intention should also be to simplify the planning process and avoid unnecessary time delays.