



Columbia County, New York
Planning Board

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CITY CLERK'S OFFICE
HUDSON, NEW YORK

22 August 2018

The Honorable Tom DePietro,
Common Council President
City of Hudson
520 Warren Street
Hudson, New York 12534

RE: Referral #18-043 – City of Hudson, Adoption of Local Law Amending Zoning

Dear Common Council President DePietro:

Pursuant to the provisions of New York State General Municipal Law (NYSGML) §239-1 and §239-m, please find the Columbia County Planning Board (CCPB) recommendation concerning the request of the City of Hudson adoption of proposed Local Law of 2018 A Local Law Amending the City Zoning Law with Regard to Conditional Uses in the R-2 and R-2H Zoning Districts. The proposed action is the re-submission of a revised version of this proposed local Law.

Pursuant to NYSGML §239-1 and §239-m, the CCPB reviews proposed actions for inter-community or county-wide considerations and shall recommend Approval, Modification or Disapproval of the proposed action, or report that the proposed action has no significant county-wide or intercommunity impact. Upon recommendation of Modification or Disapproval, "...the referring body shall not act contrary to such recommendation except by a vote of majority plus one of all the members thereof". The CCPB may make informal comments to the referring body on the proposed action with any of the recommendations made.

Recommendation: The CCPB finds that this proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the City of Hudson Common Council may take final action with a simple majority vote. However, the following comments are offered for consideration:

Comments:

1. Non-Conforming Uses: The CCPB suggests that the following section of the existing zoning law be reviewed to determine if any revision may be necessary as a result of this proposed local law, City of Hudson Zoning Chapter 325-29 Restriction upon nonconforming buildings and uses.
2. Establishment and operation: With respect to the following proposed provision:
(a) the non-conforming use has been established and has operated continuously for a period of greater than twenty years

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The CCPB suggests that consideration be given to determine the potential impacts of this provision, how it will be administered, and how the twenty year period will be determined and documented.

3. Expansion: With respect to the following proposed provision:
(d) the renovated building shall not be more than 1x greater than the existing original structure of the non-conforming use

The CCPB suggests that the Common Council consider how this provision will be administered, and the method and entity responsible for determining the size of the “original structure”. A definition may be warranted. Consider the number of times a building may be expanded.

4. CCPB recommendation for Referral #18-002rs: The CCPB wishes to reiterate these recommendations provided for the previous version of this proposed local law, City of Hudson Common Council, Adoption of a Local Law No. 9 of 2017.

- a. Residential District: CCPB notes that the R2 zoning district is comprised of three (3) distinctly residential areas in the City, primarily characterized by single-family and 2-family residential dwelling units. Review and consider the “Conditional Uses” allowed in the R-2 District under the existing Zoning Law. Consider the potential impacts of re-introduction of new commercial uses in these residential areas. The existing R-2 Zoning district encompasses three (3) areas in the City and includes the following streets:

- Majority of Worth Avenue and the south side of upper Union Street;
- Carroll Street and portions of North Fifth, Clinton, Washington, and Prospect Streets;
- Oakwood, Parkwood, and a portion of Glenwood Boulevard and Spring Street;
- Bailey Boulevard and Jenkins Parkway;
- Aitken and Storm Avenues

See City of Hudson, NY Zoning Map, Updated February 2013,
http://www.cityofhudson.org/document_center/Code%20Enforcement/Zoning%20Map.pdf

- b. Establishment of zoning plan: This proposed local law will allow for the establishment of non-conforming commercial uses in an existing residential zoning district. The CCPB suggests that the following provisions be considered, Code of the City of Hudson, Chapter 325: Article I Purposes, §325-1 Establishment of zoning plan: purposes, sets forth, in part:

A. There is hereby established a Comprehensive Plan and a Local Waterfront Revitalization Program for the City of Hudson, New York, which plans are set forth in the text and maps that constitute this chapter and the policies and programs identified in the Local Waterfront Revitalization Program. The Comprehensive Plan is adopted for the purposes set forth in Subdivisions 24 and 25 of § 20 of Article 2-A of Chapter 21 of the Consolidated Laws of the State of New York. The Local Waterfront Revitalization Program is adopted for the purposes set forth in Subdivisions 1 to 7 and 10 of § 912 of Article 42 of Chapter 18 of the Consolidated Laws of the State of New York. In addition, the plans and maps are adopted for the following purposes:


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- (4) *Maximum protection of residential areas*
- (5) *Gradual elimination of nonconforming uses*

- c. Permits: The CCPB notes that the City of Hudson Planning Board has been granted the authority to review proposed “Conditional Uses” pursuant to §325-34 Permits for Conditional Uses. Consider if establishment of “conditional uses” should be subject to §325-35 Site Development plan approval.
- d. Central Business District: The CCPB suggests that consideration be given to any potential impacts to the Central Business District resulting from increased establishment of commercial uses in residential neighborhoods.
- e. Parking and Circulation: The CCPB suggests that consideration be given to potential impacts of traffic and circulation associated with commercial uses in residential neighborhoods. Also, consider the parking requirements, especially in terms of availability of the required off-street parking for business uses, as set forth in §325-35 Detailed regulations for off-street parking.
- f. Use Table: The CCPB suggests that consideration be given to establishing a table of permitted uses and incorporating said table into the zoning law.

Please note that within thirty (30) days after final action is taken, the City of Hudson Common Council shall file a report of the final action it has taken with the CCPB. Please contact Columbia County Planning Department at 518.828.3375 or patrice.perry@columbiacountyny.com for additional information.

Sincerely yours,


Timothy Stalter
Chair

cc: The Honorable Rick Rector, Mayor of the City of Hudson
✓Tracy S. Delaney, City Clerk, City of Hudson
Andrew B. Howard, Esquire, Freeman Howard, PC