

**VILLAGE OF WALDEN:
ZONING BOARD OF APPEALS**

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In the matter of the application of:

DAWN SWEED

for a use variance to operate a drop
off and pick up dry cleaning store
where such use is not permitted.

**FINDINGS OF FACT
AND DECISION**

**TAX MAX NO.
307-4-9.**

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The property which is the subject of this application is located at 150 East Main Street, Walden, New York and is designated on the Village Tax Map as Section 307, Block 4, Lot 9. It is located in an R-4(Single Family) Zoning District.

A public hearing on the application was scheduled for March 3, 2011 at the Village Offices, One Municipal Square, Walden, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing was held on March 3, 2011. The owner of the dry cleaning business, Dawn Sweed, appeared in person. The testimony at the Public Hearing established that the property had previously been granted several use variances by this Board since 1994, including a retail convenience store, a retail produce store, a liquor store, a day care center and a day spa. The current applicant wishes to use the premises a drop-off and pick-up dry cleaning store. Ms. Sweed stated that she has been in the business for 7 years and rents a space within walking distance of the premises. She wishes to rent the subject premises because it provides more room for her operations, better visibility and it allows her to grow her business. She stated that her hours of operation are 9:00am to 6:00 pm Monday -Friday and 9:00 am to 4 pm on Saturdays. The business is closed on Sundays and holidays. She further stated that her business does not do dry cleaning on the premises and that a substantial part of her business is a delivery one to her corporate customers. Finally, she stated that she is prepared to sign a 3-5 year lease with the owner of the premises if the variance is granted.

The Board heard from two immediate neighbors of the subject property who indicated that they were not opposed to the change of use so long as dry cleaning isn't done on the premises.

hey did have some concerns, namely, whether the site had sufficient on-site parking spaces for the use of the property as the parking on the street is quite congested due to the presence of a doctor's office in close proximity to the subject site.

The Board is very familiar with the site and the limitations it has based upon its location in a residential zone and the long-standing non-conforming nature of any use that has ever existed on the site. The Board is well aware of the hardship past and present owners have had in trying to lease or use the property as can be attested by the numerous uses authorized by this Board through variance applications.

The Board determines that this is an application for a use variance. The criteria which the Board must consider in determining whether or not to grant the use variance is the standard set forth in Village Law, Section 7-712-b(2). The Board has considered the following factors and has made the findings set forth below:

I. WHETHER UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT CANNOT REALIZE A REASONABLE FROM THE PROPERTY IN QUESTION?

The Board has previously determined that a reasonable return cannot be had from the subject property if it is put to uses permitted by the applicable Zoning. This Board has made the same finding over the years in allowing various other uses to be established on the subject premises. Given these facts, the Board determines that this criterion has been met.

II WHETHER THE ALLEGED HARDSHIP IS UNIQUE, AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD?

The subject property was a prior non-conforming use as a nursery for years. It has been granted numerous variances for other uses by this Board over the last 15 years. Therefore, this Board believes that its situation is unique.

III. WHETHER THE REQUESTED USE VARIANCE, IF GRANTED, WILL ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD?

The subject property is located in a single-family residential district. Notwithstanding this designation, the

neighborhood is a mix of commercial and residential uses. The board finds that the establishment of a drop-off and pick-up dry cleaning store will not have any detrimental impact on the character of the neighborhood especially if the site plan approval granted by the Planning Board in 1997 is adhered to by the applicant as to the off-street parking,

truck loading and lighting requirements and restrictions.

IV. WHETHER THE ALLEGED HARDSHIP HAS BEEN SELF-CREATED?

The Board determines that the applicant's hardship is self-created in that she is choosing to lease space in a building for a use that is not permitted under the Zoning Code. However, this is only one of the criteria the Board must consider and it is not the determinative one.

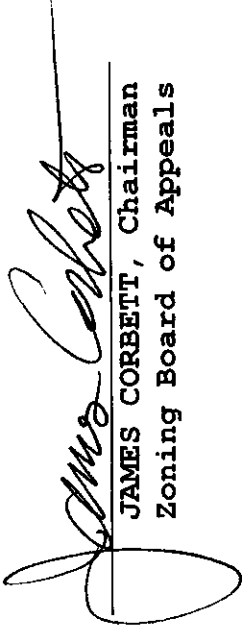
DECISION

The Board determines that the requested variance pursuant to Section 148-10 of the Village Code to permit the operation of a drop off and pick up dry cleaning store floor is granted. This variance is granted upon the following conditions: (1) that the applicant must comply with the site plan approval granted by the Planning Board dated November 19, 1997 as to the off-street parking requirements, truck loading requirements, and on site lighting requirements.

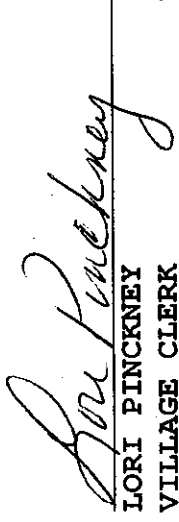
Present and Voting on this resolution to grant the requested variance:

James Corbett,	Aye
David Ohlmer,	Aye
Brenda Adams,	Aye
Jason Trafton	Aye
Carolyn Wesenberg	Aye

Dated: Walden, New York
March 4, 2011


JAMES CORBETT, Chairman
Zoning Board of Appeals

Filed in the Village Clerk's Office this ^{29th} day of March,
2011.


LORI PINCKNEY
VILLAGE CLERK