

DEPARTMENT of CODE ENFORCEMENT

429 Warren Street
Hudson, New York 12534
Phone 518 828-3133 Fax 518 828-9241

Lisa Kenneally
Chairwoman, ZBA
City of Hudson
520 Warren Street
Hudson, NY 12534

March 12, 2018

RE: 64-66 N 3rd Street
Hudson, NY
#109.44-2-10,11,13

Dear Lisa,

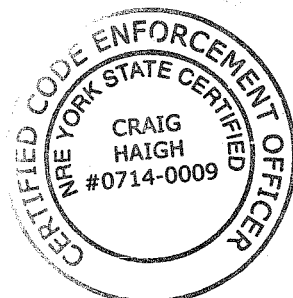
Attached is an area variance application from the property owner of the above referenced property. The applicant has applied to my office to adjust the current property lines of the parcels referenced above to correct a current encroachment. The properties are located in the R4, Three Story Multiple Residence Zoning District in the City of Hudson.

As per the 325-18, min. lot size is 4000 sqft. With the lot line adjustment from parcel B to parcel C, the property of parcel C will only be 3106 sqft. Parcel A will be conforming to the zoning code, but parcel C will be non-conforming and requesting the variance.

Any questions you may have please contact my office.

Craig Haigh

Code Enforcement Official



ORV.

OFFICE USE ONLY

Case#
Application filed Hearing Date
Decision filed



APPLICATION TO THE CITY OF HUDSON, NEW YORK
ZONING BOARD OF APPEALS
FOR AREA VARIANCE

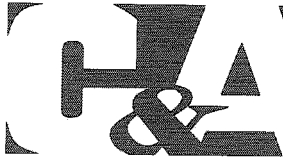
Name of Applicant: DANIEL RUSSELL (AGENT FOR HENRY HADDAD)
 Mailing Address: 4411 ROUTE 9, SUITE 200
 City State Zip HUDSON, NY 12534
 Telephone # (518) 828-2700, EXT. 1150
 Location of Property 64-66 N. Third St. and 324-326 Rope Alley
 Tax Map Number 109.44-2-10, 11 and 13
 Zoning District R-4

A. Article and Section Number of Zoning Ordinance being appealed: _____
Article IV, Section 325-1B (Min. Lot Size and Rear Yard)

(Attach Decision of Code Enforcement Officer)

B. Nature of Variance Requested. Describe Project in Detail.
 (Attach additional sheets as needed) _____
Please see attached sheet/letter
explaining the variance request.

APPLICATION ITEM B,



Crawford & Associates Engineering, PC

Engineering Consultants, Planners, Geologists & Surveyors

Hudson Office – 4411 Route 9 Suite 200 • Hudson, NY 12534

Tel: (518) 828-2700 • Fax: (518) 828-2723 • www.crawfordandassociates.com

ASSOCIATES

Andrew P. Aubin, PE, LEED (NY, VT)
Daniel J. Russell, LS

PRINCIPAL

David J. Crawford, PE (NY, MA, VT)

Craig Haigh, Code Enforcement Officer
Lisa Kenneally, Chairman, Zoning Board of Appeals
City of Hudson NY
March 12, 2018

Dear CEO Haigh and ZBA Chair Kenneally:

This variance request made on behalf of Henry Haddad is due to an encroachment into Mr., Haddad's property at 64-66 North Third Street by a residence on adjoining property at 324-326 Rope Alley owned by Paperplay LLC.

Paperplay LLC is a limited liability corporation owned by Hudson Residents Linda Mussman and Claudia Bruce

The encroachment by Paperplay LLC consists of a residence which encroaches into Haddad's property approximately 12.0 feet, a concrete walkway, a wooden stockade fence and an old foundation.

It is unknown how the encroachment came to be. A survey done for Haddad by my firm in 2013 and a survey by licensed land surveyor James Tomaso for Claudia Bruce in 2003 both agree that the encroachments exist. *(Tomaso map attached)*

Paperplay LLC and Henry Haddad have been at odds over how to rectify the encroachment for several years (since my firm did the survey in 2013) and have not been able to come up to a solution that both parties could agree upon until now. The agreement shown on the accompanying maps would correct the encroachments.

Haddad will agree to sell Paperplay LLC the rectangular shaped parcel shown on the accompanying survey map as Parcel B. Haddad will not agree to sell any more land than what is shown as Parcel B as he has expressed to me that he feels the remainder of his land north of Parcel B is important to his property at 64-66 N. Third St. .

This variance request is being made because the resultant lot owned by Paperplay LLC will not conform to the minimum required lot area of 4,000 square feet or to the minimum required rear yard setback of 30 feet in Zoning District R-4.

