



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

March 28, 2018

To: City Council, City of Beacon
Re: **Referral #18-068, Historic Preservation Law**

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

ACTION

The City is proposing to amend Chapter 134 (Historic Preservation) and Chapter 223 §24.7 (Zoning).

COMMENTS

The City's historic preservation law exists as its own Chapter in the City's Code and is located outside of the Zoning chapter. As a matter of law, our department does not have the authority to review laws that fall outside the umbrella of zoning. However, the City has proposed to make an adjustment to the zoning chapter to reference Chapter 134-7 (Historic Preservation) as a standard for the granting of a special permit by the City Council. In light of the City's Historic Preservation standards now being incorporated into the approval process for a special use permit (zoning law) by the City Council, we offer the following comments:

The City should consider keeping the Historic Preservation and Zoning laws distinct and separate. The incorporation of section 134-7 into the special permit process is confusing and redundant as an applicant will still need a certificate of appropriateness (which uses the same standards) from the Planning Board.

Separate and very specific standards have been developed for an applicant to be granted a Certificate of Appropriateness, Special Permit and/or Site Plan approval. In addition, zoning districts, such as the CMS district, contain additional, very specific standards. While we encourage the City to be specific about its expectation for development, we also believe it is critical to ensure that the process and hierarchy of municipal review and approval is clear and easy to understand for the residents and business owners of the City. For instance, the proposed amendment specifically adds "height" to the criteria for approval of a certificate of appropriateness or special permit in the HDLO and references "typical heights of adjacent historic structures." What is considered "typical" can vary from one building to the next and may depend on the *type of building* (industrial vs. single family home). This provision may also conflict with allowable heights as designated in the zoning code. Further, what qualifies as "historic" is not defined which will lead to ambiguity when applying the law. Does "historic" mean the buildings that are in the Historic District Landmark Overlay, or any historic building? Generally speaking, buildings that are eligible to be considered "historic" must be 50 years of age and older, which would include anything from Beacon's very first buildings to single-story buildings that were constructed during "urban renewal"

– a period of time that had devastating effects on the fabric of our cities. A clear understanding of what “historic” means is necessary to make this law effective.

Regarding approvals, it would be beneficial to all involved to permit small renovations, such as a window or door replacement through an administrative review rather than a full out planning board review. This would save time for the applicant in making the improvement, and would reduce the impact of small reviews on the Planning Board. To that end, we would encourage the City to investigate offering an administrative review process for smaller or in-kind renovations. As the City is already proposing to offer prior consultation with the Planning Board or its designated agent to review proposed changes, we suggest this could be turned into an administrative review for small projects that could be done at very low cost or free of charge for applicants.

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

A handwritten signature in black ink, appearing to read "Jennifer Coccozza", with a long horizontal flourish extending to the right.

Jennifer F. Coccozza
Deputy Commissioner

3/28 3P4P

Dutchess County Department of Planning and Development

Fax Info	To: <u>Jennifer Cocozza</u>	Date: <u>3/1/18</u>	# pgs: <u>15</u>
	Dept:	From: <u>Wise Edelson</u>	
	Fax #: <u>845 486 3610</u>	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): _____

Project Name: Historic Preservation Local Law

Applicant: City of Beacon

Address of Property: 1 Municipal Plaza Beacon, NY 12508

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* 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): before March 19th

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

<p>No Comments:</p> <p><input type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Project Withdrawn</p> <p><input type="checkbox"/> Exempt from 239 Review</p>	<p>Comments Attached:</p> <p><input checked="" type="checkbox"/> Local Concern with Comments</p> <p><input type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete — <i>municipality must resubmit to County</i></p> <p><input type="checkbox"/> Incomplete with Comments — <i>municipality must resubmit to County</i></p> <p><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</p>
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Date Submitted: <u>3/1/18</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>3/1/18</u>		
Date Requested: <u>3/19/18</u>		
Date Required: <u>3/30/18</u>	<input type="checkbox"/> Also mailed hard copy	Referral #: <u>ZR18-068</u>
Date Response Faxed: <u>3/28/18</u>		Reviewer: <u>Jennifer Cocozza</u>

DUTCHESS COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT