



**TOWN OF HURLEY PLANNING BOARD**  
**PO BOX 569**  
**Hurley, New York 12443**  
[planning@townofhurley.org](mailto:planning@townofhurley.org)  
**(845)331-7474 Ext. 6**  
**PLANNING BOARD MINUTES**  
**Thursday, 2023-11-30 @ 6:00 p.m.**

**Present:** Kathryn Kiewel, Vice-Chair; Karl Brueckner; Griff Liewa, Diana Cline (after 6:25);  
Dennis O'Clair,

**Absent:** Peter McKnight, Chair; Debra Kossar; Alternate 1-Mitch Cohen, Paul Economos, ZEO

**Also Present:** Kim Garrison, ESQ.,

- I. 6:07PM-Vice-Chair** Kathryn Kiewel Opened the meeting, acknowledged there is a quorum and asked all to rise for the Pledge of Allegiance.

The Clerk stated there are copies of any draft Resolutions the Board will entertain, the Agenda and a pad for audience members who intended to speak on the table.

**II. 6:08-Public Comment**

Official Actions: Member Karl Brueckner motioned to open public comment; member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Absent
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by four (4) AYES; zero (0) Nays; three (3) Absent, Chair Peter McKnight; Diana Cline; Debbie Kossar; and 0 Abstentions

There was no audience present that wished to speak.

Official Actions

Member Griff Liewa motioned to close Public Comment; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Absent
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by four (4) AYES; zero (0) Nays; three (3) Absent, Chair Peter McKnight; Diana Cline; Debbie Kossar; and 0 Abstentions

**III. Public Hearing:**

- 1. 6:10PM-** File 2023-#10-Beesmer/Nekos-SBLs-46.2-2-22.300&46.2-2-25-SD&LLA

Location: Stone Rd/A-2.5/9.3Acres

Need: SEQRA classification Unlisted at 2023-09-28 meeting

Update: new Map submitted;

Mike Beesmer was present to represent the file. The buyer of future lot #1 was also present as well as the Nekos.



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#### Applicant Comments

Mr. Beesmer stated he got approval from UC Highway to create a twenty-five (25') driveway for proposed lot #1 and next to it a fifty (50') wide strip to attach to his remaining lands behind the 9 acres being sub-divided. Mr. Zell revised the map, but they noted the remaining lands would have a ROW over the 50' strip, which is incorrect.

#### Board Comments

The Board questioned whether the setback for the shed on the Nekos property was identified on the map? It was not. Mr. Nekos was present and the Board discussed the issue of the setback of the shed. He stated it is not really a shed, it is a canopy structure that is removable. The Board stated, a Determination from the ZEO would need to be made as to what he required setback will need to be.

#### Official Actions

Member Griff Liewa motioned to re-open the Public Hearing at 6:09PM; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Absent
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by four (4) AYES; zero (0) Nays; three (3) Absent, Chair Peter McKnight; Diana Cline; Debbie Kossar; and 0 Abstentions

#### Attorney Comments

Now that the Board has a set plat from the Applicant, the Board must decide how it wants to handle the SEQRA process. The Action had been identified as Unlisted already. The Board must decide if it wants to do a coordinated review or un-coordinated review. With a coordinated review, the Clerk would send the Plat to all Agencies that might have an interest or review authority to see if they believe they should be the Lead Agent under SEQRA. The other choice is to do an Uncoordinated review. Under Type I actions, a Coordinated review is required.

(Member Diana Cline arrived at 6:25PM)

Member Diana Cline stated the Board has always done an Uncoordinated review.

#### Official Actions

Member Karl Brueckner motioned to do an Un-coordinated review as the Board has already gotten approval from the possible Agencies that might have an interest in being lead Agent; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye



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Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

A draft Part II will be circulated as well as a draft Determination of significance before the next meeting.

**Official Actions**

Member Karl Brueckner motioned to continue the Public hearing at the December 21, 2023 meeting at 6:11PM; member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

<b>Member</b>	<b>Vote</b>
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

**2. 6:40PM- File-#2023-#15-Freedman-SBL-38.1-3-14-SUP&SP**

Location: 31 Elks Park Rd./R-1 district/0.4517 acres

Application: 2-family house

Need:

Sharon Freedman was present to represent the file

**Applicant Statement**

Applicant sent the email she received from BOH approving up to five (5) bedrooms. She also submitted a revised Plat showing the parking area is nineteen (19') from the side property line, which was a concern raised at the last meeting.

**Board Comments/Questions**

- Member Karl Brueckner questioned if a two-family is allowed on the .45-acre lot in the R-1 zone. The Clerk responded both the previous ZEO (tom Tryon) and the current ZEO (Paul Economos) reviewed the file and did not identify a need for a variance.
- Member Karl Brueckner asked if this was going to be used for long-term rental or Air BnB? The Applicant stated long-term. She wants to have options for the housing shortage.
- Member Diana Cline asked what the square footage of the new unit would be? 900sq. ft.

**Official Actions**

Member Griff Liewa motioned to open the Public hearing at 6:56PM; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

<b>Member</b>	<b>Vote</b>
Peter McKnight, Chairman	Absent



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Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

There were no members of the public present

6:59 Member Karl Brueckner motioned to close the Public Hearing; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

<b>Member</b>	<b>Vote</b>
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

7:00PM-the Board reviewed a draft determination prepared by the Clerk and made modifications:

**Findings of Facts and Conclusions of Law**

23. A conversion of a single-family dwelling into a two-family (2) is an allowed use in the R-1 zoning district with the issuance of a Special use permit and Site Plan Approval from the Planning Board.
24. By definition in the Town of Hurley Zoning Law in §210-5, a two-family is defined as:  
“DWELLING, TWO-FAMILY or DWELLING, THREE-FAMILY-A structure containing two or three dwelling units designed for occupancy for two or three families, including attached townhouse dwellings.”
25. Page 75 of the adopted 2006 Comprehensive Plan stated in regards to housing:.... “We value living in a community that encompasses a diverse population and want to foster a wide range of affordable options like accessible apartments and townhouses, two-, three- and four-unit buildings, and accessory dwelling units (often known as mother-in-law apartments). We recommend that, most often, those options be integrated with other development rather than isolated in dedicated senior citizen or ‘affordable housing’ sites..... We particularly encourage development of zoning code that facilitates Accessory Dwelling Units. These units, often known as mother-in-law apartments, can be developed within single family homes, as additions to single family homes, by converting outbuildings, garages and barns.”
26. The Planning Board has determined that this Application meets the intended goals of the Comprehensive Plan as stated above.



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27. Section 210-40 C requires the Planning Board to make findings regarding the issuance of a Special Use Permit.

They are as follows:

C. Basis for deliberation; general provisions. Before issuing a special use permit, the Planning Board shall take into consideration the public health, safety, morals and welfare and shall assure itself of the following:

**(1)** That there shall not be any detrimental effect by the establishment of such use on other uses within the district.

Finding: Because the conversion of the existing single-family residence into a two-family residence is intended to create and be used for long-term rental, allowing the conversion, will not have a detrimental effect on the establishment of other uses within the district.

**(2)** That such use will be in harmony with the orderly development of the district and that the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.

Finding: The Applicant is not making any exterior changes to the building in order to make the conversion into a two-family. The parking meets the requirements as required and no fences are proposed

**(3)** That the use meets the prescribed requirements for the district in which located and the following prescribed provisions.

Finding: this is an existing house which currently meets setbacks and no additions are being proposed.

28. In addition to the general requirements, section 210-40D(10) has specific requirements for the conversion into a two-family residence:

(10)Conversion of existing residential buildings into two-family, three-family and multifamily dwellings. In any residential district, a residential structure existing on a lot of conforming area, which existed on or prior to September 1, 1989; as well as any existing nonresidential structure in a residential district, may be divided into four or fewer dwelling units, subject to the following requirements:

**(a)** The gross floor area of the building is not increased.

Finding-the gross floor area of the entire structure is not being increased by the conversion. This requirement is met.

**(b)** The total number of bedrooms in the structure is not increased.

Finding: the existing single-family residence is five (5) bedrooms, the total number of bedrooms after the conversion will be five (5) bedrooms between both units. This requirement is met.

**(c)** At least two off-street parking spaces are provided for each dwelling unit. No parking space shall be allowed in the required front yard or within 15 feet of any property line other than within an existing driveway.

Finding: The Applicant has delineated four (4) outdoor parking spaces that are nineteen (19') from the side property line and two (2) additional within an existing garage. This requirement is met.

**(d)** Each dwelling unit shall be equipped with complete bathroom and kitchen facilities for the exclusive use of the occupants of each dwelling unit.

Finding: The floor plans submitted by the Applicant's Architect, show each unit has bathroom and kitchen facilities for that unit's use. This requirement is met.

**(e)** The exterior appearance of the building shall be altered only to the minimum extent necessary to accommodate the dwelling units.



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Finding: There is no proposed changes to the exterior of the building. This requirement is met.

**(f)** Solid waste and recycling receptacles shall be kept in a screened enclosure.

Finding: The Applicant will store the trash and recycling receptacles in a shed located at the rear of the existing structure. This requirement is met.

**(g)** Sanitary utilities. The Planning Board shall require the applicant to demonstrate that the water supply and means of wastewater treatment and disposal are approved by the Ulster County Health Department.

Finding: The Applicant has submitted verification from Matthew Beesmer of UCBOH that so long as there is no more than five (5) bedrooms between the 2 units, it meets UCBOH standard. This requirement is met.

29. Upon these findings of fact, the Planning Board members find that the requirements for both the granting of a Special Use Permit and Site Plan approval have been met.

