

**MARCUS J. MOLINARO**  
COUNTY EXECUTIVE



**EOIN WRAFTER, AICP**  
COMMISSIONER

**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

July 26, 2019

To: City Council, City of Beacon  
Re: Referral #19-210, LL: Enactment of a Moratorium

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (GML) (Article 12B, §239-l/m).

**ACTION**

The City Council is considering the adoption of a city-wide moratorium that would limit development (with some exceptions) for a period of up to 6 months, beginning June 11, 2019.

**COMMENTS**

In the Legislative Intent and Purpose, the City states the moratorium would be "to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the condition of Well #2" and "to give the City time to review and revise proposed zoning legislation that would amend the City's dimensional tables and establish new regulations for the Linkage District."

The establishment of a moratorium to halt development is not a small consideration and has cascading effects on residents, business owners and developers. Not enough information has been provided regarding the City's concerns with the current zoning code. As presented, the proposed zoning changes under consideration could appear to be more of a review and tweaking of the zoning code and not as a result of a pointed concern, or to address a significant issue not currently covered in the code. Without this information, it is difficult to justify the use of a moratorium as routine changes are more regularly handled without the need for one.

Regarding the turbidity and repair of Well #2, the City's consultant has determined that even without well #2 online, there is an adequate supply of water and even a surplus of ~170,000 gpd which takes into account both current and pending projects.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By

Jennifer F. Coccozza  
Deputy Commissioner

**Dutchess County Department of  
Planning and Development**

Fax Info	To	Jennifer Cocozza	Date	6/28/19	# pgs	2
	Dept	Co./Dept. Planning	From	Collin Milone		
	Fax #	845-486-3610	Phone #	845-838-5010		

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: City of Beacon

Referring Agency: ☐ Planning Board ☐ Zoning Board of Appeals ☒ Municipal Board

Tax Parcel Number(s):

Project Name: Local Law Regarding Enactment of a Moratorium

Applicant: City of Beacon

Address of Property: n/a

Please fill in this section

**Parcel(s) within  
500 feet of:**

- ☒ State Road \_\_\_\_\_
- ☐ County Road \_\_\_\_\_
- ☐ State Property (w/public building or recreation area)
- ☒ County Property (w/public building or recreation area)
- ☒ Municipal Boundary
- ☐ Farm operation in an Agricultural District

**Actions Requiring 239 Review**

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Rezoning Involving all map changes
- ☒ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses

**Exempt Actions:<sup>\*</sup>  
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): Public Hearing Scheduled for July 15, 2019

If subject of a previous referral, please note County referral number(s): Previous Moratorium LL referral # ZR17-327 and ZR17-355

<sup>\*</sup> These actions are only exempt in municipalities that signed an Intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY

**Response from Dutchess County Department of Planning and Development**
**No Comments:**

- ☐ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Project Withdrawn
- ☐ Exempt from 239 Review

**Comments Attached:**

- ☒ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete — municipality must resubmit to County
- ☐ Incomplete with Comments — municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: 6/28

Date Received: 6/28

Date Requested:

Date Required: 7/26

Date Response Faxed: 7/26

Notes:

☐ Major Project

Referral #: ZR 19-210

☐ Also mailed hard copy
Reviewer: 