Dutchess County Department of Planning and Development

Fax Info

To	Date 12/8/17	# pgs 4
Dept	From	
Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: City of Beacon

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

Tax Parcel Number(s): see attached

Project Name: Comprehensive Plan Amendments & Rezoning

Applicant: City Council

Address of Property:

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.)
- ☑ Rezonings 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* 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): Nov 20

If subject of a previous referral, please note County referral number(s):

** 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- ☐ Project Withdrawn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: 11/6/17	Notes: revised zoning map materials received 12/8.	☐ Major Project
Date Received: 11/6/17		Referral #: 17-393
Date Requested: 11/20/17		
Date Required: ~~12/7/17~~	☐ Also mailed hard copy	Reviewer: Jennifer Howard
Date Response Faxed:		

Date required 12/8 per agreement.

Print Form Reset Form

MARCUS J. MOLINARO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

December 8, 2017

To: City Council, City of Beacon

Re: Referral ZR17-393, Local Laws Amending Comprehensive Plan Update, Zoning Map, CMS and FCD District Regulations

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

ACTION

The City Council proposes to amend the Comprehensive Plan, Zoning Map, and CMS and FCD district regulations to be consistent with the general recommendations of the 2017 Comprehensive Plan.

COMMENTS

The City's proposed changes to the Comprehensive Plan Update involve several parcel-based adjustments to Sections 11 (Future Land Use Plan) and Section 12 (Zoning Implementation Plan), as well as zoning text amendments. So that our records are up-to-date, we ask that the City forward any adopted changes to our department.

Fishkill Creek Development (FCD) District

We are pleased to see the regulations have been revised to eliminate the "double-approval" (Concept Plan and Special Permit) to only require a Concept Plan by the City Council for Fishkill Creek Development projects. Site plan approval would be necessary from the Planning Board. Given that the regulations incorporate numerous performance standards for Concept Plan approval and annotated illustrative examples of design standards, the City will have clear guidance to ensure new development is consistent with the Comprehensive Plan and the City's vision.

Regarding Section 223-41.14 Bulk Regulations, a proposed change would *mandate* 25% of the total development's floor area be dedicated to nonresidential uses. This could be substantial. This district is not along the central main street commercial corridor, but is instead, located in an area that the comprehensive plan has deemed "sensitive" as it lies adjacent to the Creek. As several other districts in areas closer to the central main street can be redeveloped with nonresidential uses, we suggest that the *mandate* of non-residential uses be removed. In addition, the residential density calculation is proposed to be revised to remove environmentally constrained land (slopes over 20%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland) from the density equation. We have not analyzed land in the proposed FCD to find out the development potential, however, given that the City has adopted design standards for the FCD, and those standards are mandatory, we would argue that as long as those standards are followed, the density calculation is irrelevant.

Section 223-41.13(I)(3)(b) Fishkill Creek Design standards states, "Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors." This subsection is confusing. Which historical patterns should be followed? What happens when a new building is located near an older 1-story building when a three-story historic building was taken down previously? We would support the redevelopment of Beacon's true historic past, and not the unfortunate period of urban renewal.

Regarding the rezoning of Parcel# 6055-04-535126; Beacon Hip Lofts: There is a discrepancy in the documents submitted for our review. The parcel is proposed to be changed from LI to FCD on the Zoning Map, but on the Comprehensive Plan amendment (5th paragraph) it states that the parcel is to remain in the LI.

Central Main Street (CMS) District

Section 223-41.18(B)(1)(b) is proposed to be modified to reduce the maximum possible height of a building. Under current regulations, it is possible to obtain a (partial) 5th story (which must be stepped back at least 15 feet behind the façade above the fourth story) for buildings on the north side of Main Street. In addition, this option included the provision that 15% of its residential units (and not less than 5 units) were to be designated as below-market rate housing and/or at least 15% of the street level lot area adjacent to Main Street is available for public use. The proposed amendment eliminates the possibility of a partial 5th floor and the associated requirement of affordable housing and/or provision for public space. We urge the Council to reconsider the elimination of this provision. The partial 5th story is not a *requirement*, a property owner must obtain a special use permit, and that can only be granted upon a finding by the Planning Board that there will be no detrimental effect on parking, traffic, shadows, or specific views. Allowing the provision may help in securing affordable units.

Section 223-41.18 (A)(1)&(2) restricts residential units from fronting Main and East Main Streets. We generally agree with this principle as breaks in storefronts (1st floor residential uses, parking lots, etc.) have negative impacts on commercial districts. However, we question whether it may be useful, in some instances, to permit some first floor residential uses if such occupancy results in the preservation of the structure. We would anticipate instances where building owners many need time to rehabilitate their structures and having income from first-floor residential units would help them achieve their goals.

Section 223-41.18(B)(1)(b) Regulations, refers to "specific views designated as important by the City Council." The comprehensive plan (page 106) and the LWRP (page 25) list these locations. These documents should be referenced in the code so that users can readily find them.

Comp Plan Amendment: Regarding Parcels# 6054-38-174726 (East Main Street) and 6054-38-167716 (5 Water Street), that are proposed to be rezoned from CB to CMS; we were unable to locate them using Parcel Access or the listed address.

The CMS District has reduced parking requirements, which we support. However, considering the proposed expansion of the district, we suggest the City proactively plan for strategically-located small municipal or shared lots in order to ensure the continued walkability of Beacon, with the provision of convenient parking.

Approved Projects

The proposed amendment does not address approved projects or projects under review with regard to potential map/text changes. We would anticipate that approved projects that have undergone public review would be allowed to proceed with construction.

Definitions

As always, we encourage municipal boards to review the list of definitions in their zoning code to make sure that they are up to date, and that definitions are provided for new uses listed. We note that "exercise studios" are being added to the list of allowed uses in the FCD district, but a corresponding definition is not proposed.

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. Cocozza
Deputy Commissioner