**Action by Resolution**

NOW, THEREFORE BE IT RESOLVED, based on all the facts described above and upon the reasoning described above, as follows:

- Section 1. The Planning Board approves the proposed conversion of an existing single-family residence into a two-family residence as delineated on site plans submitted by Bill Brinnier dated 10/06/23, revised 10/23/23 and revised to reflect the conditions of approval with 5 stamped copies delivered to the Planning Clerk.
- Section 2. The granting of such special use permit and site plan approval shall be expressly contingent upon the following conditions being met:
- A. A revised site plan that shows the following:
1. The approved location of the trash and recycling receptacles: the shed at the rear of the existing structure.
  2. A note on the final site plan stating: "The two-family residence shall not exceed a total of five (5) bedrooms between both units, as per the requirements of the UCBOH."
- Section 3. The granting of this site plan approval and special use permit shall be expressly contingent upon the Applicant and Property Owner's full payment to the Town of Hurley of any and all fees and escrow deposits due in connection with this application and in full compliance with Chapter 19 "Escrows and Consultants Fees" of the Town of Hurley Zoning Code.
- Section 4. The granting of this approval does not absolve the Applicant and the Property Owner from having to secure any other required permits and/or approvals.

The motion to approve the application and resolution as amended in the November 30, 2023 meeting being made by Vice-Chair Kathy Kiewel and seconded by Member Dennis O'Clair was brought to the following vote:

The Clerk conducted the following roll call:

Chair Peter McKnight-Absent

Vice-Chair Kathryn Kiewel-Aye





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Member Karl Brueckner-Aye

Member Debbie Kossar-Absent

Member Griff Liewa-Aye

Member Dennis O'Clair-Aye

Member Diana Cline-Aye

Upon a roll call of the members present, the Resolution passed with Five (5) Ayes; Zero (0) Nays; Two (2) Absent, Chair Peter McKnight and Member Debbie Kossar; and Zero (0) Abstentions.

**V. Old Business:**

**1. 7:19PM-File-#14-Cone-SBL-55.2-3-2-VA**

Location: 82 Eagles nest Rd/A4/2 acres

Summary: Visual Assessment for a new house already partially built

Need; SEQRA determination; review site visit

Josh Leonard was present to represent the Application. The Applicant has had the Art Studio in question reviewed by multiple ZEO/CEO in Hurley and had been previously told it did not need a Visual Assessment. The current ZEO (Paul Economos) stated it was required. He had already had the building mostly built at this point

Board Questions/Comments

Member Karl Brueckner asked if the electric was done and inspected? Answer-Yes

Official Actions

The Board began review of a draft Determination that the Clerk prepared, but it had numerous items that the Clerk had no answer in the file or minutes for. It was decided to give the Applicant a copy of it and have him submit the items identified as needed.

**VI. 7:55PM-New Business: None**

**VII. 7:56-Withdrawals: None**

**VIII. 7:57- Decision**

1. Luke/Levine SUP-Public Hearing closed-10/17/22; Decision due by 12/18/22-final map list need sent to Applicant and Surveyor on 1/27/23. Applicant continued extension of decision due date

**IX. 7:58PM-Minutes: 2023-10-26**

Official Actions

Member Griff Liewa motioned to accept the minutes; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

**X. 8:05PM-Correspondence: None**

**XI. 8:06-ZBA referral-None**

**XII. 8:07-Action Items:** The Clerk reminded the Board they must complete their four (4) hours of training for the year and the Certificates proving such need to be loaded to the G drive.



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**XIII. 8:10PM-Local Law referrals:** None

**XIV. 8:11PM-Sign Maps:** None

**XV. 8:12PM-Next Meeting:** Thursday, 2023-12-21; Application Deadline: Thursday, 2023-11-30\*\* (should it get moved forward 1 week to 2023-12-07 to give Applicants a chance to submit updates)

**Official Actions**

Member Diana Cline motioned to modify the deadline for the December meeting from November 30, 2023 to Thursday, December 7, 2023; Member Dennis O'Clair seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

**XVI. 8:16PM-Pre-Application Meeting:** None

Member Dennis O'Clair asked if the Dunkin Donuts Applicant has paid his Escrow as he saw the existing building being demolished. Attorney Kim Garrison, ESQ. stated they told the ZEO the building could be demolished as it was not part of the Planning Board review. She and Attorney Lyons are reviewing the Escrow work as the Applicant has questioned some of the charges.

**XVII. 8:22PM- Adjourn**

Member Diana Cline motioned to adjourn the meeting; Member Griff Liewa seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Peter McKnight, Chairman	Absent
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Aye
Griff Liewa	Aye
Debra Kossar	Absent

Motion was carried by five (5) AYES; zero (0) Nays; two (2) Absent, Chair Peter McKnight; Debbie Kossar; and 0 Abstentions

Meeting adjourned at 8:25PM

Respectfully submitted

Maggie Colan, Clerk

Dated: 2023-11-17

Approved:





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**Thursday, 2023-09-28 @ 6:00 p.m.**

2023-11-30 draft minutes



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**2023-09-28 Minutes**

2023-11-30 draft minutes