Sincerely

Daniel J. Russell, LS

Important: A site plan must accompany this application. It should be drawn to scale by a licensed engineer, landscape, architect or surveyor. The professional's name, address, and phone number noted on drawing. The plan shall show the location of all existing and proposed buildings, parking areas and any other pertinent information.

C. Justification of Variance. (Attach additional sheets as needed):

- (1) An undesirable change will not be produced in the CHARACTER of the neighborhood or a detriment to nearby properties, if granted, because:

No change will occur physically, just a change in the property line

- (2) The benefit sought by the applicant CANNOT be achieved by some method Feasible for the applicant to pursue, other than an area variance, because:

The encroachment has caused ill will between the two parties. The agreement they have reached after several years is very delicate. Haddad will only agree as shown.

- (3) The amount of relief is not substantial because:

EXISTING undersized parcel owned by Paperplay LLC will double in size to become LESS non-conforming. Lot size is only 22% below required size.

- (4) The variance will NOT have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

No new construction of any type is proposed.

- (5) Has the requested variance been self created () Yes or () No.

The encroachments have been in existence for many years.

- (6) Additional information about the surrounding topography and building areas that Relate to the difficulty in meeting the code requirements:

The approximately 75' x 30' area north of Parcel B is important to the "back yard" of 64-66 N. Third St. Haddad will not agree to sell it to Paperplay LLC.

D. **County Referrals.** General Municipal Law Section 239-m requires certain zoning actions be referred to the County Planning Board before any action is taken. (The Hudson Zoning Board of Appeals by Resolution dated July 8, 1992 and in agreement with the County Planning Board have exempted certain actions that would not be subject to referral.)

(1) Is the property for which the variance is requested within 500 feet of any of the following?

	Yes	No	If yes, please describe
Boundary Line of the City of Hudson	_____	<input checked="" type="checkbox"/>	_____ _____ _____
Boundary of any existing or proposed County or State Park or recreation area	_____	<input checked="" type="checkbox"/>	_____ _____ _____
Right of Way of any existing or proposed County or State Parkway, Thruway, Expressway, road, or highway	_____	<input checked="" type="checkbox"/>	_____ _____ _____
Any existing or proposed right of way of any stream or drainage channel owned by the County	_____	<input checked="" type="checkbox"/>	_____ _____ _____
The existing or proposed boundary of any County or state land on which public building or institution is situated.	_____	<input checked="" type="checkbox"/>	_____ _____ _____


Area Variance Application

This is the **MINIMUM** that is necessary and adequate, and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.



**Signature of Appellant or Authorized Agent
(Agent must submit Authorization from Owner)**

Sworn to me this 12 day of March,

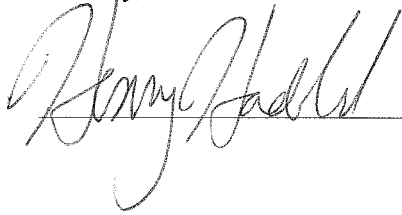
2008

Notary Public

**JULIE ANN GENOVESE
Notary Public, State of New York
No. 01GE6233508
Qualified in Columbia County
Commission Expires Dec. 27, 2018**

**TO THE CITY OF HUDSON PLANNING COMMISSION AND ZONING BOARD
OF APPEALS:**

**BY THIS LETTER I HEREBY GIVE DANIEL J. RUSSELL, LAND SURVEYOR
PERMISSION TO REPRESENT ME FOR A LOT LINE ADJUSTMENT
BETWEEN LANDS OF PAPERPLAY LLC AND HENRY HADDAD IN THE
CITY OF HUDSON.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Henry Haddad", written over a horizontal line.

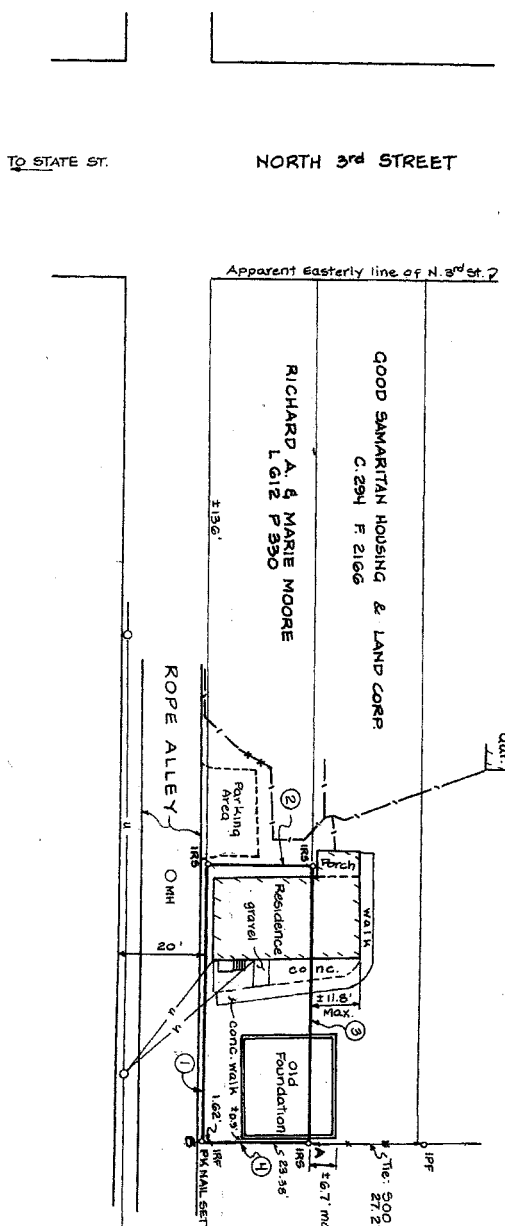
(Please sign and date)

