

VILLAGE OF HUDSON FALLS
NOTICE OF DETERMINATION
ZONING BOARD OF APPEALS
USE VARIANCE

Applicant: Raymond O'Brien/Hudson Park LLC

Property Address: 38 Lafayette Street

The property at issue is located in the Residential District Class A Zone, more precisely 38 Lafayette Street in the Village and identified as TAX MAP PARCEL 146.18-5-3.3. Although the property is located in a residential zoning district, the improvements at the property are designed for commercial and light industrial purposes. The Zoning Board of Appeals has previously issued use variances for this property, specifically

- (1) On April 28, 2004 the Zoning Board of Appeals allowed for a silk screening/printing operation together with associated storage to occur on the subject parcel; and
- (2) On September 25, 2008 the Zoning Board of Appeals allowed for a tool sharpening business and associated storage to occur on the same subject parcel. A copy of these approvals are attached hereto as **Exhibit "A"**.

As a result, the Applicant currently maintains on the parcel two operating commercial businesses. The Applicant is now seeking to utilize the existing wood framed garage that is located on the southwestern corner of the building as a mobile engine repair business. The Applicant is seeking to rent the space to Alexander Kutkovski who would be the mechanic. The exact location of the proposed mobile engine repair business is depicted on the map/sketches prepared by the Applicant and referenced herein as **Exhibit "B"**.

A public hearing was conducted by the Zoning Board of Appeals in Village Hall on March 18, 2013 and again on April 15, 2013. There were no comments in opposition to the application. The Washington County Planning Board reviewed the application and determined that it is a matter of local concern for the Zoning Board of Appeals but provided comments which were taken into consideration with the Zoning Board's review of the matter. The Village of Hudson Falls Planning Board reviewed the matter on March 25, 2013 for the purpose of providing a recommendation. In a letter dated April 15, 2013 the Planning Board provided a

recommendation to approve the application with conditions. A copy of this letter is attached hereto as **Exhibit "C"**. A Short Environmental Assessment Form was reviewed and pleaded and thereafter the Zoning Board of Appeals issued a negative declaration under the State Environmental Quality Review Act.

After due deliberation, the Zoning Board of Appeals made the following findings in support of the decision to approve the use variance application.

1. The property cannot realize a reasonable return for each and every permitted use under the Zoning Law as removal or renovation of the existing structures would be cost prohibitive. The cost estimate to remove or renovate the existing subject structures for a residential use was estimated to be \$142,500.00.
2. The hardship relating to the property is unique because of the pre-existing non-conforming structures and the history of the use at the property for commercial and/or light industrial purposes. The hardship does not apply to the substantial portion of the neighborhood zoning district.
3. The use variance will not alter the essential character of the neighborhood as the structures are pre-existing non-conforming and the long standing history of the use of the property as a commercial or light industrial use. Introducing a mobile engine repair business at this location will not be out of character for the property or the neighborhood.
4. The hardship is not self-created as the pre-existing, non-conforming structures have existed for many years and the Applicant simply wants to utilize the structure for a use that is consistent with the structure located on the property.

A Motion was made by Zoning Board Member Hogan to approve the use variance application and seconded by Zoning Board Member Davis with the following conditions:

1. That the number of outdoor boats to be stored on the property be limited to five (5) boats in the Summer and seven (7) boats in the Winter;
2. That all boats stored on the property must be registered;
3. That no parking of boats be allowed past the front building line;
4. That all boats will be on trailers;

5. That the outdoor storage of a boat be limited to a period of six (6) months;
6. That the building at issue be brought up to code;
7. That during the wintertime, the boats are required to be wrapped; and
8. That no engines will be allowed to run before 7:00 am or after 9:00 pm.

Thereafter the members voted upon the motion to approve the use variance application for a mobile engine repair business and associated storage at the subject property at the location depicted on Exhibit "B" as follows:

Chairman Louis Distasio	Yes
Daniel Hogan	Yes
Bridget Davis	Yes

Dated: April 15, 2013



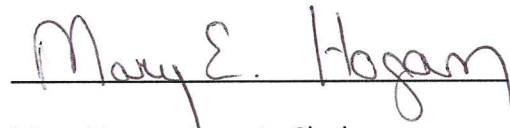
Louis Distasio, Chairman

Village of Hudson Falls

Zoning Board of Appeals

I hereby certify that the above resolution was duly adopted by the Village of Hudson Falls Zoning Board of Appeals on Monday, April 15, 2013 at the Village Hall, Hudson Falls, New York.

Dated: April 18, 2013

A handwritten signature in cursive script that reads "Mary E. Hogan". The signature is written in black ink and is positioned above a horizontal line.

Mary Hogan, Deputy Clerk

Village of Hudson Falls

cc: Building Department

Applicant

#337058

EXHIBIT "A"

VILLAGE OF HUDSON FALLS
ZONING BOARD OF APPEALS

NOTICE OF DETERMINATION

Applicant: Hudson Park Group, LLC

Property Owner: David A. LaFountain and Laurie A. LaFountain

Property Address: 38 Lafayette Street (Tax Map No. 146.18-5-3.2)

Project: The property is approximately 1.5 ± acres and is located in a Class A residential zone. The building on the property is a component of a former Northern Homes manufacturing site. The building has been used for manufacturing and warehouse uses. The applicant proposes to conduct a silk screen/printing operation on the premises where uncolored paper is taken in and colored paper is generated. The business is a wholesale operation. There are no retail sales. The end product is sold and delivered to artists, art stores, photographers and the like. There will be 10-12 employees and employee parking will be in the rear of the building.

A public hearing was conducted by the Zoning Board of Appeals ("ZBA") at the Village Hall on April 19, 2004 and was continued on April 22, 2004. The applicant through its attorney, John H. Richards, Esq. was present. The LaFountain's were also present. There were no objections from the public to the use variance application.

After due deliberation, the ZBA made the following findings in support of the decision to approve the application:

1. The property cannot realize a reasonable return for each and every permitted use under the Zoning Law. There are no residential structures on the property. The property is currently improved by a large concrete block and wood frame manufacturing type structure. The cost of conversion to a residential use is prohibitive. The applicant supplied supporting material.
2. The hardship relating to the property is unique due to the existing building as well as the long history of manufacturing/warehouse use at the property.
3. The use variance will not alter the essential character of the neighborhood as there is a long history of non-conforming uses at the subject property. Moreover, the silk screening/printing business will bring an improvement to the property, including cleaning and repairs to the building interior and the surrounding grounds.
4. The alleged hardship is not viewed as being self-created because the structures on the property are longstanding and as aforesaid, the property has a long history of manufacturing/warehouse use.

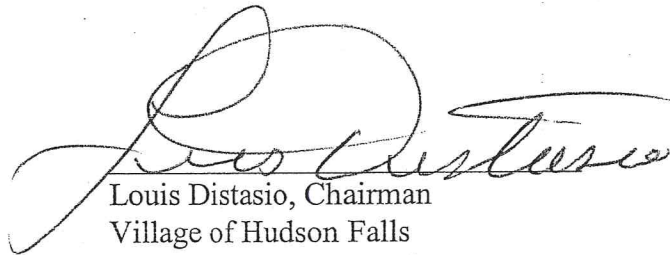
It was specifically noted that the use variance is for a silk screening/printing operation only or other substantially similar use as may be determined by the Village of Hudson Falls Code Enforcement Officer/Building Inspector. Any other use of the subject property is not authorized.

The action was determined to be unlisted under the State Environmental Quality Review Act (SEQRA). The ZBA reviewed a short environmental assessment form and thereafter adopted a negative declaration.

A motion was made and seconded to approve the use variance application. Noting that the applicant is not the owner of the property, the ZBA issued the use variance application to the property owners, namely David A. LaFountain and Laurie A. LaFountain. It is the understanding that the applicant is a contract vendee and will be purchasing the property from the LaFountain's following the issuance of the use variance determination. Thereafter, the ZBA members voted upon the motion to approve the variance application as follows:

Matt LaPann	Yes
Joseph Delaney	Yes
James Ross	Yes
John Doyle	Yes
Chairman Louis Distasio	Yes

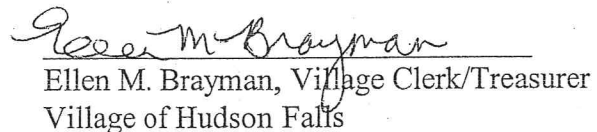
Dated: April 28, 2004



Louis Distasio, Chairman
Village of Hudson Falls
Zoning Board of Appeals

I hereby certify that the above resolution was duly adopted by the Village of Hudson Falls Zoning Board of Appeals on Thursday, April 22, 2004 at the Village Hall, Hudson Falls, New York.

Dated: April 28, 2004



Ellen M. Brayman, Village Clerk/Treasurer
Village of Hudson Falls

**VILLAGE OF HUDSON FALLS
ZONING BOARD OF APPEALS**

NOTICE OF DETERMINATION

APPLICANT: RAY O'BRIEN - Use Variance Application

PROPERTY ADDRESS: 38 Lafayette Street

The property is located in a District 1 Residence Class A zone, more precisely located at 38 Lafayette Street in the Village, and identified as Tax Map 146.18-5-3.3. Although the property is located in a residential zoning district, the improvements at the property are designed for commercial or light industrial use. The Zoning Board of Appeals previously granted the applicant a use variance for the property, and pursuant to the use variance, the applicant currently operates a silk-screening business with associated storage at the property. The applicant seeks to renovate a space in the existing structure approximately 38 feet in length and 18 feet 8 inches wide for the purposes of operating a tool sharpening business. The applicant would rent this space to Mac & Travis Tatro who operate Tatro's Sharpening Shop. The exact location of the proposed tool sharpening business is depicted on the maps/sketches prepared by the applicant and referenced herein as **Exhibit "A"**.

A public hearing was conducted by the Zoning Board of Appeals in Village Hall on September 22, 2008. There were no comments in opposition to the application. The Washington County Planning Board reviewed the application and determined that it is a matter of local concern for the Zoning Board of Appeals. A Short Environmental Assessment Form was reviewed and pleaded and thereafter the Zoning Board of Appeals issued a negative declaration under the State Environmental Quality Review Act.

After due deliberation, the Zoning Board of Appeals made the following findings in support of the decision to approve the use variance application.

1. The property cannot realize a reasonable return for each and every permitted use under the Zoning Law as removal or renovation of the existing structures would be cost prohibitive. The cost estimate to remove or renovate the existing structures for a residential use was estimated to be \$400,000.00.
2. The hardship relating to the property is unique because of the pre-existing non-conforming structures and the history of the use at the property for commercial and/or light industrial uses. The hardship does not apply to the substantial portion of the neighborhood zoning district.
3. The use variance will not alter the essential character of the neighborhood as the structures are pre-existing non-conforming and the long standing history of the use of the property as a commercial or light industrial use. Introducing a tool

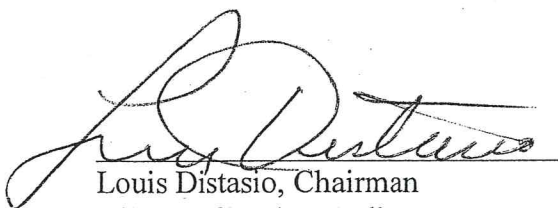
sharpening business at this location will not be out of character for the property or the neighborhood.

4. The hardship is not self-created as the pre-existing, non-conforming structures have existed for many years and the applicant simply wants to utilize the structure for a use that is consistent with the structure located on the property.

A Motion was made by Zoning Board Member James Ross to approve the use variance application and seconded by Zoning Board Member Dan Hogan. Thereafter the members voted upon the motion to approve the use variance application for a tool sharpening business at the subject property at the location depicted on Exhibit "A" as follows:

James Ross	<u>Yes</u>
Dan Hogan	<u>Yes</u>
Chairman Louis Distasio	<u>Yes</u>

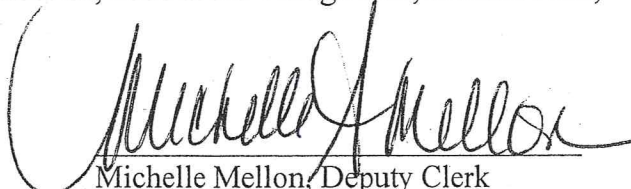
Dated: September 25, 2008



Louis Distasio, Chairman
Village of Hudson Falls
Zoning Board of Appeals

I hereby certify that the above resolution was duly adopted by the Village of Hudson Falls Zoning Board of Appeals on Monday, September 22, 2008 at the Village Hall, Hudson Falls, New York.

Dated: September 25, 2008



Michelle Mellon, Deputy Clerk
Village of Hudson Falls

cc: Building Department

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MICHELLE A. MELLON
Notary Public, State of New York
No. 01ME5040333
Qualified in Washington County
My Commission Expires March 6, 2011

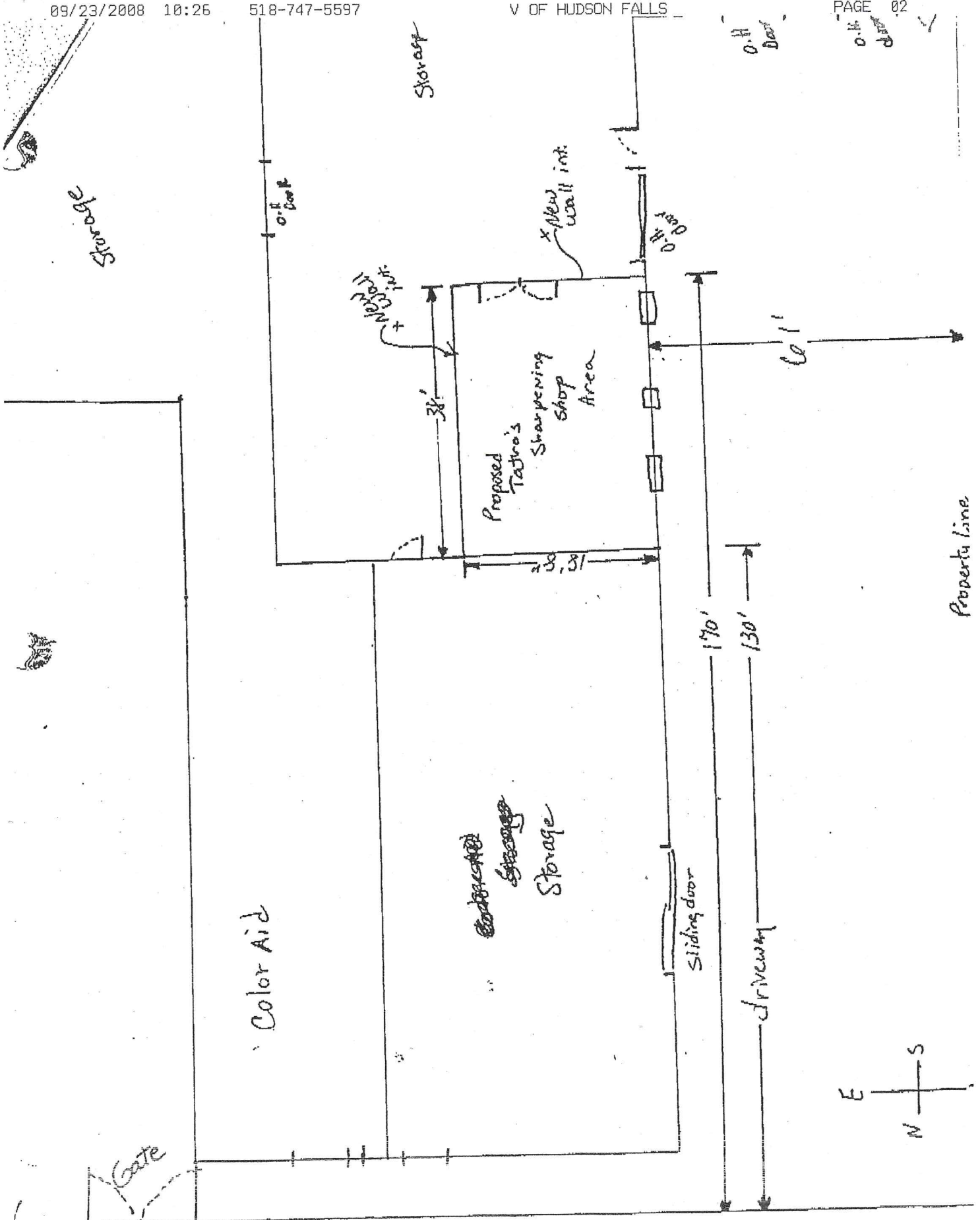
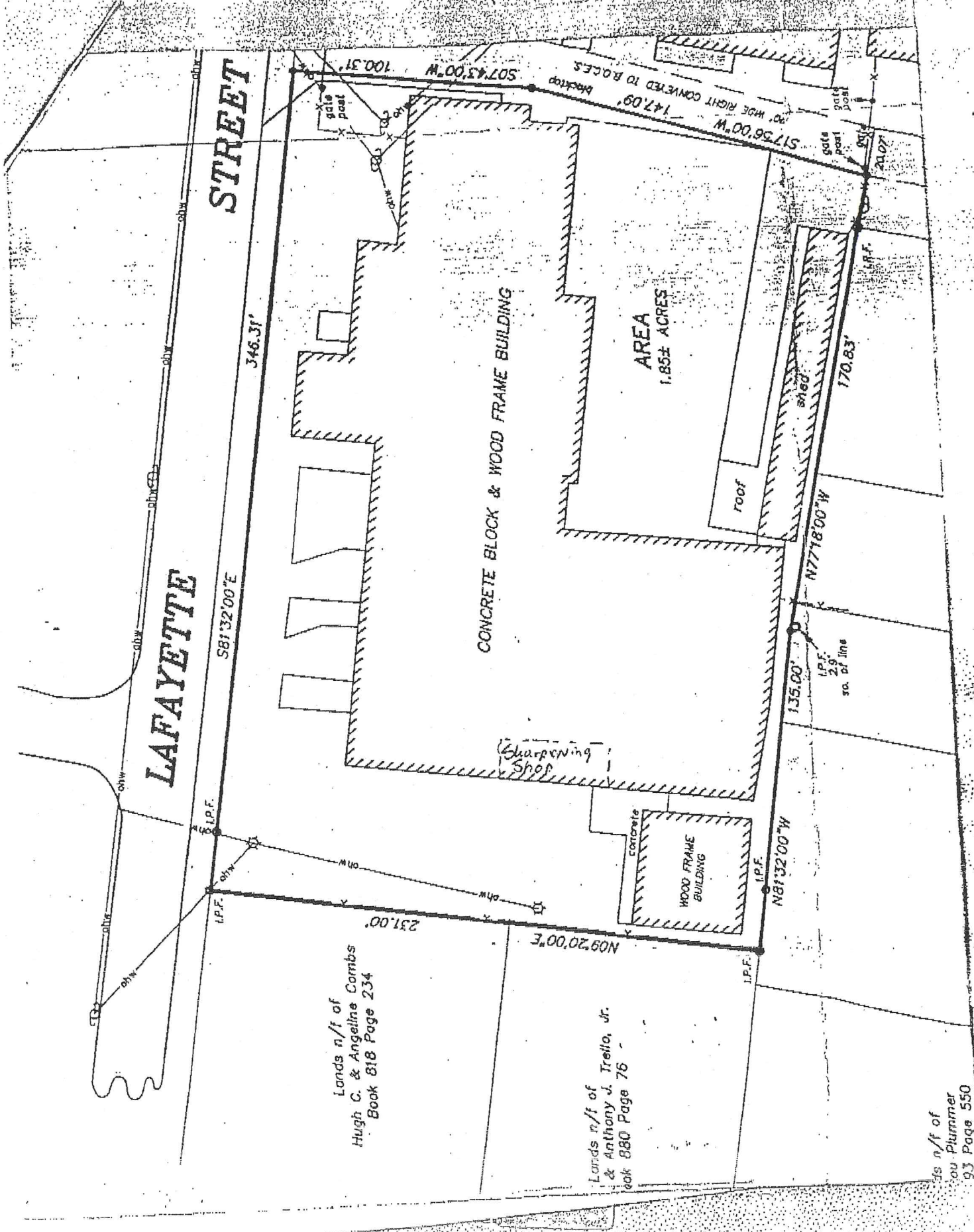


EXHIBIT 'A'



LAFAYETTE STREET

LAFAYETTE

CONCRETE BLOCK & WOOD FRAME BUILDING

AREA
1.85± ACRES

WOOD FRAME BUILDING

Sharpening Shop

shed

roof

Lands n/f of
Hugh C. & Angelina Combs
Book 818 Page 234

Lands n/f of
& Anthony J. Irello, Jr.
Book 880 Page 76

Lands n/f of
Douglas Plummer
Book 93 Page 550

346.31'

S81°32'00"E

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EXHIBIT "B"

ALLEY

STREET

NORTH
↑

ands n/f of
& Angeline Combs
& 818 Page 234

Trello, Jr.
76

EXISTING
CONCRETE BLOCK & WOOD FRAME BUILDING

SUBJECT
WOOD FRAME
BUILDING
EXISTING

AREA
1.85± ACRES

346.31'

S81°32'00"E

231.00'

N09°20'00"E

43'

concrete

N81°32'00"W

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I.P.F.
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so. of llns

N77°18'00"W

170.63'

roof

shed

40 SCALE

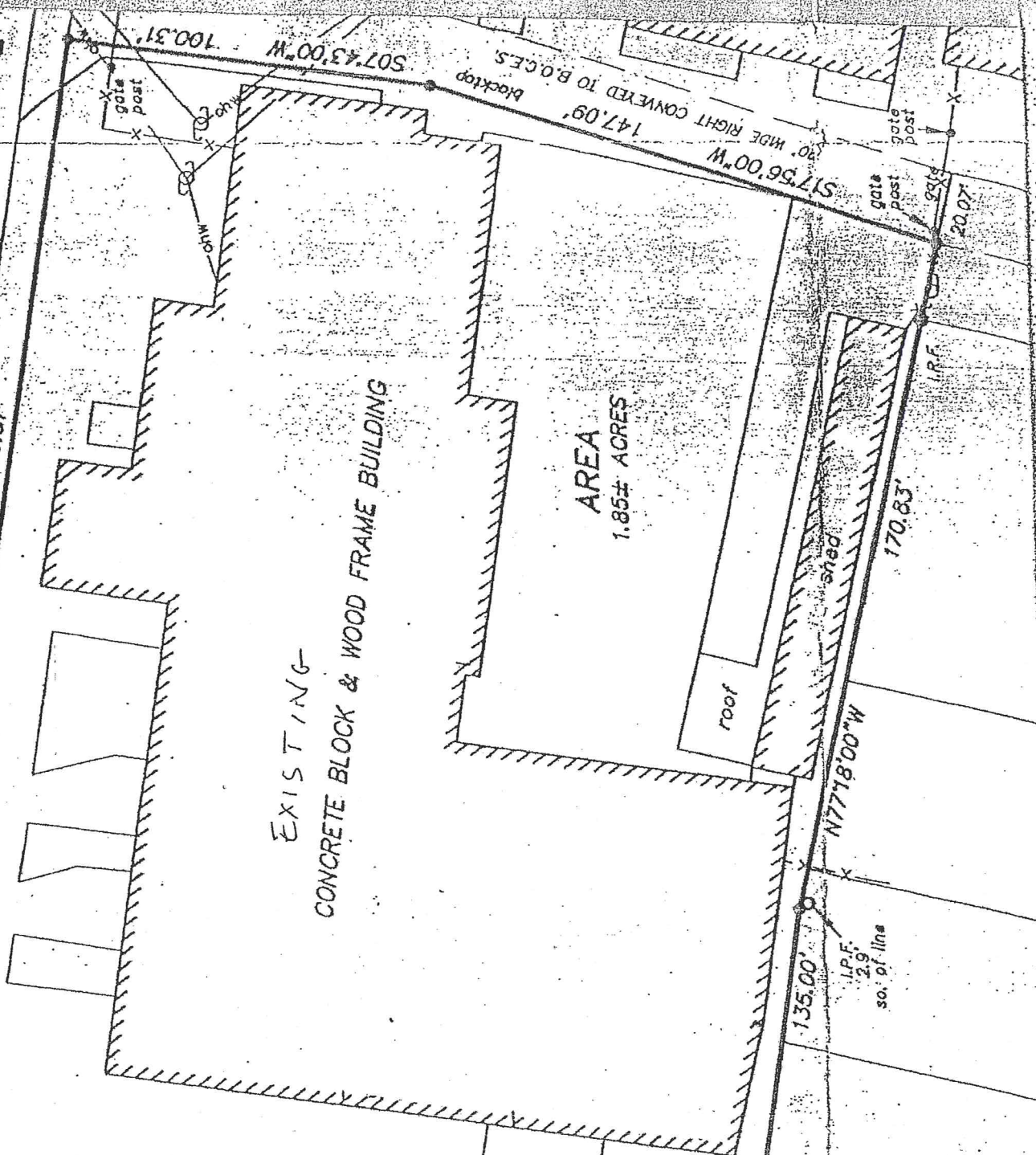


EXHIBIT "C"

Village of Hudson Falls
220 Main Street
Hudson Falls New York 12839

April 15, 2013

Louis Distasio, Chairman and
Members of the Zoning Board of Appeals
Village of Hudson Falls Zoning Board of Appeals
Village of Hudson Falls
220 Main Street
Hudson Falls, New York 12839

Re: Raymond O'Brien/Hudson Park LLC
Use Variance, 38 Lafayette Street, Hudson Falls, New York

Dear Chairman Distasio:

As you are aware, on March 25, 2013 the Planning Board had an opportunity to review the application that was submitted by Mr. O'Brien which requests a use variance to allow a mobile engine mechanic to operate out of a portion of the building located at 38 Lafayette. Please be advised that both Mr. O'Brien as well as the Tenant, Alexander Kutkouski, attended our Planning Board meeting and were available to answer the Board's questions. After an in depth discussion, the Planning Board recommends this use variance application for approval subject to the following conditions:

1. That the number of outdoor boats to be stored on the property be limited to five (5) boats in the Summer and seven (7) boats in the Winter;
2. That all boats stored on the property must be registered;
3. That no parking of boats be allowed past the front building line;
4. That all boats will be on trailers;
5. That the storage of a boat be limited to a period of six (6) months;
6. That the building at issue be brought up to code;
7. That during the wintertime, the boats are required to be wrapped; and
8. That no engines will be allowed to run after 9:00 pm.

Louis Distasio, Chairman and
Members of the Zoning Board of Appeals
Page Two
April 15, 2013

If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hutchinson', followed by a horizontal line extending to the right.

David Hutchinson, Chairman
Planning Board
Village of Hudson Falls

cc: Ross Cortese
Mary Hogan

337018.1