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& HANNA LLP

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August 13, 2020

VIA EMAIL AND FEDERAL EXPRESS

Chairperson Kenneally and
Members of the Zoning Board of Appeals
429 Warren Street,
Hudson, NY 12534
C/O Craig Haigh, Code Enforcement Officer

***RE: Galvan Initiatives Foundation – Zoning Interpretation Appeal
Property: 65-75 N. 7th St., City of Hudson, NY (Tax IDs: 110.53-2-2, 3 and 4)***

Dear Chairperson Kenneally and Members of the Zoning Board of Appeals:

On behalf of Galvan Initiatives Foundation (“Galvan”), the owner of the above captioned property (the “Project Site”), we respectfully submit this letter and enclosures to appeal the July 31st, 2020 determination (the “CEO Determination”) made by the City of Hudson Code Enforcement Officer (“CEO”). *See* Exhibit A [ZBA Application] and Exhibit B [CEO’s Determination]. The CEO’s Determination relates to Galvan’s proposed mixed-use building comprising 77 mixed income apartments with limited commercial space on the ground floor (the “Project”). The Project Site is located in the General Commercial Transitional Service Facility District “GCT” zoning district.

The CEO’s Determination states that the Project is permitted on the Project Site within the GCT. However, the CEO’s Determination concludes that the Project may require area variances. We respectfully disagree with the CEO’s finding that the Project may require area variances and ask the City of Hudson Zoning Board of Appeals (“ZBA”) to overturn, in part, the CEO’s Determination and resolve that no area variances are required for the proposed Project. *See* Exhibit C [Project Site Plans].

As discussed in more detail below, we respectfully request that the ZBA make the following interpretation:

- Pursuant to the language in Zoning Code § 325-16 (A)(1), the area and bulk regulations of the General Commercial “G-C” zoning district apply to the Project and no area variances are required.

The CEO's Determination

The CEO's Determination specifically held that the Project's use is permitted in the GTC zoning district and requires site plan approval from the City of Hudson Planning Board ("Planning Board"). This is not disputed by Galvan. However, related to the instant appeal, the CEO's Determination also holds that the area and bulk requirements applicable in the Multiple Residence-Conditional Office "R-3" zoning district apply to the Project and therefore area variances may be required. Galvan disputes this portion of the determination.

CEO's Determination Appeal

Area and Bulk Requirements of the General Commercial GC Zoning District Apply to the Project

The Project Site is located in the GTC zoning district. Pursuant to Zoning Code § 325-16 (A)(1), the GTC district regulations permit any use "in the Central Commercial C-C District, § 325-14A, ***subject to the bulk regulations of the General Commercial G-C District.***" [Emphasis added]. Accordingly, any of the permitted uses in the CC zoning district are permitted in the GTC district (including the Project Site) with application of the GC (not the GTC) zoning district's area and bulk requirements. This language is clear and unambiguous.

Taking it a step further, the following uses are permitted in the CC zoning district, "[a]ny use permitted in an R-1 District, R-2 District, R-2H District, R-3 District or R-4 District." Zoning Code § 325-14(A)(13). Therefore, pursuant to Zoning Code § 325-14(A)(13), any use permitted in the R-1, R-2, R-2h, R-3 or R-4 can be developed on the Project Site (in the GTC district). Importantly, unlike Zoning Code § 325-16 (A)(1), there is no language in Zoning Code § 325-14 (A)(13) that applies the area and bulk requirements of these residential districts as opposed to the requirements in the GC zoning district required under Zoning Code § 325-16 (A)(1).

Here, as noted in the CEO's Determination, the Project is permitted in the GTC zoning district because it is a "multiple dwelling" use, which is permitted in the R3 zoning district. *See* Exhibit B. Because language in Zoning Code § 325-16(A)(1) specifically applies the area and bulk requirements of the GC zoning district, and Section 325-14 (A)(13) does not negate application of the GC zoning district area and bulk regulations, the Project is ***only*** subject to the area and bulk regulations in the GC district and ***not*** the requirements of the R3 district.

Accordingly, based on a plain reading of the Zoning Code, the ZBA should reverse the CEO's Determination, in part, and make findings consistent with the above. Any other interpretation of the Zoning Code would ignore the clear and unambiguous language of Zoning Code § 325-16 (A)(1), that the area and bulk regulations of the General Commercial G-C District apply to the Project. *See Erin Estates, Inc. v. McCracken*, 84 A.D.3d 1487, 1489 (3rd Dep't 2011) (holding that "[a] statute or ordinance is to be construed as a whole, reading all of its parts together to determine the legislative intent and to avoid rendering any of its language superfluous. Unambiguous language is to be construed to 'give effect to its plain meaning'"); *see also Saratoga*

Cty. Econ. Opportunity Council, Inc. v. Vill. of Ballston Spa Zoning Bd. of Appeals, 112 A.D.3d 1035, 1037 (3rd Dep’t 2013) (same).¹

Prior CEO Zoning Interpretations Must Be Followed

On December 4, 2018 the CEO made a determination that is consistent with this appeal (the “2018 Determination”). See Exhibit D [2018 Determination and Application]. The 2018 Determination resulted from an application by the Hudson Housing Authority (“HHA”) for the development of multifamily dwellings. The HHA property was located in the GC zoning district. The 2018 Determination stated that “[t]he proposed use is a permitted use as per section 325-15(A)(4).” Importantly, Zoning Code § 325-15(A)(4) permitted the following uses in the GC district “[a]ny use permitted in an R-1 District, R-2 District, R-2H District, R-3 District or R-4 District.” The HHA project was permitted under the uses set forth in the R4 district, which included “multifamily dwellings owned and operated by a municipal housing authority[.]”

However, contrary to the CEO’s Determination at issue in this appeal, the 2018 Determination did *not* apply the area and bulk requirements of the R4 zoning district to the HHA project but applied the GC area and bulk regulations. See Exhibit D. Accordingly, the 2018 Determination confirmed that, despite the permitted use being set forth under a separate section of the Zoning Code, that separate section (*e.g.* the R4 zoning district) does not control the applicable area and bulk regulations. Therefore, we submit that the ZBA should make findings consistent with this prior precedence. See *Knight v. Amelkin*, 68 N.Y.2d 975, 977 (1986) (holding that “[a]decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reason for reaching a different result on essentially the same facts is arbitrary and capricious.”).

The Project Does Not Require Any Area Variances

The above demonstrates that the area and bulk requirements of the GC zoning district must apply to the Project. As such, no area variances are required for the Project because the GC zoning district does not have any area and bulk requirements. See Exhibit E [GC District Regulations]. Accordingly, the ZBA should find that no area variances are required for the Project and Galvan may proceed through the Planning Board site plan review process.

¹ To the extent that the ZBA finds the Zoning Code vague and or ambiguous, we submit that any interpretation should be resolved in favor of the property owner. See *Toys R Us v. Silva*, 89 N.Y.2d 411, 421, 676 N.E.2d 862, 868 (1996) (holding that “[z]oning restrictions, being in derogation of common-law property rights, should be strictly construed and any ambiguity resolved in favor of the property owner.”); *Allen v. Adami*, 39 N.Y.2d 275, 277, 347 N.E.2d 890, 892 (1976) (holding that [s]ince zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them...Any ambiguity in the language used in such regulations must be resolved in favor of the property owner.”).

Conclusion

We look forward to advancing this exciting mixed income housing project through the approval process. In support of this appeal, we respectfully submit ten (10) copies of the instant letter with the following exhibits:

Exhibit A: ZBA Application;²
Exhibit B: CEO's Determination;
Exhibit C: Project Site Plans and Renderings;
Exhibit D: 2018 Determination and Application Materials; and
Exhibit E: Schedule of Bulk and Area Regulations for Commercial and Industrial Districts.

Please also find enclosed a check in the amount of \$100.00, representing the ZBA application fee made payable to the City of Hudson.

We respectfully request to be placed on the ZBA's August 19th meeting agenda to resolve this appeal and allow Galvan to pursue the required Planning Board and financing approvals, which hinge on the whether or not area variances are required for the Project. Please do not hesitate to contact me with any questions at 518-487-7612 or at cgottlieb@woh.com.

Very truly yours,

/s/ Charles J. Gottlieb

Charles J. Gottlieb

cc: Zoe Paolantonio, Esq., City of Hudson ZBA Attorney
Cheryl Roberts, Esq., City of Hudson Corporation Counsel
Victoria Polidoro, Esq., City of Hudson Planning Board Attorney
Craig Haigh, City of Hudson Code Enforcement Officer
Chad A. Lindberg, P.E., Taconic Engineering
Jorge C. Chang, AIA, CPHD, LEED BD+C, Urban Architectural Initiatives, RA, PC
Galvan Initiatives Foundation

² This interpretation appeal is a Type II action pursuant to the New York State Environmental Quality Review Act and therefore no environmental review is required and no environmental assessment form is required. *See* 6 NYCRR 617.5(c)(37).

EXHIBIT A

**CITY OF HUDSON
ZONING BOARD OF APPEALS
INSTRUCTIONS**

**Application for Use Variance, Area Variance and Appeal the Written
Determination of the Code Enforcement Officer.**

1. One Original and Nine copies of full application and supporting documents to the **Code Enforcement Office 429 Warren Street, Hudson, NY 12534** with \$100.00 Application Fee. (Payable to City of Hudson)
2. The Code Enforcement Office will send application forms to the ZBA.
3. The ZBA will notify the applicant of date of hearing and publish same in newspaper.
4. The applicant will be advised in writing of the Board's decision.

Check List:

- a) Applications (10 Full)
 - Decision of Code Enforcement Officer
 - Site Plan
 - Other supporting documentation
 - SEQR Form
- b) Application Fee

APPLICATIONS SHOULD BE FILED IN A TIMELY MANNER

The Zoning Board of Appeals may require additional information and/or elaboration with regard to the application.

OFFICE USE ONLY

Case#
Application filed:
Hearing Date:
Decision Filed:



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

Name of Applicant: Galvan Initiatives Foundation

Mailing Address: 400 State Street, City of Hudson NY 12534

City State Zip _____

Telephone # 518-487-7612

Location of Property 65-75 N. 7th Street, Hudson, New York (3 parcels)

Tax Map Number 110.53-2-2, 3 and 4.

Zoning District GTC

A. Article and Section Number of Zoning Ordinance being appealed: This is an appeal of the CEO's determination dated 7/31/20 related to Zoning Code § 325-16 (A)(1).

(Attach Decision of Code Enforcement Officer)

B. Project Description. (Include such items as proposed use of site, hours of Operation, deliveries, parking, lighting etc. Attach additional sheets as needed)

See cover letter and related exhibits. No area variances are being requested.

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

PLEASE NOTE: ALL FOUR CONDITIONS MUST BE MET.

(1) Applicant cannot realize a reasonable return for each and every permitted use under the zoning regulations for the particular district where the property is located demonstrated by financial evidence. The Applicant cannot realize a reasonable return because:

N/A

(2) The alleged hardship relating to the property is unique and does not apply to a Substantial portion of the district or neighborhood because:

N/A

(3) The request will not alter the essential character of the neighborhood because:

N/A

(4) The alleged hardship has not been self created because:

N/A

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.)


NOT APPLICABLE FOR ZONING INTERPRETATION APPEALS

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

	Yes	No	If yes, please describe
NOT APPLICABLE			
Boundary Line of the City of Hudson	_____	_____	_____ _____ _____
Boundary of any existing or proposed County or State Park or recreation area	_____	_____	_____ _____ _____
Right of Way of any existing or proposed County or State Parkway, Thruway, Expressway, road, or highway	_____	_____	_____ _____ _____
Any existing or proposed right of way of any stream or drainage channel owned by the County	_____	_____	_____ _____ _____
The existing or proposed boundary of any County or state land on which public building or institution is situated.	_____	_____	_____ _____ _____


Use 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 13rd day of August

2000


Notary Public

SHUTING CHEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CH6385612
Qualified in Queens County
My Commission Expires 01/07/2023

EXHIBIT B



DEPARTMENT of CODE ENFORCEMENT

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

Betsy Gramkow
Chairwoman; HPB
City of Hudson
520 Warren Street
Hudson, NY 12534

July 31, 2020

RE: 65-75 N 7th Street
Hudson, NY
#110.53-2-2, 110.53-2-3, 110.53-2-4

Dear Betsy,

Attached is a site plan application from the property owner of the above referenced properties. The applicant has applied to remove 3 residential structures and construct a residential apartment building with a commercial area on the 3 parcels.

The property is located in the GCT zoning district and as per chapter 325-16a this use is referred to the CC zoning district 325-14A13 which is a permitted use in the residential zoning districts of the City of Hudson code. The R3 chapter 325-10A2 allows for multiple dwellings and will be required to follow the schedule bulk for the R3 zoning. As per the schedule bulk requirements this application will require an area variance.

Also, as per chapter 325-35 this proposal requires site plan approval for the construction of 4 or more units on a vacant lot.

Any questions you may have please contact my office.



Craig Haigh

Code Enforcement Official

EXHIBIT C

75 N.7TH STREET MIXED INCOME HOUSING SITE PLAN

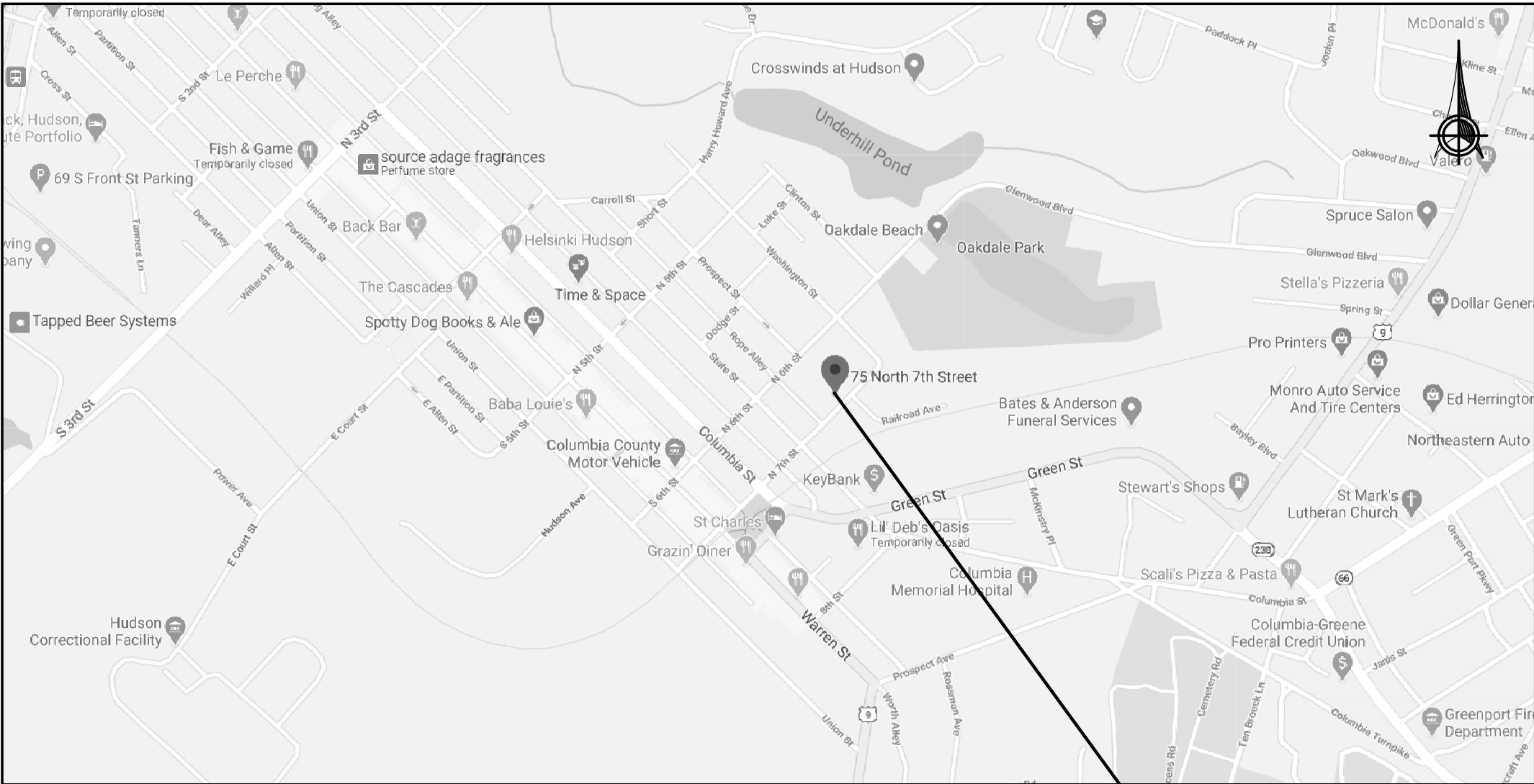
PREPARED FOR:

GALVAN INITIATIVES FOUNDATION
42 W 39TH STREET, FLOOR 14
NEW YORK, NY 10018

JULY 2020

DRAWING SUMMARY

- C100 - TITLE
- C101 - EXISTING CONDITIONS SITE PLAN
- C102 - PROPOSED CONDITIONS SITE PLAN
- C103 - LIGHTING AND LANDSCAPING PLAN



SITE LOCATION MAP
SCALE: 1" = 2000'

SITE LOCATION
65-75 N 7TH STREET
HUDSON, NY 12534
TAX ID #: 110.53-2-2
110.53-2-3
110.53-2-4

C100

SCALE:
AS SHOWN

REV. No.	DESCRIPTION	DATE	BY	S/C
1	UPDATED BULK REGULATIONS TABLE ON C102	8/1/20		

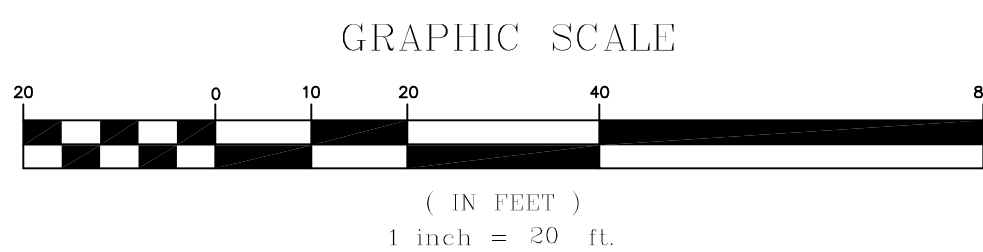
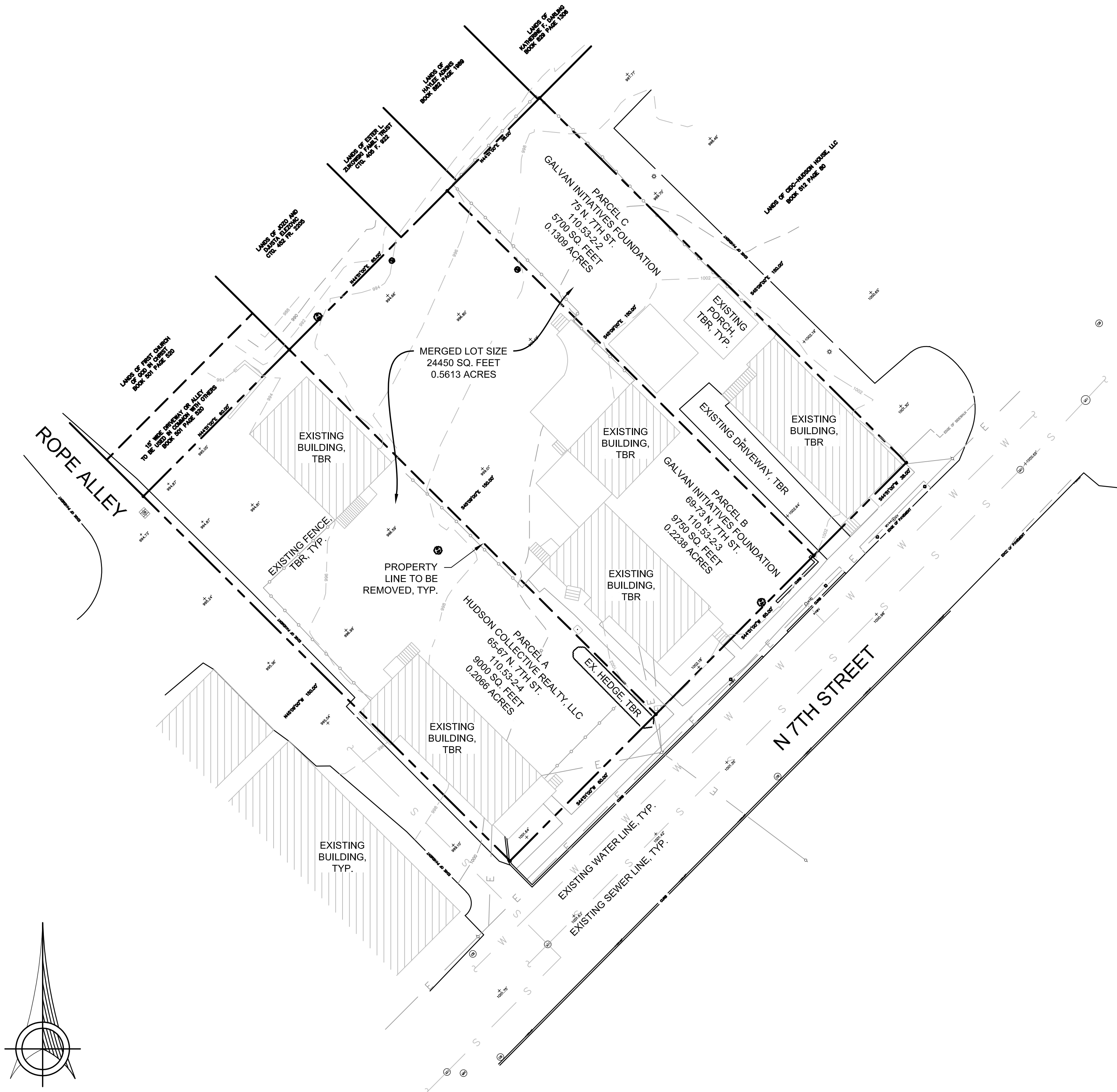
TITLE

75 N.7TH STREET MIXED
INCOME HOUSING
CITY OF HUDSON
COLUMBIA COUNTY



TACONIC JOB# 20053 SHEET 1 OF 4	DRAWN BY: AMP DESIGNED BY: AMP APPROVED BY: CAL ISSUED 7-1-20
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OR REPORTS IN ANY WAY, UNLESS HE IS ACTING UNDER THE
DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.



LEGEND

- 996 — — — — — EXISTING CONTOUR 2' INTERVAL
- 990 — — — — — EXISTING CONTOUR 10' INTERVAL
- + 999.01' EXISTING SPOT ELEVATION
- — — — — PROPERTY LINE
- — — — — EDGE OF PAVEMENT
- S — S — — — — — EXISTING SANITARY SEWER LINE
- W — W — — — — — EXISTING WATER LINE
- E — E — — — — — EXISTING OVERHEAD UTILITIES
- [Hatched Box] EXISTING BUILDING

C101

SCALE:
AS SHOWN

REV. No.	DESCRIPTION	DATE	BY	S/C
1	UPDATED BULK REGULATIONS TABLE ON C102	8/11/20		

EXISTING CONDITIONS
SITE PLAN

75 N.7TH STREET MIXED
INCOME HOUSING

CITY OF HUDSON
COLUMBIA COUNTY

TACONIC ENGINEERING, DPC
PO BOX 272 CHATHAM NY 12037 (518) 392-6660
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TACONIC JOB#
20053
SHEET
2 OF 4

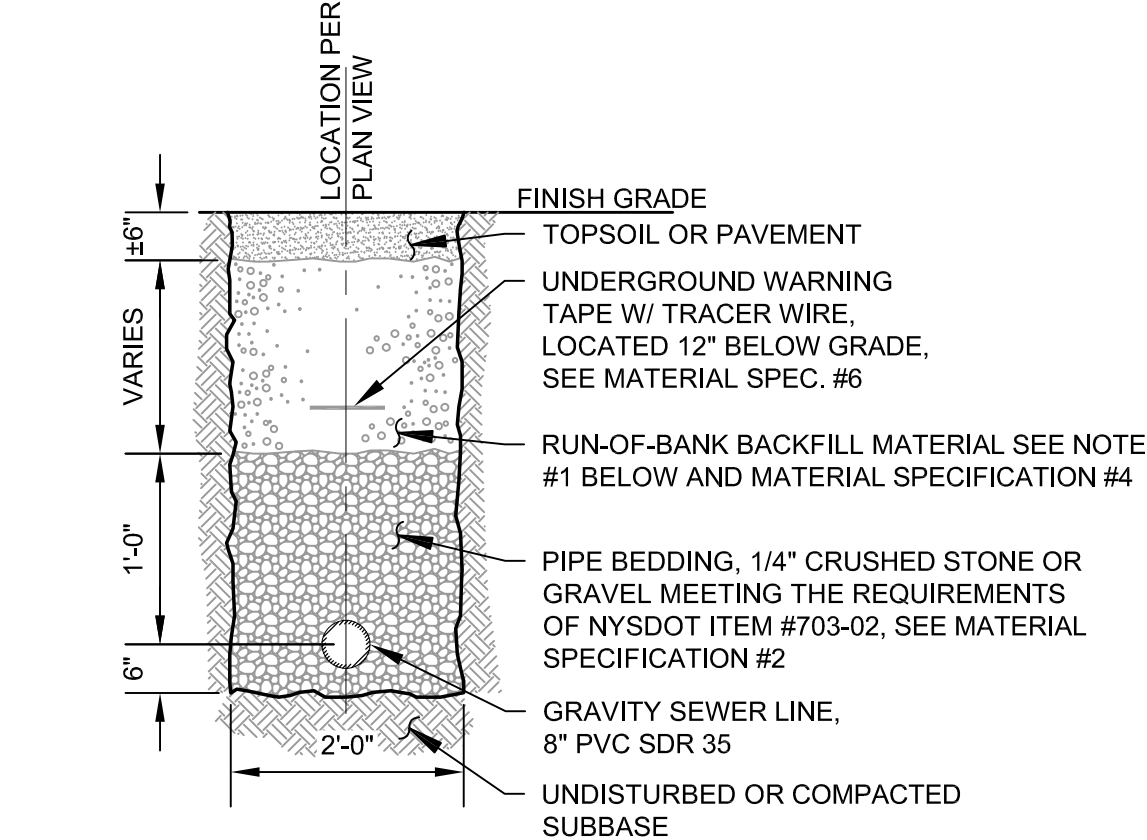
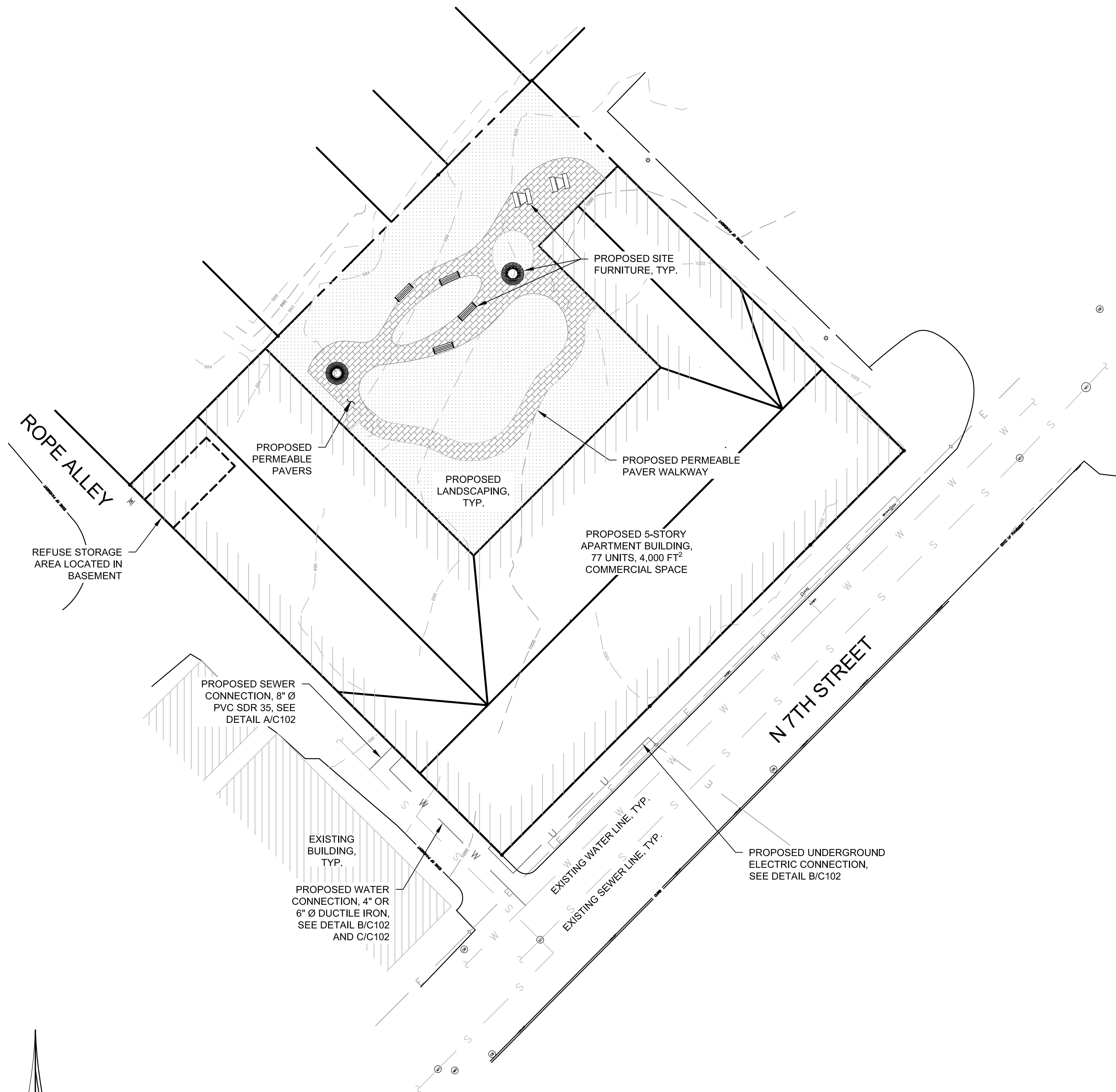
DRAWN BY: AMP
DESIGNED BY: AMP
APPROVED BY: CAL
ISSUED
7-1-20

NOTES:
1. BASE MAP OBTAINED FROM A SURVEY TITLED "SURVEY FOR THE MERGER OF LANDS OF PARCEL A - HUDSON COLLECTIVE REALTY, LLC AND PARCEL B AND C - GALVAN INITIATIVES FOUNDATION" BY DANIEL J RUSSELL, PLS, DATED APRIL 27, 2020.

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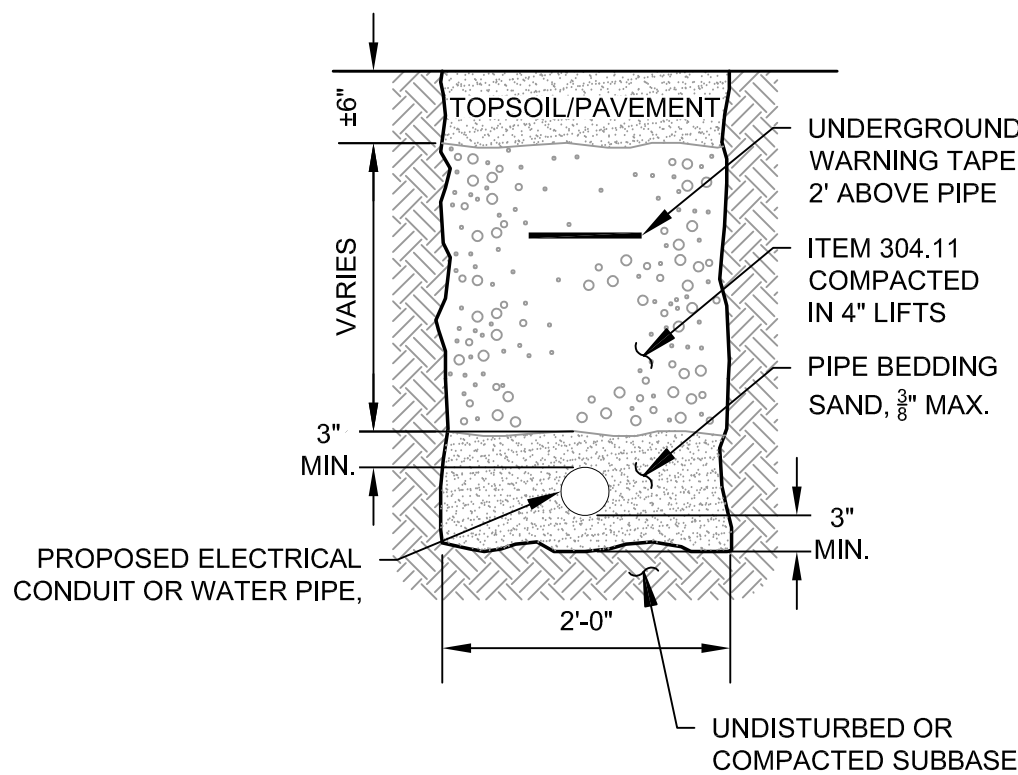
DENSITY REQUIREMENTS - G-C-T GENERAL COMMERCIAL TRANSITIONAL DISTRICT										
	USE	MINIMUM LOT AREA	MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)	MAXIMUM IMPERVIOUS COVERAGE	STORIES	HEIGHT (FEET)
REQUIRED	-	-	-	-	-	-	-	-	-	-
EXISTING	RESIDENTIAL	0.21, 0.22, 0.13 ACRES	0.5' (PARCEL C)	65' (PARCEL C)	ENCR. 0.7' (PARCEL A)	38' (PARCEL C)	150' (ALL)	40% (PARCEL C)	2 (ALL)	<45'
PROPOSED	RESIDENTIAL, COMMERCIAL	0.56 ACRES	0'	-1'	0'	163'	-1'	70%	5	64' - 2 1/4"

1. AS PER CITY OF HUDSON ZONING DEFINITION, PROPOSED LOT IS A "CORNER LOT". CORNER LOTS HAVE 2 FRONT YARDS, 2 SIDE YARDS, AND NO REAR YARD AND THEREFOR CANNOT HAVE A LOT DEPTH.



A SEWER TRENCH DETAIL
C102 SCALE: N.T.S.

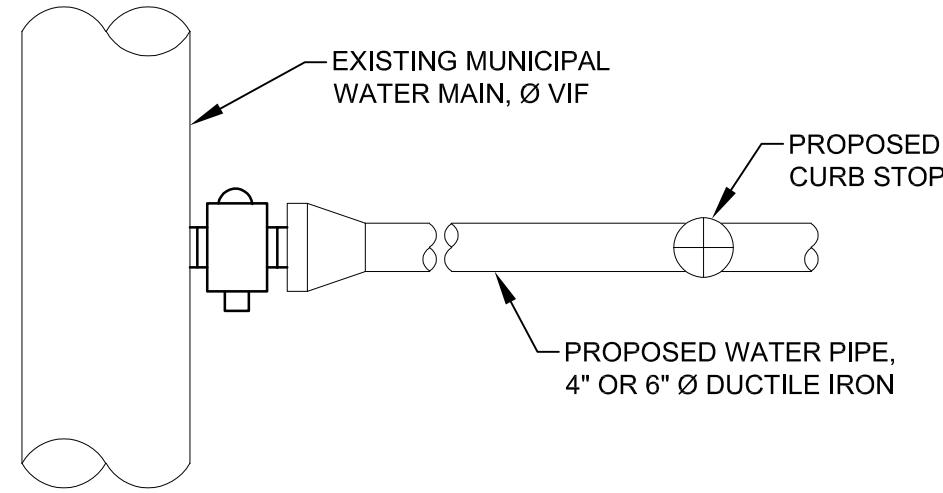
- NOTES:
- TRENCH BACKFILL SHALL BE PLACED IN 8" MAXIMUM LIFTS AND COMPACTED BY MECHANICAL TAMPERS TO 95% OF MODIFIED PROCTOR OPTIMUM DENSITY.
 - 8" ADDITIONAL EXCAVATION FOR ROCK ENCOUNTER. USE RUN OF BANK AS BACKFILL MATERIAL. SEE MATERIAL SPECIFICATIONS.



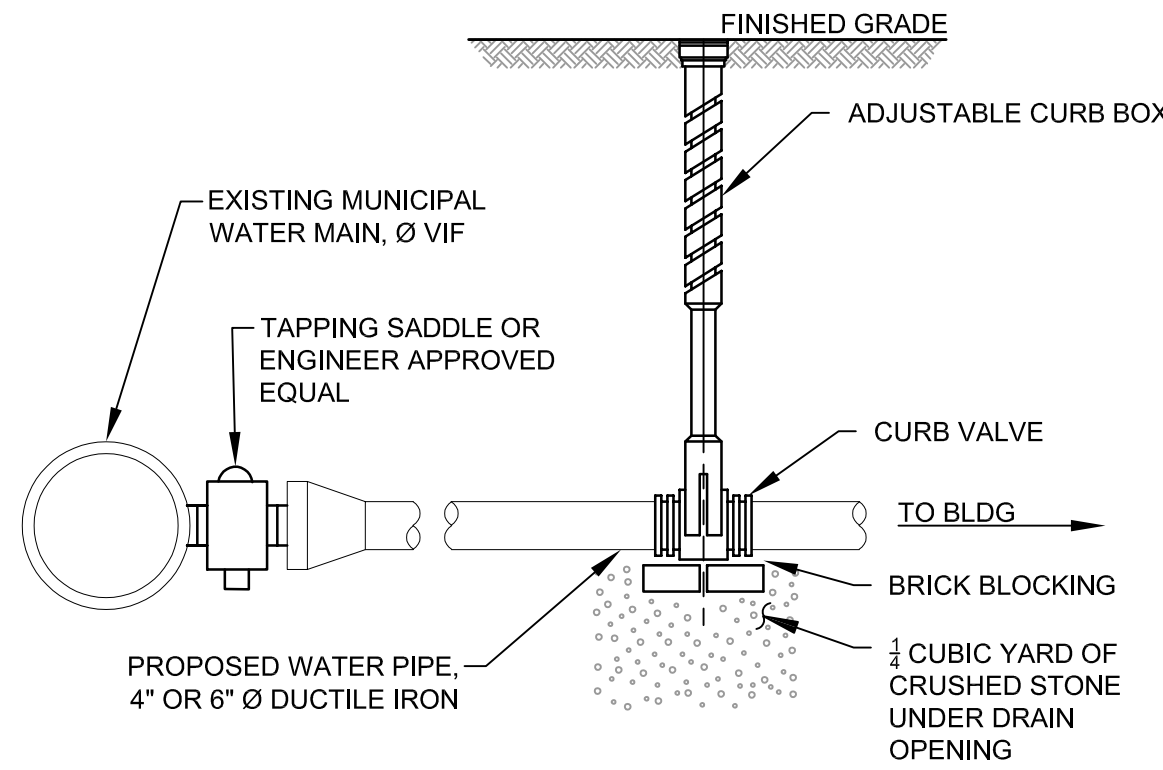
B UTILITY TRENCH DETAIL
C102 SCALE: N.T.S.

LEGEND

- EXISTING CONTOUR 2' INTERVAL
- EXISTING CONTOUR 10' INTERVAL
- EXISTING SPOT ELEVATION
- PROPERTY LINE
- EDGE OF PAVEMENT
- EXISTING/PROPOSED SANITARY SEWER LINE
- EXISTING/PROPOSED WATER LINE
- EXISTING OVERHEAD UTILITIES
- PROPOSED UNDERGROUND UTILITIES
- PROPOSED BUILDING
- EXISTING BUILDING



PLAN VIEW



SECTION VIEW

C WATER SERVICE CONNECTION DETAIL
C102 SCALE: N.T.S.

- NOTES:
- BASE MAP OBTAINED FROM A SURVEY TITLED "SURVEY FOR THE MERGER OF LANDS OF PARCEL A - HUDSON COLLECTIVE REALTY, LLC AND PARCEL B AND C - GALVAN INITIATIVES FOUNDATION" BY DANIEL J RUSSELL, PLS, DATED APRIL 27, 2020.

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C102

SCALE:
AS SHOWN

REV. No.	DESCRIPTION	DATE	BY	S/C
1	UPDATED BULK REGULATIONS TABLE ON C102	8/11/20		

PROPOSED CONDITIONS
SITE PLAN

75 N.7TH STREET MIXED
INCOME HOUSING

COLUMBIA COUNTY
CITY OF HUDSON

TACONIC ENGINEERING, DPC
PO BOX 272 CHATHAM NY 12037 (518) 392-6660
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TACONIC JOB#
20053
SHEET
3 OF 4
DRAWN BY: AMP
DESIGNED BY: AMP
APPROVED BY: CAL
ISSUED
7-1-20

REV.	DATE	DESCRIPTION	BY	S/C
1	8/11/20	UPDATED BULK REGULATIONS TABLE ON C102		

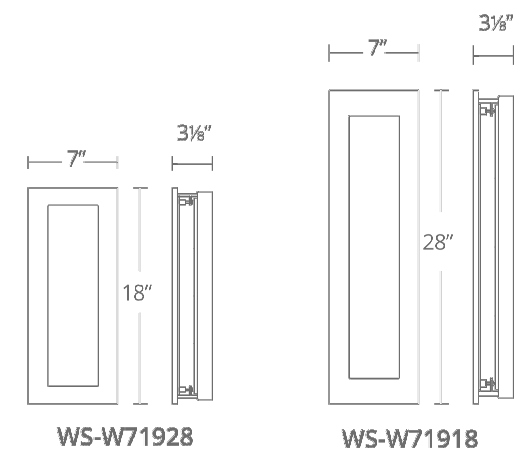
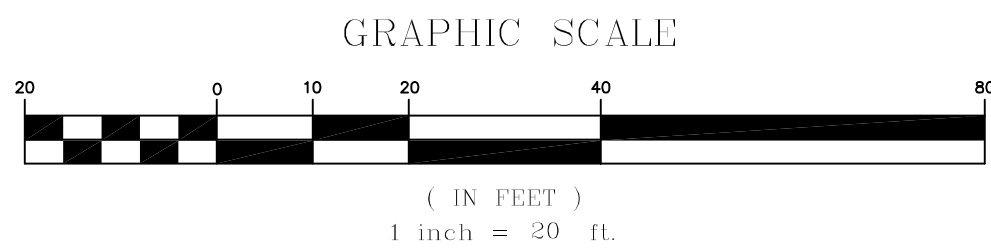
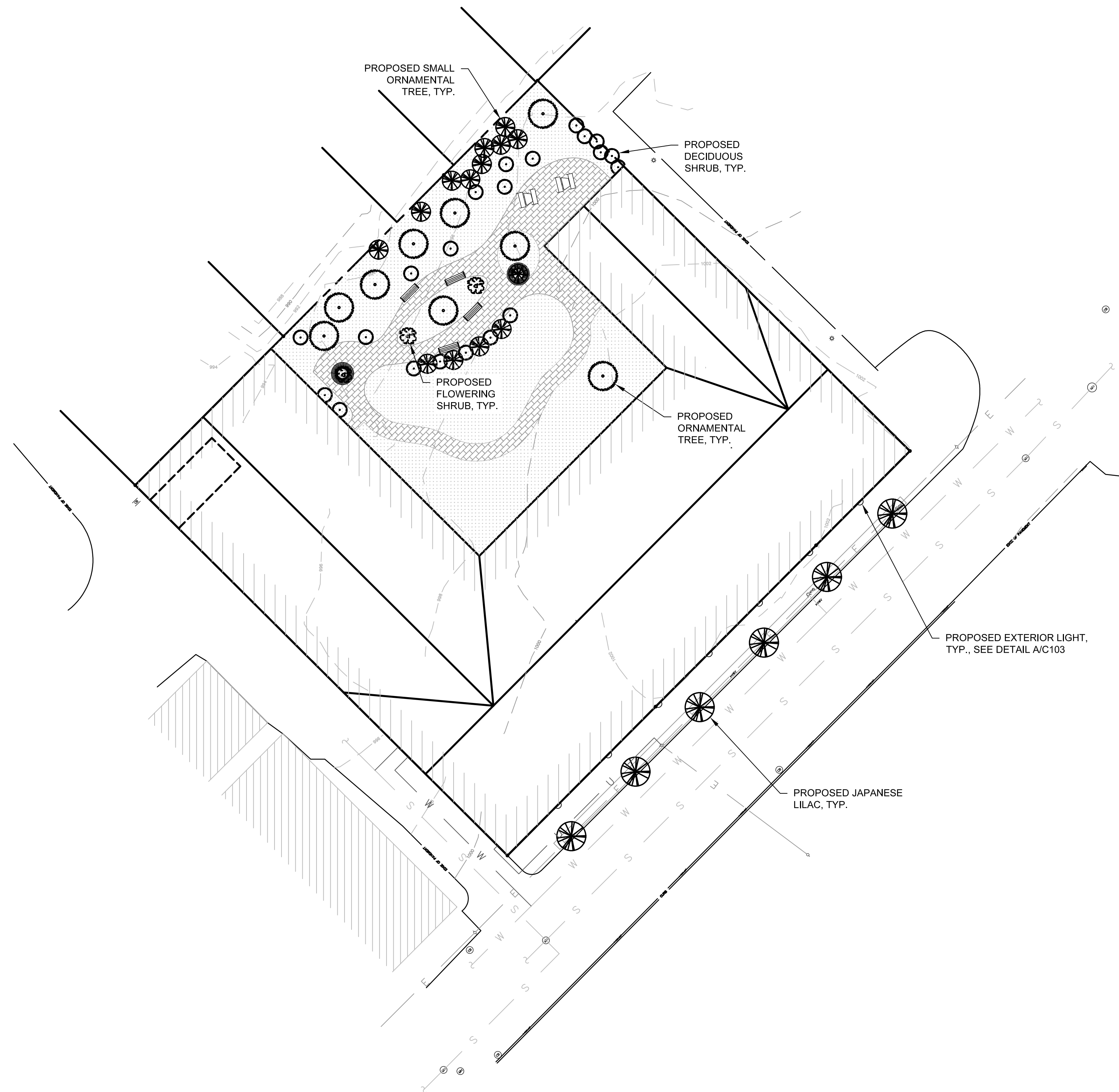
LIGHTING AND
LANDSCAPING PLAN

75 N.7TH STREET MIXED
INCOME HOUSING

TACONIC ENGINEERING, DPC
PO BOX 272 CHATHAM NY 12037 (518) 392-6660
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TACONIC JOB#
20053
SHEET
4 OF 4

DRAWN BY: AMP
DESIGNED BY: AMP
APPROVED BY: CAL
ISSUED
7-1-20



SPECIFICATIONS

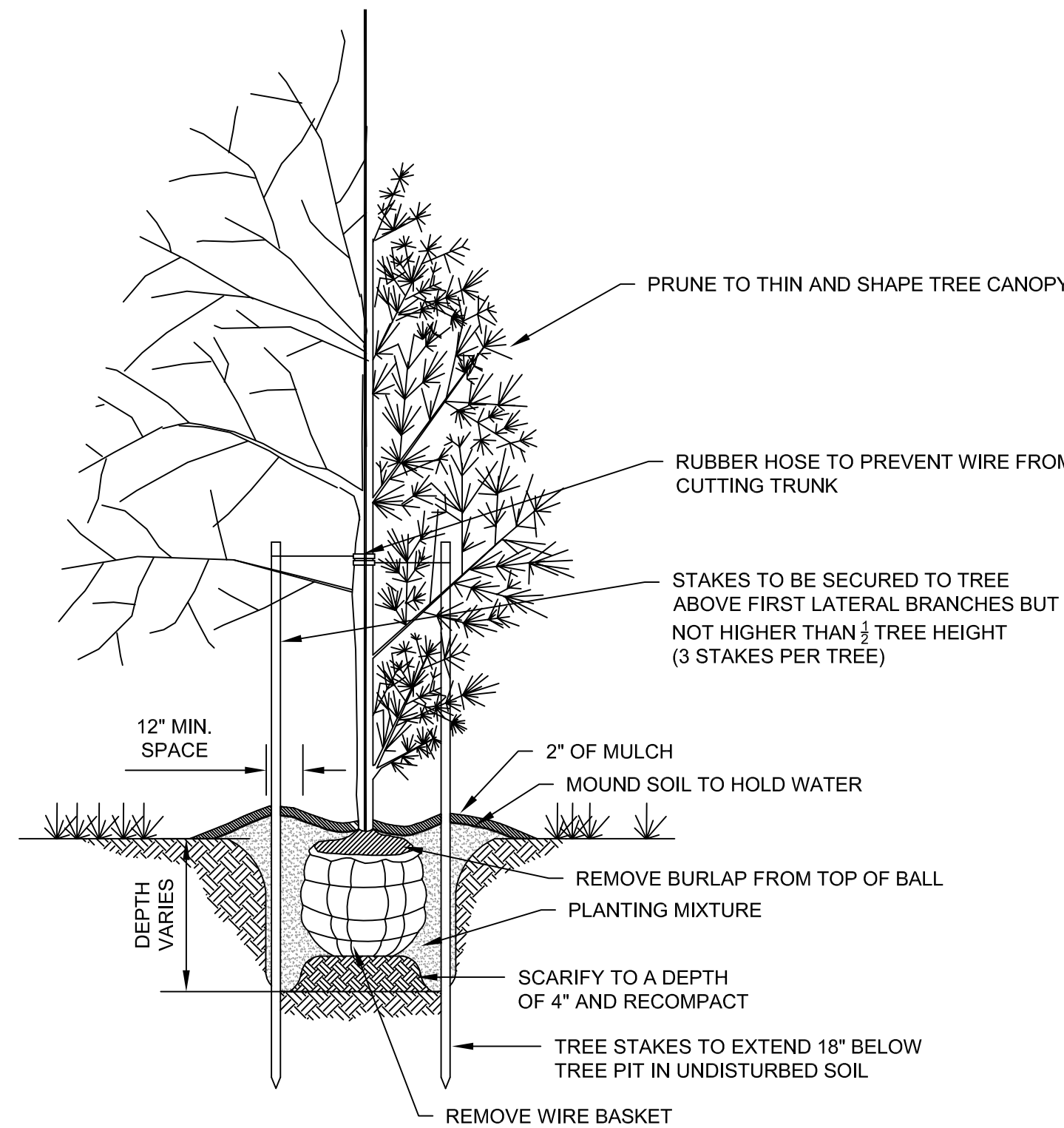
Construction: Aluminum
Light Source: High output LED
Finish: Black (BK)
Standards: ETL & cETL Wet Location listed, IP65, CEC Title 24 Compliant, ADA Compliant

FEATURES

- Sparkling glass insert
- Weather-resistant powder coat
- No transformer or driver needed
- Dimmer: ELV
- Rated Life: 50,000 hours
- Color temp: 3500K
- CRI: 90

Model	Height	Wattage	Voltage	LED Lumens	Delivered Lumens	Finish
WS-W71918	18"	13W	120V	1000	583	BK
WS-W71928	28"	38W	120V	3200	1828	Black

A EXTERIOR LIGHTING DETAIL
C103 SCALE: N.T.S.



B TREE PLANTING DETAIL
C103 SCALE: N.T.S.

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DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.



Project
**75 N.7th Street Mixed
Income Housing**
65-75 N. SEVENTH STREET, HUDSON, NY

Owner
GALVAN INITIATIVES FOUNDATION
42 W.39TH STREET, 14TH FLR, NY, NY

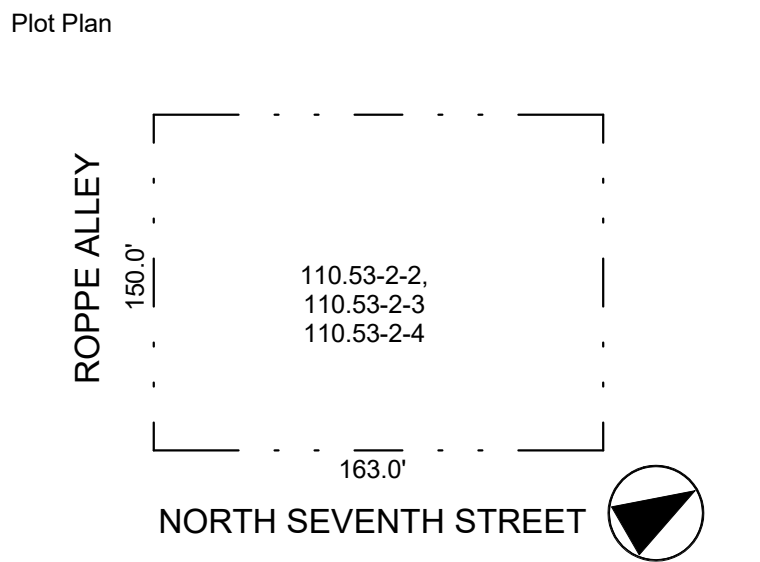
Sponsor
**NYS HOMES AND COMMUNITY
RENEWAL (HCR)**

Architect
UAI URBAN
ARCHITECTURAL
INITIATIVES, RA, PC
The Woodworth Bldg / 233 Broadway, Ste. 2150 / NY, NY 10028 T 212-979-4510 uai-ny.com

Consultants
STRUCTURAL/CIVIL ENGINEER
Taconic Engineering, DPC
2 Main Street, Chatham, NY 12037

MEP ENGINEER
Skyline Engineering
42 W.39th Street, 10th Fl., New York, NY 10018

ENERGY/PASSIVE HOUSE CONSULTANT
Confident Buildings, Inc.
214 Delancey Avenue, Mamaroneck, NY 10543



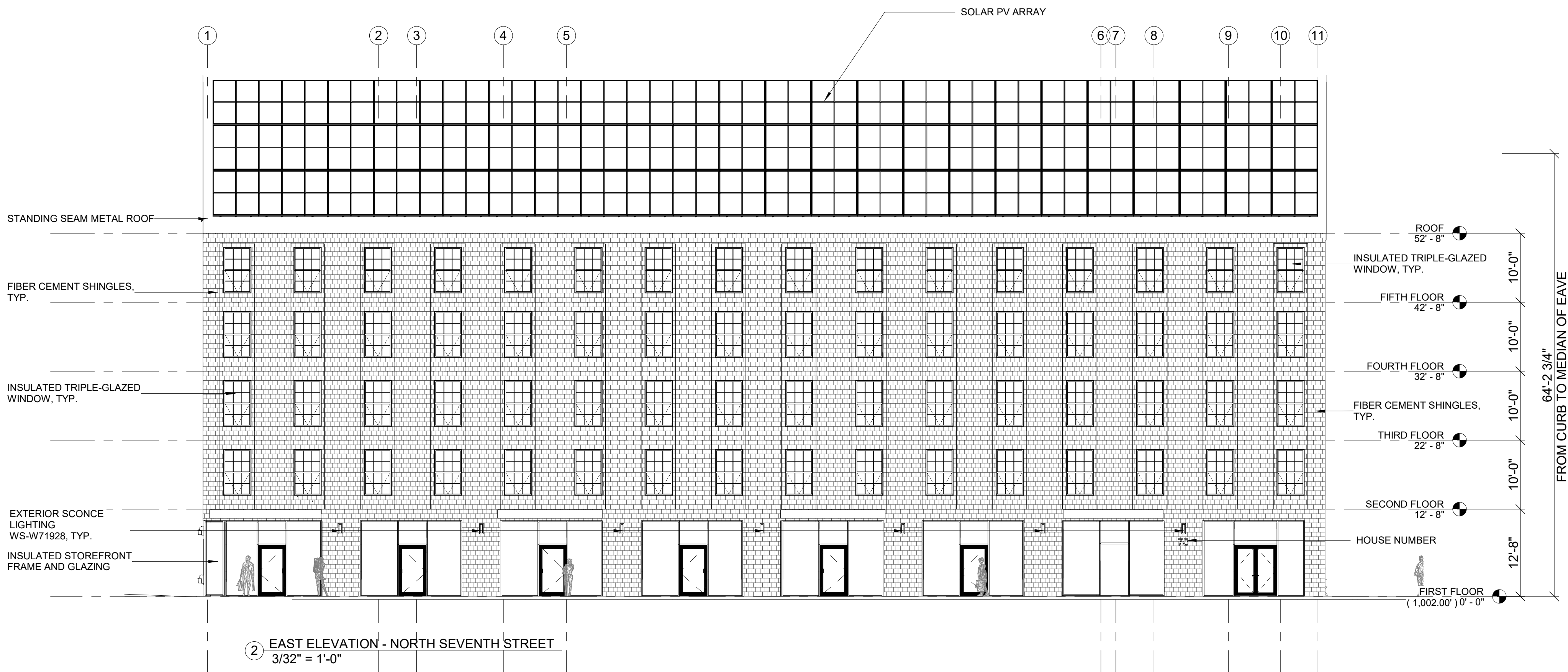
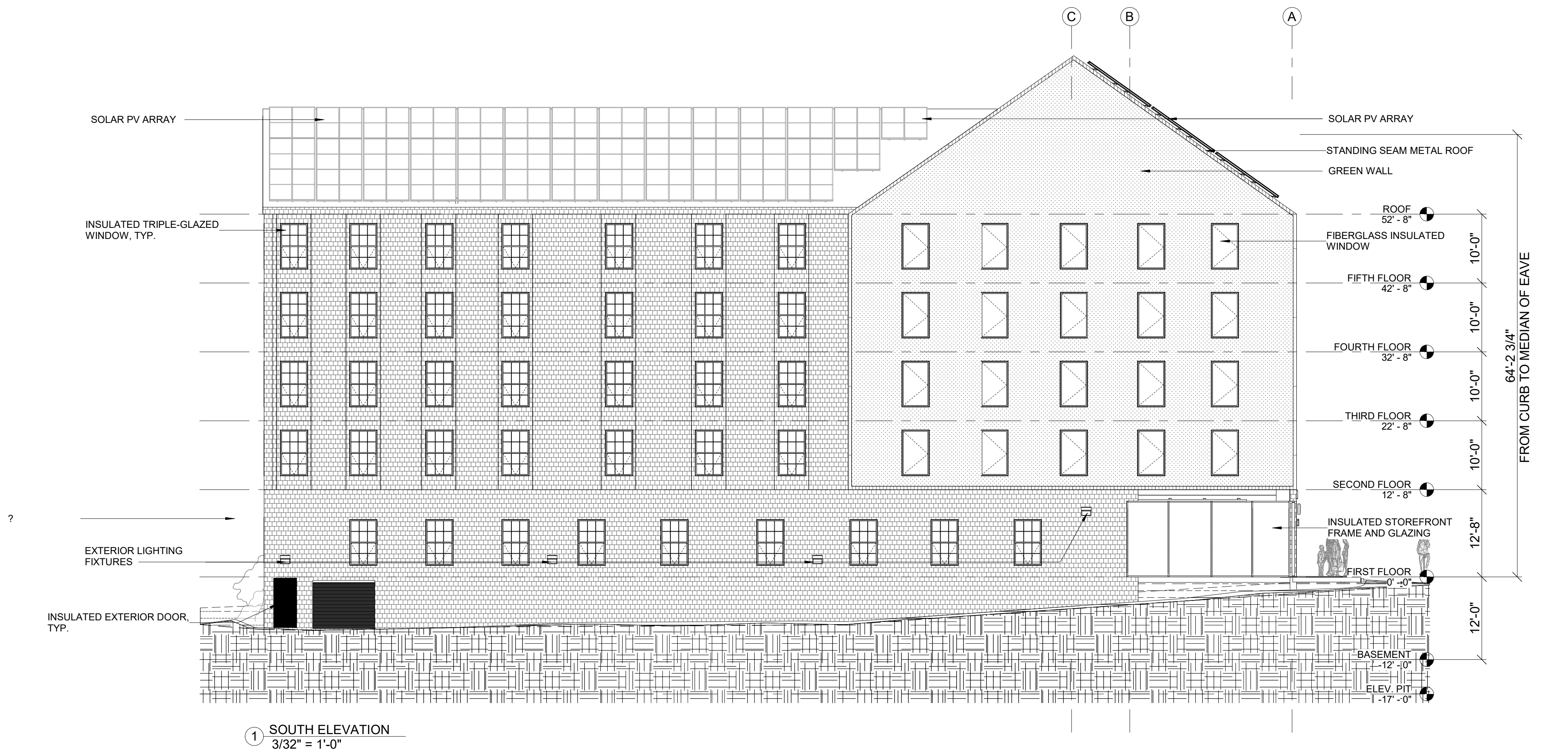
For Department of Buildings Use

Issuance Schedule		
No.	Date	Description

Drawing Title RENDERINGS		
Sign & Seal		Drawing No. T-110.00
date 12/23/19	drawn by Author	job no. 20.02
sheet scale 12" = 1'-0"	checked by JC	DOB sheet X
DOB NUMBER		

EXTERIOR MATERIAL LEGEND

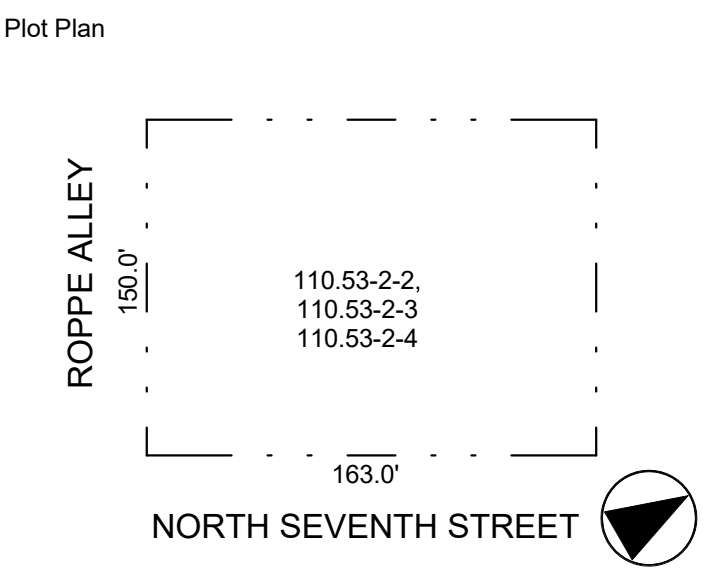
TYPE	SYMBOL	MODEL/MANUFACTURER/PRODUCT TYPE	DESCRIPTION/LOCATION
F01		MANUFACTURER: TBD MODEL: TBD SIZE: TBD	LAPPED GFRP PANELS @ EXTERIOR
F02		MANUFACTURER: TBD MODEL: TBD SIZE: TBD	GREEN WALL



Project
75 N.7th Street Mixed Income Housing
65-75 N. SEVENTH STREET, HUDSON, NY
Owner
GALVAN INITIATIVES FOUNDATION
42 W.39TH STREET, 14TH FLR, NY, NY
Sponsor
NYS HOMES AND COMMUNITY RENEWAL (HCR)

Architect
UAI URBAN ARCHITECTURAL INITIATIVES, RA, PC
The Woodworth Bldg / 233 Broadway, Ste. 2150 / NY, NY 10279 T 212-979-4510 uai-ny.com

Consultants
STRUCTURAL/CIVIL ENGINEER
Taconic Engineering, DPC
2 Main Street, Chatham, NY 12037
MEP ENGINEER
Skyline Engineering
42 W.39th Street, 10th Fl., New York, NY 10018
ENERGY/PASSIVE HOUSE CONSULTANT
Confident Buildings, Inc.
214 Delancey Avenue, Mamaroneck, NY 10543



For Department of Buildings Use

Issuance Schedule		
No.	Date	Description
1	08/15/19	DOB SUBMISSION

Drawing Title
SOUTH AND EAST ELEVATIONS

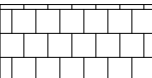
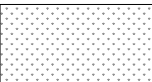
Sign & Seal

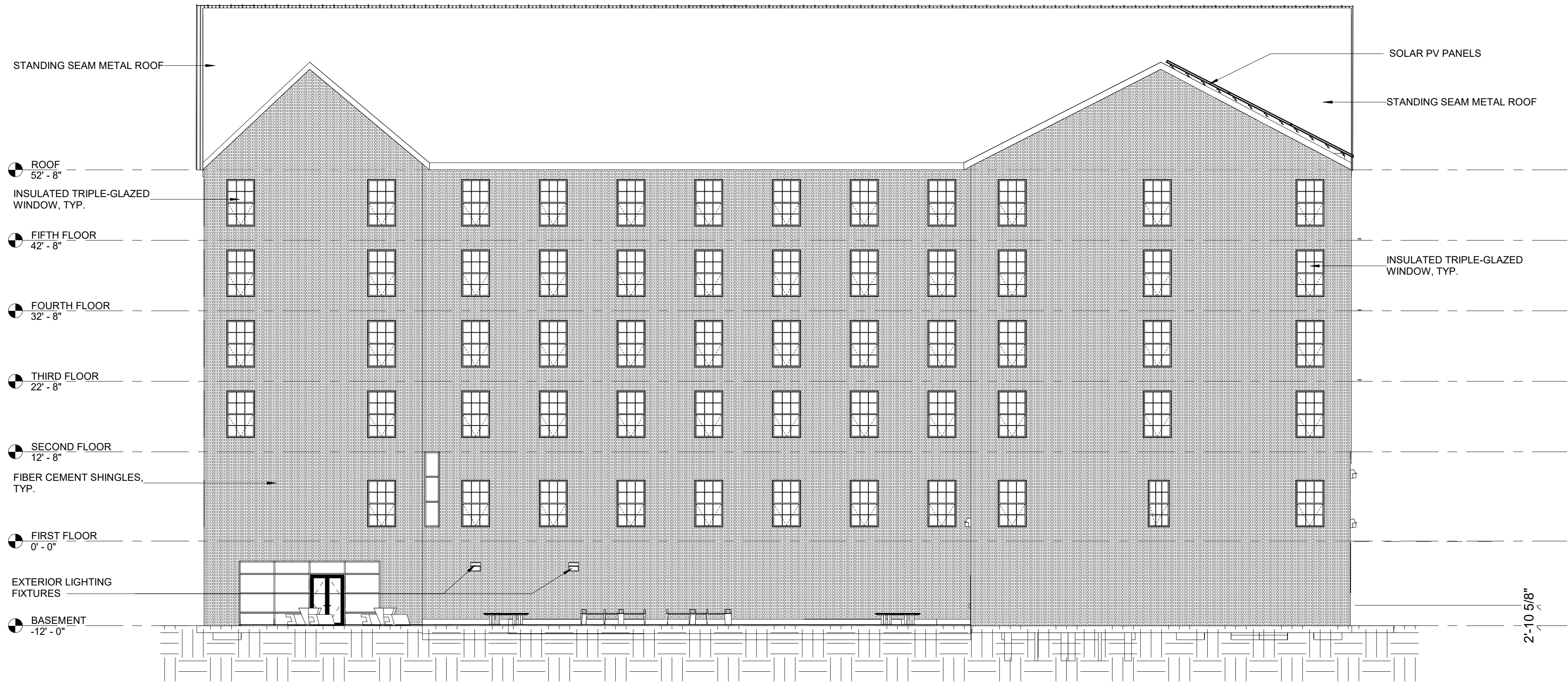
Drawing No.
A-200.00

date 12/23/19	drawn by DN	job no. 20.02
sheet scale As indicated	checked by JC	DOB sheet 24 OF 55

DOB NUMBER

EXTERIOR MATERIAL LEGEND

TYPE	SYMBOL	MODEL/MANUFACTURER/PRODUCT TYPE	DESCRIPTION/LOCATION
F01		MANUFACTURER: TBD MODEL: TBD SIZE: TBD	LAPPED GFRC PANELS @ EXTERIOR
F02		MANUFACTURER: TBD MODEL: TBD SIZE: TBD	GREEN WALL



① WEST ELEVATION - REAR YARD
3/32" = 1'-0"

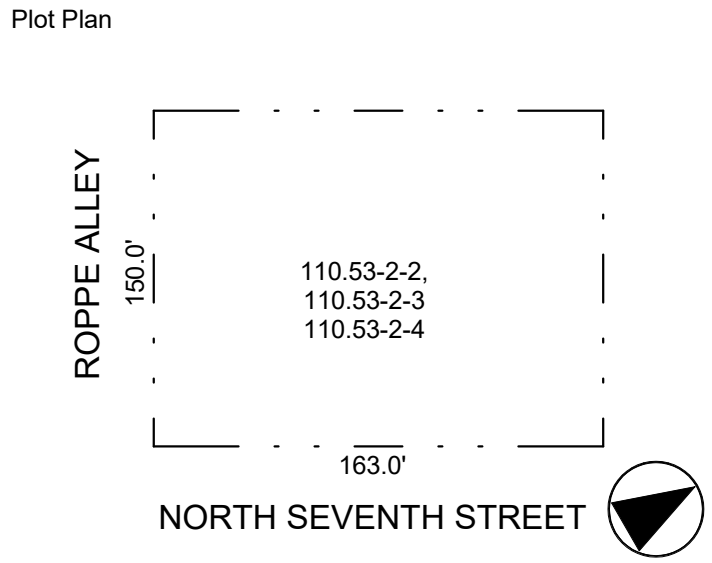


② NORTH ELEVATION
3/32" = 1'-0"

Project
75 N.7th Street Mixed Income Housing
65-75 N. SEVENTH STREET, HUDSON, NY
Owner
GALVAN INITIATIVES FOUNDATION
42 W.39TH STREET, 14TH FLR, NY, NY
Sponsor
NYS HOMES AND COMMUNITY RENEWAL (HCR)

Architect
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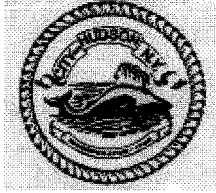


For Department of Buildings Use

Issuance Schedule		
No.	Date	Description
1	08/15/19	DOB SUBMISSION

Drawing Title WEST AND NORTH ELEVATIONS		
Sign & Seal		Drawing No. A-210.00
date 12/23/19	drawn by DN	job no. 20.02
sheet scale As indicated	checked by JC	DOB sheet 25 OF 55
DOB NUMBER		

EXHIBIT D



DEPARTMENT of CODE ENFORCEMENT

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

Walter Chatham
Chairman Planning Board
City of Hudson
520 Warren Street
Hudson, NY 12534

December 4, 2018

RE: 41 N 2nd Street
Hudson, NY
#109.35-2-19

Dear Walter,

Attached is a site plan application from the owner of the above referenced property and a letter of proposal from the owner's attorney to construct a two - four story housing building with a commercial space on the first floor. One building will have 33 senior housing dwelling units and one building will have 40 dwelling units. The commercial space will be determined at a later date.

The property is located in the GC, General Commercial zone in the city of Hudson. The proposed use is a permitted use as per section 325-15A4 and requires a site plan approval as per section 325-35 site plan approval for 4 units or more. There are no required set backs as per the scheduled bulk of the GC zoning district.

Also, the proposed lot is across the street from the current parcel of 41 N 2nd St and is a separate lot with the same parcel number. I would suggest that the 2 lots be sub divided into two separate parcels and then will be able to have two separate addresses.

Any questions you may have please contact my office.



Craig Haigh

Code Enforcement Official

City of Hudson Planning Board

Application For: X Site Plan Review
 Special Exception Use

Applicant:

Owner (if different)

Name Hudson Housing Authority

Name N/A

Address 41 N. 2nd Street

Address _____

Hudson, NY 12534

c/o Tim Mettice

Telephone No.: (518) 828 - 5415

Telephone No.: () -

If applicant is not the owner, the owner must complete the following:

I, N/A, am the owner of the property located at _____, Hudson, New York, and authorize _____ to act as my agent for this application.

Signature: _____ Date: _____

Project Information:

Location of Site: 41 N. 2nd Street (including Parcel at State Street and N. 2nd Street)

Tax Map Parcel Number: 109.35-2-19 (includes two parcels)

Current Zoning Classification: G-C

Proposed use(s) of Site: Multifamily - Municipal Housing Authority / Cooperative Corporation for low or moderate income families. See Zoning Code Section 325-15(A)(4) and 325-11(A)(2)

Total Parcel Size: 4.5AC (2 lots) feet x 208 x 489 feet Total square Ft. Appx. 196,020 SF

Anticipated Construction Time: TBD 111 x 425 Will development be staged? Yes (potentially)

Current Land Use of Site: State Street lot - Recreational uses and related parking

Columbia Street lot - Multifamily public/low income housing

Current condition of site: Disturbed/Developed

Character of Abutting Parcels: Multifamily residences, single/two family housing and industrial.


Anticipated Increase in number of residences, shoppers, employees, etc: Phase 1 development will include 73 new units (including 33 senior units). Phase 1 also includes approximately 3,970 sf of Commercial Space in the proposed senior building. The amount of shoppers and employees at this commercial space is TBD.

Describe proposed use, including primary and secondary uses: ground floor area, height, and number of stories for each building:

- For residential buildings include the number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three or more bedrooms) and the number of off-street parking spaces to be provided
- For non-residential buildings, include total floor area and total sales area; number of off-street parking spaces
- Describe other proposed structures
- Include plot plan per attached checklist

See attached cover letter.

Applicant's Signature: _____



Date: 12/3/2018

Tim Mattice, Hudson Housing Authority

For Board Use Only

Date Rec'd _____

Rec'd by _____

Preliminary Review: _____ Final Review: _____

Final Decision: Approved: _____ Approved w/mods: _____ Disapproved: _____

Plot Plan Submittal

Please provide an accurate sketch of your parcel that includes the following information:

1. Property boundaries with dimensions
2. All existing and/or proposed structures with setback measurements
3. Names & locations of all abutting streets and alleys
4. Location of water & sewer connections
5. Location size of all off street parking areas including garages
6. Names of adjacent property owners or businesses

This plan may be prepared in the box below or on a separate sheet if you desire.

See enclosed site plans and survey.

Applicant :

[Signature]

Date:

12/3/2018

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

Charles J. Gottlieb
Associate
518.487.7612 phone
cgottlieb@woh.com

November 27, 2018

VIA HAND DELIVERY

Craig Haigh
Code Enforcement Officer
City of Hudson
429 Warren Street
Hudson, NY 12534

**RE: Hudson Housing Authority
Site Plan Application – Zoning Review
Property: State & Columbia / North 2nd Streets (Tax ID 109.35-2-19)**

Dear Mr. Haigh:

On behalf of the Hudson Housing Authority (“HHA”), we respectfully submit this letter and attachments in furtherance of HHA’s proposed development/rehabilitation of its property located at the corner of State Street and North 2nd Street and Columbia Street and North 2nd Street, identified on the tax map as parcel 109.35-2-19 (the “Property”).

The Property is located in the General Commercial (“G-C”) zoning district, which does not have any area or bulk regulations. *See* City of Hudson Zoning Code, Schedule of Bulk and Area Regulations. In the G-C zoning district, the following use is permitted:

Multifamily dwellings owned and operated by a municipal housing authority providing housing for low-income families pursuant to any federal or state law; a limited dividend nonprofit or cooperative corporation for low- or moderate-income families pursuant to any federal or state law.

Zoning Code §§ 325-15(A)(4), 325-11(A)(2).

As the owner of the Property, HHA proposes new low-income/public housing dwelling units in addition to rehabilitating existing low-income/public housing buildings on the Property.

HHA is a public housing authority created under New York's Public Housing Law. The Project will be constructed, leased and operated by a public housing corporation created pursuant to New York law. Said public housing corporation will include HHA and PRC/DB, LLC (a joint venture between Property Resources Corporation and Duvernay + Brooks, LLC) as members and will be created to provide low-income/public housing. Accordingly, the proposed use discussed herein is permitted on the Property.

The Proposed Development.

Although one tax lot, the Property is split into two parcels. The State Street parcel is approximately 1.412 acres and is currently improved with a parking lot and recreational uses. HHA proposes to redevelop the State Street parcel with two (2) multifamily buildings. Each proposed building will provide low-income/public housing units, including age restricted senior units.

In total, HHA proposes 73 new dwelling units on the State Street parcel, 33 of which will be senior units. The 33 age restricted senior units will be broken up as follows: 18 studio units and 15 one-bedroom units. The 40 traditional family dwelling units will be broken up as follows: 11 one-bedroom units, 21 two-bedrooms units and 8 three-bedroom units. Permitted commercial space will be located on the ground floor of the Senior building.

The Columbia Street parcel is approximately 2.995 acres and is currently improved with four (4) low-income/public housing multifamily buildings (collectively "Bliss Towers"). As a part of this application, HHA also proposes to rehabilitate the existing 9-story multifamily housing building on the Columbia Street parcel.

The three existing low rise multifamily housing buildings will eventually be redeveloped during a later stage of the project. For your reference, we have included HHA's proposed site master plan which includes additional buildings on the Columbia Street parcel. HHA is not currently seeking any approvals from the City related to these additional buildings. However, HHA will be considering the environmental impacts of the master plan during the Planning Board's environmental review. This additional development will undergo a separate zoning compliance review by your office and amended site plan review by the Planning Board when formally proposed.

In accordance with the above, HHA's proposed development and rehabilitation is a permitted use in the GC zoning district.

Conclusion

As discussed at our meeting on November 5, 2018, we have submitted with this letter a preliminary Planning Board application for your initial review. This preliminary submission includes:

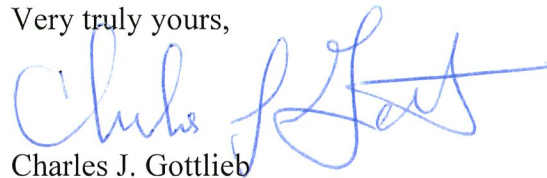
- 1) Planning Board Application;
- 2) Long Environmental Assessment Form; and

- 3) Site Plans, elevations, and existing condition prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. and Peter Clements Architect, PC.

Once we obtain your comments, we will submit additional copies of the application (and the related fee) to the Planning Board to be placed on the December 13, 2018 Planning Board agenda.

We look forward to working with the City on this exciting new project. If you have any questions, please do not hesitate to contact my office.

Very truly yours,



Charles J. Gottlieb

Enclosures

cc: Mitchell Khosrova, Esq., Law Office of Mitchell Khosrova (w/o attachments)
Andrew B. Howard, Esq. Howard Freeman, P.C. (w/o attachments)
Tim Mattice, HHA (w/o attachments)
Brian Heeger, PRC/DB, LLC
Frank Linde, PRC/DB, LLC
Peter Clements, Peter Clements Architect, PC (w/o attachments)
Dawn McKenzie, RLA, Insite Engineering, Surveying & Landscape Architecture, P.C.
(w/o attachments)

EXHIBIT E

ZONING

325 Attachment 2

City of Hudson

Schedule of Bulk and Area Regulations for Commercial and Industrial Districts

For Commercial and Industrial Uses permitted in:	R-3¹	C-C	Commerce	G-C	Industrial	I-1
Minimum Required:						
Lot area (square feet)	10,000	—	5,000		10,000	—
Lot width (feet)	100	20	40		100	—
Lot Depth (feet)	100	—	100		100	—
Front Yard (feet)	10	—	—		—	—
Side Yard (feet)	15	²	²		10	10
Side yard for lots within 25 feet of residence district boundary (feet)	—	10	10		15	40
Rear yard (feet)	30	—	20		20	10
Rear yard for lots within 25 feet of residence district boundary (feet)	—	30	30		30	40
Off-street parking spaces per 300 square feet of floor area	1	—	1		1	1
Maximum Permitted:						
Lot coverage	30%	—	50%		50% ³	75%
Building height (feet)	35	45	35		35	⁴
Number of stories	3	4	3		3	⁴

NOTES:

¹ For new office structures or new structures with combined office and residential use.

² None required, but ten-foot minimum if provided.

³ Maximum areas devoted to manufacturing, 10,000 square feet.

⁴ Two feet in building height for each one foot of distance from any property line; maximum height of 45 feet.