



THE LAW OFFICE OF
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walter@wfchatham.com

August 13, 2018

Walter Chatham
Chair, Hudson Planning Board
City Hall
520 Warren Street
Hudson, NY 12534

Re: Local Law No. 5

Dear Chairman Chatham:

Please accept this letter as a communication to the City of Hudson Planning Board regarding Local Law No. 5, referred to the Board for its recommendation by the Common Council. For the reasons set forth below, I strongly urge the Board to recommend that this legislation not be enacted.

I am in favor of both of the businesses specifically favored by the legislation. They are each long-standing members of the Hudson business community, operating legally and in a manner that benefits the city. I am particularly fond of Scall's eggplant and fresh garlic pizza – tasty. I have no objection to either expanding in the manner in which they have each indicated they wish to. Unfortunately, the solution encapsulated in the proposed local law is legally flawed for a number of reasons. These issues have more than adequately been addressed by Ken Dow's cogent and learned memo of August 8 instant, already provided to the Board, and I won't belabor any of the points he makes except to underscore that negating the City's zoning code should be avoided at all costs.

That said, I suggest there is a better and legal approach to solving the issue of commercial development in areas where it is not otherwise permitted by the City's existing zoning code. This is the concept of the commercial overlay. Properly drafted, this statutory device permits a property owner in specific circumstances to petition the Board to have such an overlay placed in a specific location subject to Board-mandated operational parameters. This is a rather well-understood mechanism for solving the need for neighborhood-anchoring commercial spaces (such as bodegas, taverns, laundromats, etc.) in districts where such development is prohibited by zoning while simultaneously protecting the

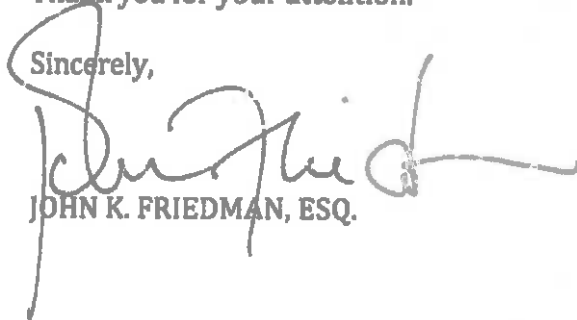
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integrity of the neighborhood fabric. I strongly urge the Board (and the Council) to research this option as it can often obviate issues surrounding spot zoning and legislative licensing. I also strongly urge the Board to advise the Common Council to vote "no" on proposed Local Law No. 5.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Friedman". The signature is fluid and cursive, with a long horizontal stroke extending to the right. Below the signature, the name "JOHN K. FRIEDMAN, ESQ." is printed in a simple, black, sans-serif font.

Cc: Hon. J. Rosenthal (john.rosenthal@cityofhudson.org)