

ZONING BOARD OF APPEALS

A hearing before the Hudson Falls Zoning Board of Appeals was held on September 18, 2023 at 6:00 p.m. in the Village Hall Board Room.

Present: Robert Durkee, Chairperson
Louis Cantiello, Board Member
Michael Willig, Board Member
Edward Mahan, Board Member
Mary Alice Murphy, Alt. Board Member
William Nikas, Village Attorney

Absent: Tammy Mullen, Board Member

Public Present: Three members

Chairman Durkee called the meeting to order at 5:58pm.

Upon motion by Board Member Willig, seconded by Board Member Mahan and carried the minutes of the June 20, 2023, Zoning Board Meeting were approved as submitted.

The next item addressed on the agenda was a use variance application submitted by John Shaw, 180 Waite Rd. , Hudson Falls, NY 12839 seeking to use the property known as 15 Feeder Street, located in a mixed use zone as a storage display lot for used vehicles.

Chairman Durkee introduced the board and opened the floor to the applicant to discuss their request. Mr. Shaw addressed the board stating he needs a display lot to keep his dealer's license, he has paid the taxes on this property for twenty plus years, he tried to sell it with no interest. He had a car lot a few parcels down for over 30 years, so he did not see any issues with utilizing this property as a display lot as it is a mixed-use zone. He cannot fit many cars, so he does not see a problem.

Chairman Durkee opened the meeting to public hearing.

No comments were made from the public.

Chairman Durkee asked the board if they had any questions. There were no questions from the board.

Attorney Nikas brought up the fact that this property used to be a trailer park and asked Mr. Shaw if he owned it when it was used for that purpose. Mr. Shaw explained he is the one that removed all the trailers from those lots. Attorney Nikas asked if Mr. Shaw used those lots when he had a garage on one of them where he did repairs to vehicles as an accessory to that building. Mr. Shaw said they would use it as overflow for parking occasionally.

Chairman Durkee asked if the property is in a mixed-use zone why does he need a use variance for a business. Attorney Nikas explained that it is a unique situation as Mr. Shaw improved the area when he removed the mobile homes, but having vehicles there arguably could be considered as retail sales of motor vehicles which is an allowed use only in commercial zones. He is looking for a display lot as opposed to a sales lot. We have a code that is rather ambiguous when it comes to this type of issue, therefore the need for the use variance.

Attorney Nikas reviewed the Use Variance findings with the board. He went over the findings in which all board members agreed the applicant satisfies the factors that would allow for a use variance.

Upon motion made by Board Member Willig, seconded by Board Member Mahan, and carried unanimously, it was

RESOLVED, that the Zoning Board finds the applicant satisfies the factors that would allow for a use variance.

The next item addressed on the agenda was the area variance application submitted by John Shaw, 180 Waite Rd., Hudson Falls, NY 12839 seeking relief of approximately four feet of road frontage for a six-foot chain link fence to be located on the property known as 15 Feeder Street, Hudson Falls, NY.

Mr. Celeste, Code Enforcement officer explained that Mr. Shaw is asking for relief from the setback for a six-foot fence to be allowed on the property to help protect the vehicles that will be stored there from theft and damage. A brief discussion ensued.

There being no comments from the public or the board, Attorney Nikas reviewed the Area Variance findings with the board. He went over the findings in which all board members agreed the applicant satisfies the factors that would allow for an area variance.

Upon motion made my Board Member Willig, seconded by Board Member Mahan, and carried it was unanimously

RESOLVED, that the Zoning Board finds that the applicant satisfies the factors that would allow for an area variance.

Attorney Nikas then reviewed the short EAF form with board. The environmental assessment form questions were read aloud, and the Board answered each of them stating no or small impact.

Upon motion made by Chairman Durkee, seconded by Board Member Murphy and carried it was unanimously,

RESOLVED, after reviewing the short form EAF, the board has determined that the action does not present any adverse environmental impacts. The Board further determined that, based upon the foregoing, a negative declaration be issued.

Upon motion made by Board Member Willig, seconded by Board Member Cantiello and carried

NOW, THEREFORE, BE IT RESOLVED, to approve both the Use Variance application and the Area Variance application for 15 Feeder Street with the condition the property is to be used as an automobile display lot only and not for retail sales.

Duly adopted this 18th day of September, 2023, by the following vote:

AYES : Chairman Durkee, Board Members, Murphy Willig, Mahan and Cantiello
NOES : N/A
ABSENT: Board Member Mullen

There being no further business to come before the Board the meeting was adjourned at 6:20 pm.


Deputy Clerk

JOHN E. BARTON
MAYOR

ELLEN M BRAYMAN
CLERK TREASURER

VILLAGE OF HUDSON FALLS

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WILLIAM L. NIKAS
VILLAGE ATTORNEY

NOTICE OF FINAL DECISION


The Village of Hudson Falls Zoning Board met on September 18, 2023 and approved the Use Variance application as well as the Area Variance application submitted by John Shaw for the property located at 15 Feeder Street, Hudson Falls, NY 12839 with conditions:

Upon motion made by Board Member Willig, seconded by Board Member Cantiello and carried

NOW, THEREFORE, BE IT RESOLVED, to approve both the Use Variance application and the Area Variance application for 15 Feeder Street with the condition the property is to be used as an automobile display lot only and not for retail sales.

Duly adopted this 18th day of September, 2023, by the following vote:

AYES : Chairman Durkee, Board Members, Murphy Willig, Mahan and Cantiello
NOES : N/A
ABSENT: Board Member Mullen



Signature of Local Official

9/18/2023
Meeting Date
9/22/2023
Date Signed