1/17/18

1.5	Surveyed	1.5	Surveyed
2.0	Surveyed	2.0	Surveyed
2.5	Surveyed	2.5	Surveyed
3.0	Surveyed	3.0	Surveyed
3.5	Surveyed	3.5	Surveyed
4.0	Surveyed	4.0	Surveyed
4.5	Surveyed	4.5	Surveyed
5.0	Surveyed	5.0	Surveyed
5.5	Surveyed	5.5	Surveyed
6.0	Surveyed	6.0	Surveyed
6.5	Surveyed	6.5	Surveyed
7.0	Surveyed	7.0	Surveyed
7.5	Surveyed	7.5	Surveyed
8.0	Surveyed	8.0	Surveyed
8.5	Surveyed	8.5	Surveyed
9.0	Surveyed	9.0	Surveyed
9.5	Surveyed	9.5	Surveyed
10.0	Surveyed	10.0	Surveyed

LOCATION SKETCH
NO SCALE

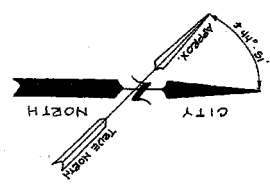
Property of
CLAUDIA BRUCE
Fourth Ward, City of Hudson
Columbia County, New York



0.096 Acres
1602.9 Sq. Ft.

COURSE TABLE		
1. DUE WEST.	64.00	
2. DUE NORTH	25.00	
3. DUE EAST	64.23	
4. S00.32.08W	25.00	

CLAUDIA BRUCE
C156 F 2167
FM # 99-255



MAP REFERENCES
1. Map of the Franklin P. Blanks Property, dated September 1, 1935 by
Lee A. Koleschhoff being filed map no. 99-255.

MAP NOTES
1. Premises surveyed is described on Cartridge 197 at Frame 77
on file in the Office of the Columbia County Clerk.
2. Property line A-B is along the extension of the wire fence
running northerly there from and in accordance with FM 99-255.
3. Subject to any utility easements and/or rights-of-way of
record. Underground utilities, if any, not shown hereon.
4. Tax map parcel number is 109.44-02-13.

LEGEND
IR5 denotes Iron rod set
IRF " " " Iron rod found
IPF " " " Iron pipe found
B " " " Board fence
W " " " Wire fence
O " " " Overlay
M " " " Monument
--- " " " No physical
boundary

Survey by:
James Tomaso
PO Box 280
Hudson, NY 12534

NYS Lic. No. 049026 L.S.



Scale: 1" = 20'
September 19, 2005

Notes: KIM THOMPSON

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: HADDAD / PAPER PLAY LLC AREA VARIANCE (BOUNDARY ADJUSTMENT)			
Project Location (describe, and attach a location map): 64-66 N. Third St. and 324-326 Rope Alley.			
Brief Description of Proposed Action: Boundary Line ADJUSTMENT - HADDAD (64-66 N. Third St.) conveying 0.035 Ac. TO PAPER PLAY LLC.			
Name of Applicant or Sponsor: Daniel Russell (agent for Henry Haddad)		Telephone: 518-828-2700	
Address: 4411 ROUTE 9		E-Mail: drussell@crowford and associates.com.	
City/PO: HUDSON		State: NY	Zip Code: 12534
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: HUDSON ZBA - Area Variance			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>0.266</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.266</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			
			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? <i>Shortnosed sturgeon, (Both Hudson River species) Bald Eagle</i>			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100 year flood plain?			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____			<input type="checkbox"/> NO <input type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>Griffin Supply Warehouse - 359-361 Columbus St.</u> <u>Fosters Refrigeration Site - No. Second St.</u>	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DANIEL J. RUSSELL L.S.</u> Date: <u>3/12/18</u>		
Signature: <u>Daniel J. Russell</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT