



TOWN OF HURLEY PLANNING BOARD

PO BOX 569

Hurley, New York 12443

planning@townofhurley.org

(845)331-7474 Ext. 6

PLANNING BOARD MINUTES

Thursday, 2023-12-21 @ 6:00 p.m.

Present: Peter McKnight, Chair; Debra Kossar; Alternate 1-Mitch Cohen; Karl Brueckner; Diana Cline, Dennis O'Clair,

Absent: Kathryn Kiewel, Vice-Chair, Griff Liewa, Paul Economos, ZEO

Also Present: John Lyons, ESQ. and Kim Garrison, ESQ.

- I. 6:04PM-** Peter McKnight, Chair Opened the meeting, acknowledged there is a quorum and that Alternate 1-Mitch Cohen would be acting as Vice-Chair Kathy Kiewel on all applications. He 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: Alternate 1 Mitch Cohen motioned to open public comment; Member Karl Brueckner 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Griff Liewa; and 0 Abstentions

There was no audience present that wished to speak.

Official Actions

Member Debbie Kossar motioned to close Public Comment; Alternate 1 Mitch Cohen 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Griff Liewa; and 0 Abstentions

III. Public Hearing:

- 1. 6:06PM-** 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; received an email from Chris DiChario, PE regarding septic submission to UCBOH
Mike Beesmer was present to represent the file.



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Applicant Comments

Mr. Beesmer stated he submitted a revised map.

Official Actions

Alternate Member 1 Mitch Cohen motioned to re-open the Public Hearing at 6:06PM; Member Diana Cline 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Griff Liewa; and 0 Abstentions

Attorney Comments

Attorney John Lyons, ESQ. stated that he prepared a draft Part II Short Environmental Assessment Form (SEAF) and draft Part III (SEQRA Determination) for the Board to review. The Clerk pulled up the draft part II SEAF and the Board reviewed to draft significances.

Board Comments

- Member Debbie Kossar asked what is a Critical Environmental Area? Attorney John Lyons, ESQ. explained it is an area that can get designated by NYSDEC.
- Member Deb Kossar asked about regulating the wetland on proposed lot #2? Attorney John Lyons stated since it is a federal Wetland there is no regulation for it, but the Applicant has placed the potential septic and reserve away from it.
- Member Karl Brueckner stated that UCBOH will address the wetland if it has the potential to be a concern. Applicant Mik Beesmer also stated that he paid a wetland specialist to flag the wetlands, so its depiction is per his findings.
- Member Deb Kossar asked isn't the wetland downslope from the proposed house? Yes
- In reference to the 'carport' depicted on the 'Nekos' lot, Member Dennis O'Clair questioned whether it is a 'temporary structure'? Attorney John Lyons stated that it may be. It is unclear whether the Hurley Code has a definition for a Temporary Structure and if so, is it regulated differently. He suggested to Mr. Beesmer to get Mr. Nekos permission to have ZEO Paul Economos go out and inspect the structure and make a determination on what it needs, if anything, to be in compliance
- Chair Peter McKnight stated Mr. Nekos may end up determining he wants to move it to bring it in compliance, but the Board must address the situation and require it to be looked at by a Town of Hurley Official and, if necessary, addressed

Official Actions

- At 6:30PM, Member Diana Cline motioned to close the Public Hearing; Alternate Member 1 Mitch Cohen 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	Aye
Diana Cline	Aye



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Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Griff Liewa; and 0 Abstentions

- Part III SEQRA Determination

For all the foregoing reasons, at a duly noticed meeting, following a duly noticed public hearing, a motion was made by member Karl Brueckner; and seconded by Alternate Member 1 Mitch Cohen and following a roll call of the members present, the Planning Board determined there would be no significant adverse environmental impacts and no environmental impact statement will be required.

