

**CITY OF BEACON
CITY COUNCIL**

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 8th, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to Consider a Proposed Local Law to Create A New RD-1.7 Designed Residence Zoning Dist. And Rezone Certain Properties to this New District.

This local law would take effect immediately upon filing with the Secretary of State. Complete copies of the proposed local laws are available at the Municipal Center for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: July 28, 2009

LOCAL LAW NO. ____ OF 2009

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW CREATING
A NEW RD-1.7 DESIGNED RESIDENCE ZONING DISTRICT
AND REZONING CERTAIN PROPERTIES TO THIS NEW DISTRICT**

BE IT ENACTED by the City Council of the City of Beacon as follows:

SECTION 1. TITLE

This local law shall be entitled, "A Local Creating a new RD-1.7 Designed Residence District and Rezoning Certain Properties to This New District."

SECTION 2. INTENT AND PURPOSE

This local law is intended to implement a portion of the new City Comprehensive Plan.

SECTION 3. ZONING TEXT AMENDMENTS

- 1. Section 223-17.C, "Schedule of Regulations for Residential Districts, of the Zoning Law shall be amended by adding a new RD-1.7 Designed Residence District in accordance with the chart attached hereto as Exhibit "A."**
- 2. Sections 223-2.B(13) and (14) shall be respectively renumbered to Sections (14) and (15).**
- 3. A new Section 223-2.B(13) shall be added to the Zoning Law and shall read as follows:**
 - (13) RD-1.7 Designed Residence District, 1,700 square feet per dwelling unit (minimum lot size of 5,000 square feet).**
- 4. Section 223-22.B(2) of the Zoning Law shall be amended to read as follows:**
 - (2) In any R1-10, R1-7.5, R1-5, RD-6, RD-5, RD-4, RD-3, ~~or~~ RD-1.8 or RD-1.7 District, the minimum lot area shall be 20,000 square feet, plus 1,500 square feet for each additional resident person over 10 in number.**

5. Section 223-20.1.C(1) of the Zoning Law shall be amended to read as follows:

- (1) Adult uses shall not be located within a five-hundred-foot radius of the following zoning districts which permit residential development: R1-120, R1-80, R1-40, R1-20, R1-10, R1-7.5, R1-5, RD-6, RD-5, RD-4, RD-3, RD-1.8, RD-1.7, RMF-1.5 and RMF-8.

SECTION 4. REZONING

The zoning of the property in the table below is hereby changed to the RD-1 Designed Residence District.

Tax parcel #	Current Zoning	Owner	Owner's Mailing Address
130200-5955-19-590022	RD-6	45 Tompkins Ave Beacon LLC	18 E. 22nd Street New York, NY 10010
130200-5954-25-566983	R1-20	45 Tompkins Ave Beacon LLC	18 E. 22nd Street New York, NY 10010
130200-5954-25-581985	R1-20	William S. Ehrlich	1456 County Route 83 Pine Plains, NY 12567
130200-5954-25-574979	R1-20	45 Tompkins Ave Beacon LLC	18 E. 22nd Street New York, NY 10010

SECTION 5. MAP

The Zoning Map of the City of Beacon is hereby amended to show the changes specified in Section 4 above. A map showing the proposed rezoning is attached hereto as Exhibit "B."

SECTION 6. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the Amendments contained herein, the Zoning Law of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 7. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2009

Attachments: Exhibits "A" and "B"

**EXHIBIT "A": AMENDMENTS TO § 223-17.C, SCHEDULE OF REGULATIONS
FOR RESIDENTIAL DISTRICTS, OF THE CITY OF BEACON ZONING LAW**

EXISTING COLUMN HEADING	NEW ZONING TEXT
Zoning District.....	RD-1.7 ^{k,1}
Permitted Principal Uses ⁴	
Permitted Accessory Uses ⁴	
Minimum Lot Size (see also § 223-12.I)	
Area	5,000 square feet
Lot Area per Dwelling Unit (square feet).....	1,700
Width (feet)	50
Depth (feet).....	100
Minimum Yard Residential Uses	
Front (feet)	30
Side ^b	
Minimum (feet).....	10 ^o
Total of 2 (feet).....	20
Rear (feet) ^b	25 ^e
Accessory Building	
Side (minimum) (feet)	5
Rear (feet)	5
Minimum Distance Between Buildings on the Same Lot.....	30 feet ^e
Maximum Height (see also § 223-13)	
Main Building	
Stories.....	4-1/2 ⁿ
Feet.....	55 ⁿ
Accessory Building ^a	
Stories.....	1
Feet.....	15
Minimum Height.....	1 story and 12 feet
Maximum Building Coverage	
Multi-family	25
(percent).....	40
All Other Uses	
.....	
Maximum Number of Dwelling Units per Building	36 ^o
Refer Also to These Pertinent Sections ⁴	
Zoning District.....	RD-1.7

^a If not occupied by a dwelling unit. Notwithstanding the one story and 15 feet height limitation, a clubhouse in a multi-family project shall not exceed two and one-half stories and 35 feet in height.

ⁿ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.

^o And each building shall not exceed 150 feet in length.

⁴ No addition to schedule in this column.

TOMPKINS
TERRACE
APARTMENTS

WP

RD-3

COLONIAL
ROAD

Proposed
Rezoning from
RD-6 to RD-1.7

~~[RD-6]~~
RD-1.7
EDGEWATER

AVENUE

R1-7.5

Proposed
Rezoning from
R1-20 to RD-1.7

~~[R1-20]~~
RD-1.7

BANK STREET

R1-20

BANK ST.

LI

WP

WEST MAIN STREET

RIVERFRONT.
PARK RD.





RIVER ST.

RD-5

BEEKMAN STREET

OB

R1-40

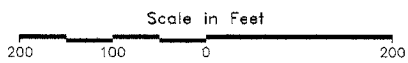
-  Existing Zoning District Boundary
-  Existing Zoning District Boundary to be Removed
-  Proposed Zoning District Boundary
-  Existing Zoning to be Changed

PROPOSED RD-1.7 REZONING
City of Beacon, New York



FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation

**Exhibit
B**



7/22/09

Dutchess County Department of Planning and Development

FAX INFO ONLY

To BEACON
 Co./Dept CITY COUNCIL
 Fax # 838 5012

Date 8/28 # pgs 2
 From J. CLARKE
 Phone # 486 3600

Zoning Referral

Please Fill Out This Entire Portion of the Form

Municipality: City of Beacon
 Referring Agency: City Council
 Tax Parcel Number(s): 5954-25-526983/581985/574979 & 5955-19-590022
 Project Name: LL: RD-1.7 Designed Residence district
 Applicant: City Council
 Address of Property: (various)

Type of Action:

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: _____

Jurisdictional Determinant:

- State Road _____
- County Road _____
- State Property
- County Property
- Municipal Boundary
- Agricultural District

Date Response Requested (if less than 30 days): _____

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

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

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete — municipality must resubmit to County
- Incomplete with Comments — municipality must resubmit to County

Date of Submittal: 7/28

Date Submittal Received: 7/29

Date Report Requested: _____

Date Report Required: 8/26

Date of Transmittal
 faxed: 8/28/09 mailed: _____

Notes:

Public Hearing scheduled for September 8th.

Major Project

- Archive
- Discard after 2 yrs
- Discard after 7 yrs

Referral #: 09-356

Reviewer: J. CLARKE

August 28, 2009

To: City Council, City of Beacon

Re: Referral 09-356, Local Law for a RD-1.7 Designed Residential District

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Council's decision involves a matter of some concern and offers the following preliminary comments.

Action

The proposal will amend the zoning to include a new Designed Residential district.

Comments

We support increased development potential in central areas, especially within a ½-mile walking radius of a regional rail station and the Main Street business district. The proposed district is also consistent with the Beacon *Comprehensive Plan* and compatible with the adjacent Transit-Oriented Development district proposed around the Station.

The proposed law is formatted to fit in with all the other residential zoning districts, which is understandable. However, there are unique characteristics of these properties that could justify additional standards. Because of the walkable distance to the Railroad Station, for example, connecting sidewalks should be required. Since this site is on a hill overlooking the Hudson River, landscaping that still allows river views, but breaks up the view from the river should be a serious concern.

The minimum lot sizes are appropriate for single-family houses, but not townhouses, which need minimum lots more in the 22 X 100 foot range and shorter front setbacks of 10-15 feet. We are also concerned that footnote n could allow housing elevated above a prominent, ground floor parking level. Parking under buildings should be substantially underground or hidden behind the building (for example, by building into a rear slope).

Finally, the map changes to RD-1.7 leave a single-parcel R1-20 district to the south, isolated from similar districts. The City should consider combining this parcel into one of the adjacent districts.

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.

Roger P. Akeley, Commissioner
Dutchess County Department of Planning & Development

By


John Clarke

Development and Design Coordinator



**Dutchess County
Department of
Planning and
Development**

William R. Steinhilber
County Executive

Roger P. Akeley
Commissioner

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Memorandum

Planning Board

TO: Mayor Gold and City Council Members
FROM: Etha Grogan, Planning Board Secretary
RE: Proposed RD-1.7 Zoning District
DATE: August 26, 2009

At the August 11, 2009 Planning Board meeting, members reviewed and discussed the proposed RD-1.7 zoning district as outlined in David Stolman's memorandum dated July 28, 2009. After discussing the regulations, members unanimously agreed the proposed zoning district made good planning sense and supported the adoption of the new local law.