Roll Call

Peter McKnight, Chair ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Kathryn Kiewel, Vice-Chair ☐ Aye; ☐ Nay; ☒ Absent; ☐ Abstain

Karl Brueckner ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Griff Liewa ☐ Aye; ☐ Nay; ☒ Absent; ☐ Abstain

Debbie Kossar ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Dennis O'Clair ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Diana Cline ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Mitch Cohen, Alternate 1 ☒ Aye; ☐ Nay; ☐ Absent; ☐ Abstain

Motion was carried by Six (6) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Griff Liewa; and 0 Abstentions

- 6:36PM-NOW, THEREFORE BE IT RESOLVED, based on all the facts described above and upon the reasoning described above, as follows:

- Section A. The Town of Hurley Planning Board, in its role as duly established Lead Agency under SEQRA and upon review and completion of the Short EAF and associated information, hereby issues and adopts the annexed Negative Declaration as its Determination of Significance pursuant to SEQRA.
- Section B. The Planning Board grants Final Plat Approval for the Minor Subdivision of lands of Michael and Carol Beesmer (SBL 46.2-2-22.3) and lands of Peter and Nadine Nekos for a Lot Line Adjustment (SBL 46.2-2-25) as delineated on Final Plat of Subdivision of Lands of Michael and Carol Beesmer and lands of



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Peter and Nadine Nekos dated May 23, 2023 revised November 7, 2023 and revised to reflect the conditions within this Determination.

Section C. BEFORE the Final Plat can be signed by the Planning Board Chairman, the following conditions shall be met:

C.1. The final plat maps shall be revised in the following ways:

C.1.1. the 'zoning block' must show that each of the lots meet the requirements of the A2.5 zoning district; and

C.1.2. a note must be added stating that the 3 new accesses were approved by UCHWY, and indicate such date received approvals.

C.2 The Town must receive receipt of final UCBOH approval

Section D. AFTER the Final Plat has been signed by the Planning Board Chairman, the following condition shall be met:

D.1. Within a period of six (6) months beginning on the date that the final plat map is signed by the Planning Board Chairman, the structure, listed as "carport" on the lands N/F owned by Peter and Nadine Nekos as shown on Final Plat of Subdivision of Lands of Michael F. Beesmer & Carol A Beesmer and Resubdivision of Lands Between Michael F. Beesmer & Carol A. Beesmer and Lands of Peter J. Nekos & Nadine M. Nekos, and as depicted on the approved and signed final plat map, shall be brought into compliance in all respects with the Town of Hurley Zoning Law and any other applicable provisions of the Town of Hurley Town Code. The Applicant is aware that achieving compliance may require that the carport may need to be moved to another location on the property which location meets the required rear yard setback requirement of seventy-five (75) feet and any other applicable bulk regulation set forth in the Zoning Law, or in the alternative, may require the Applicant to obtain an area variance from the Town of Hurley Zoning Board of Appeals.

D.2. If the carport is moved to another location on the property that complies with the setback and other bulk regulation requirements of the Zoning Law, after relocation of the carport the Applicant shall contact the Town of Hurley Zoning Enforcement Officer and request an inspection of the property to verify that the relocated carport complies with the Zoning Law. The Zoning Enforcement Officer shall write a report of the inspection and shall submit a copy of that written report to both the Town of Hurley Planning Board and to the Applicant. The inspection shall take place prior to the expiration of the six (6) month period specified herein for compliance in order to satisfy this condition.

D.3. If the Applicant chooses to achieve compliance by obtaining a area variance, the Applicant shall apply for and obtain a resolution of the Zoning Board of Appeals granting the area variance prior to the expiration of the six (6) month period specified herein for compliance in order to



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satisfy this condition. The vote of the Zoning Board of Appeals granting the variance shall take place prior to the expiration of the six (6) month period in order to satisfy this condition. The Applicant shall furnish a copy of the ZBA's written resolution granting the area variance to the Planning Board and to the Town Zoning Enforcement Officer in order to achieve full compliance with this condition.

D.4. Failure by the Applicant to satisfy this condition may result in enforcement action, which action could include the revocation of the subdivision approval granted by this resolution.

Section E. The granting of this Final Plat Approval, and the signing of the final plat map by the Planning Board Chairman, 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 F. 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.

Section G: Upon completion and satisfaction of the above-stated conditions, except for the satisfaction of the condition set forth in Section C which must be satisfied later, the Applicant shall bring the Clerk two (2) Mylars and a minimum of nine (9) paper copies of the final plat with the 'consent to file' signed by all owners. The Board will sign the Plat when the Escrow is fully paid. The Applicant shall deliver one (1) Mylar and nine (9) paper copies to the Clerk after filing with Ulster County Real Property.

The motion being made to approve as amended during review at the 12-21-2023 public meeting was made by Member Diana Cline and seconded by Member Karl Brueckner was brought to the following vote:

The Clerk conducted the following roll call:

Roll Call

Peter McKnight, Chair	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain
Kathryn Kiewel, Vice-Chair	<input type="checkbox"/> Aye; <input type="checkbox"/> Nay; <input checked="" type="checkbox"/> X Absent; <input type="checkbox"/> Abstain
Karl Brueckner	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain
Griff Liewa	<input type="checkbox"/> Aye; <input type="checkbox"/> Nay; <input checked="" type="checkbox"/> X Absent; <input type="checkbox"/> Abstain
Debbie Kossar	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain
Dennis O'Clair	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain
Diana Cline	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain
Mitch Cohen, Alternate 1	<input checked="" type="checkbox"/> X Aye; <input type="checkbox"/> Nay; <input type="checkbox"/> Absent; <input type="checkbox"/> Abstain

The motion having been made and seconded passed by a roll call of Six (6) Ayes; Zero (0) Nays; Two (2) Absent-Vice-Chair Kathy Kiewel, Member Griff Liewa; Zero (0) Abstentions

V. Old Business:

1. 7:00PM-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; review submissions required in the draft determination drafted for the 2023-11-30 meeting

Actions by Resolution



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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 finds that the proposed studio is tucked within the site. The proposed building will not be significantly visible from nearby roadways or significant viewing points, and it will have no adverse visual impact. Upon discussions with the Applicant, the Board determined the building will not be significantly visible from most viewing angles.
- Section 2: Existing vegetation and natural growth shall be retained to the maximum extent practicable to screen buildings and to avoid distinct boundary edges between natural vegetation and developed sites. Landscaping shall be maintained in good condition. All plants shall be maintained in good health and in a condition that accomplishes screening.
- Section 3: To maintain the night sky visibility, the following conditions are placed on all outside lighting:
- A. All lights must be dark-sky compliant
 - B. All lights must have shields on them to prevent spillage into the night sky
 - C. No outside light can be greater than 3,000 Kelvin or Footcandle Requirement
 - D. All outside lighting must be set to turn off no later than 15 minutes after activation.
 - E. Exterior lighting fixtures shall not be higher than 15 feet above the average finished grade within a 20-foot radius and the light source shall be shielded from direct view above a line drawn from the lower point on the light source at an angle of 45 degrees.
 - F. All lights shall be incandescent or the equivalent.
- Section 4: Roof and siding shall match the samples annexed to this Determination
- Section 5: The Applicant shall provide five (5) copies of a revised site plan that reflects the conditions placed herein and is stamped by an Engineer or Architect to the Planning Office for final review and signing by the Planning Board before a Building Permit is issued. A copy of the signed site plan is annexed to this Determination as Exhibit #3.
- Section 6. The granting of this visual assessment approval shall be expressly contingent upon the Applicant'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 7. 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.
- Section 8: This structure is not to be used for living uses without further review and/or assessment by the ZEO for the legality of having additional residential uses on an under-sized lot for the District in which it is located.

The motion to approve the Visual Assessment for a new/replacement studio with changes reviewed during the meeting of December 21, 2023 was made by Alternate Member 1 Mitch Cohen and seconded by Member Diana Cline and the Clerk conducted a roll call of the members:

Chair Peter McKnight-Aye

Vice-Chair Kathryn Kiewel-Absent

Member Karl Brueckner-Aye

Member Debbie Kossar-Aye

Member Griff Liewa-Absent

Member Dennis O'Clair-Aye

Member Diana Cline-Aye

Alternate 1 Mitch Cohen-Aye

Upon a roll call of the members present, the Resolution passed by an affirmative vote of Six (6) Ayes, Zero (0) Nays, Two (2) absences, Vice-Chair Kathryn Kiewel, Griff Liewa, and Zero (0) abstentions.



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VI. 7:21PM-New Business: None

VII. 7:22-Withdrawals: None

VIII. 7:23- 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. An Escrow Agreement has been established with the Applicant

IX. 7:25PM-Minutes: 2023-11-30

Member Dennis O'Clair questioned the reference in the Freedman Determination about the 2006 adopted Comprehensive Plan. Why not the current one? Chair peter McKnight stated that there is no other adopted plan.

Official Actions

Member Karl Brueckner motioned to accept the minutes; Member Deb Kossar 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

X. 7:30PM-Correspondence: None

XI. 7:31-ZBA referral-None

I. 7:32-Action Items: Action Items: Staff and Consultants for 2024; Member term expiration (Diana Cline); meeting dates for 2024 (look at some conflicts-please bring your calendars

- Resolution to request the Town Board approve Brinnier & Larios and Peak Engineering as Engineers for the Planning Board

Official Actions

Alternate member 1 Mitch Cohen motioned to accept the Resolution as presented and forward to the Supervisor and Town Board; Member Deb Kossar 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- Resolution to request Town Board approve Nelson, Pope, Voorhis, specifically Bonnie Franson, AICP as the Planner for the calendar year 2024
- Official Actions



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Member Dennis O'Clair motioned to accept the Resolution as presented and forward to the Supervisor and Town Board; Member Diana Cline 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- Resolution to request Town Board approve Grant 7 Lyons, LLP (John Lyons, ESQ. and Kim Garrison, ESQ.) as the Planning Board Attorneys for the calendar year 2024
- Official Actions

Member Deb Kossar motioned to accept the Resolution as presented and forward to the Supervisor and Town Board; Alternate Member 1 Mitch Cohen 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	Aye
Diana Cline	Nay
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Five (5) AYES; One (1) Nays, Member Diana Cline; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- Member Term expiration (Member Diana Cline)
- Official Actions

Member Deb Kossar motioned to accept the Resolution to appoint Alternate Member 1 Mitch Cohen to the expiring term which would be a term ending December 31, 2030 as presented and forward to the Supervisor and Town Board; Chair peter McKnight 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye



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Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- 2024 calendar dates
Official Actions

Member Dennis O'Clair motioned to accept the calendar dates as presented and forward to the Supervisor and Town Board; Member Diana Cline 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	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- Clerk-Chair Peter McKnight asked the Clerk, Maggie Colan, to leave the room while the resolution addressing her employment as the Board Clerk was discussed

Official Actions

Member Deb Kossar motioned to accept the Resolution as presented and request the Town Board and Supervisor continue to continue to allow the Planning Board to hire Maggie Colan as their Clerk and forward the adopted Resolution to the Town Board and Supervisor; Alternate Member 1 Mitch Cohen 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	Aye
Diana Cline	Nay
Karl Brueckner	Aye
Dennis O'Clair	Nay
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Four (4) AYES; Two (2) Nays, Member Diana Cline, Member Dennis O'Clair; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

- XII. 8:07PM-Local Law referrals: None
- XIII. 8:08PM-Sign Maps: None
- XIV. 8:09PM-Next Meeting: Thursday, 2024-01-25; Application Deadline: Thursday, 2024-01-04
- XV. 8:16PM-Pre-Application Meeting: None
- XVI. 8:22PM- Adjourn

Member Diana Cline motioned to adjourn the meeting; Member Deb Kossar 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
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Peter McKnight, Chairman	Aye
Diana Cline	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Absent
Debra Kossar	Aye
Alternate Member 1 Mitch Cohen	Aye

Motion was carried by Six (6) AYES; Zero (0) Nays; Two (2) Absent, Vice-Chair Kathy Kiewel; Griff Liewa; and 0 Abstentions

Meeting adjourned at 8:10PM

Respectfully submitted

Maggie Colan, Clerk

Dated: 2024-01-12

Approved:



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