



## 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, 2024-01-25 @ 6:00 p.m.

**Present:** Peter McKnight, Chair; Debra Kossar; Karl Brueckner; Dennis O'Clair, Griff Liewa,  
Alternate 1-Ray Palmer, Alternate 2-Janet Briggs

**Absent:** Mitch Cohen, Kathryn Kiewel, Vice-Chair,

**Also Present:** John Lyons, ESQ. and Kim Garrison, ESQ., Bonnie Franson, Planner, Paul Economos, ZEO (until 7:30PM), Town Board Liaison Diana Cline

- I. 6:04PM-** Peter McKnight, Chair Opened the meeting, acknowledged there is a quorum and that Alternate 1-Ray Palmer would be acting as Vice-Chair Kathy Kiewel on all applications and Alternate 2-Janet Briggs would be acting as Member Mitch Cohen on all Applications.

Chair Peter McKnight identified all the emergency exits for all present and welcomed the 2 new Alternates

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. 6:06-Public Comment**

Official Actions: Alternate 1 Ray Palmer motioned to open public comment; 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	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

There was no audience present that wished to speak.

#### **Official Actions**

6:07- Alternate 1 Ray Palmer motioned to open public comment; 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	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions



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- III. 6:08 -Public Hearing: None
- IV. 6:09-Old Business: None
- V. 6:10New Business:

#### **1.File#2024-#01-Metheny-SBL-37.2-5-2.1-SUP-SP-VA**

Applicant: Pat Metheny; Representative: Barry Price, AIA

Location/Zoning Dist./Acres:150 High Rocks Rd/A4/25.4

Application: SUP/SP/VA; Received ZEO Referral-2023-11-29;

Application received 2023-12-04

Need: SEQRA Classification; Determine if Site Visit & Sediment & Erosion necessary

Barry Price, Architect/Application Representative was present to speak for the file

#### **Applicant Statement**

Mr. Price stated the Applicant's property is at the end of High Rocks Road and he is aware it is highly visible. Part of the purpose of this project is to reduce some of the visibility



There are four components to the proposed project:

1. Renovate the existing house by removing the kitchen, expanding the studio area, but leaving the 2 bedrooms in case he has overnight engineers or musicians stay over
2. Build a new house for the Applicant and his family behind, but near the existing house
3. Build a new storage barn for the Applicant's musical equipment. He currently stores everything in a storage unit and he wants to move all the stuff to his property for easier access.
4. Move the existing pool

#### **Planner Review**

We are in receipt of the following items:

- Plot Plan, prepared by Barry Price Architecture, consisting of 9 sheets.
- Project Narrative, dated October 31, 2023, prepared by Barry Price Architecture, with various attachments.
- Email Zoning Determination of the Building Inspector, dated November 29, 2023.
- Planning Board Application form, dated November 15, 2023.
- Short EAF Part 1, dated 12/5/23.

#### **Summary**

The Applicant, Pat Metheny, proposes alterations to the property located at 150 High Rocks Road, which would include conversion of an existing single-family residence into a recording studio, construction of a new dwelling in the current location of a pool which would extend to connect to an existing garage, and construction of a barn for storage, along with other improvements. The parcel on which the improvements are located is within the A-4 zoning district, and the buildings are situated on Ohayo Mountain. The property borders the Town of Woodstock along its northerly boundary. Note that the aerial photo does not correctly show the property boundaries. A tennis court is present on the site, although not shown on the plot plan. The Building Inspector has opined that two of the proposed buildings are subject to visual assessment – the new barn and the new dwelling) including barn to be attached to it). The Building Inspector has determined that the existing structure is not subject to Planning Board review.



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#### General Comments

- Studio Building. We question whether the studio building also requires Planning Board review. We note the following:
  - The proposed garage's exterior work will require Planning Board review. The existing residence conversion is also undergoing significant exterior work. Should this similarly be reviewed?
  - The studio has been characterized as a "personal use" studio. The studio could fit the category of a "home occupation". Additional information would be useful to understand its operation. The Applicant's Architect has characterized the space as a "home occupation". The plans (Sheet PB-2.0) reference decommissioning of the kitchen to comply with a "home occupation". A home occupation would require site plan review.
  - The second-floor plans for the converted residence include 4 bedrooms. It is unclear whether the intent is for performers or guests to occupy the upstairs space. It is unclear if the converted residence is also operating in some way as an accessory apartment. Accessory apartments require special use permit approval.
  - In general, it would be useful to discuss the operation and use of the proposed use with the Applicant, to understand how the studio fits within the zoning.
  - If the studio use fits under other uses such as a home occupation or accessory apartment, additional approvals may be required.
- Visual Assessment submission. As per Section 210-42 of the Town zoning chapter, "the A-4 District includes those areas of the Town in which development may pose the greatest potential for visual impacts. These districts include the Town's highest elevations on the slopes of Tonshi and **Ohayo Mountain**....the purpose of this section is to provide a procedure to assess the visual impact of proposed development in these areas and to establish standards and guidelines to minimize such impact."
- Field visit. The procedures discuss the Planning Board conducting a field visit as part of its assessment. In this instance, it is recommended that the Planning Board conduct a field visit to review whether or not the dwelling and new construction will be visible from various vantage points. As per the image below, the existing improvements are situated at the edge of an escarpment – the new residence and pool will be as well. Depending on whether there are trees in the foreground, the new residence may be highly visible. The proposed dwelling is being placed about 25 feet from where the steep topography begins. The application should be accompanied by a visual assessment which shows whether the new structures will be visible from surrounding areas.

#### Visual Assessment

- Visually, the primary concerns would appear to be the addition of a new dwelling, and reconstruction of a pool next to the existing residence to be converted to a studio.
  - It is unclear which structures exist, and which are proposed. For example, does the fire pit already exist?
  - In general, there needs to be more information provided in terms of what exists presently in the location where the proposed pool and pool deck are located. Are trees being removed? The pool deck includes stairs that will be constructed down the slope to reach a fire pit.
  - It is unclear what grading, if any, will occur to accommodate the improvements and how close the grading is to the edge of the escarpment.
  - The plot plan should show the topographic contours up to at least the property line in front of the existing and new residences. Are all the existing trees within the footprint of improvement shown?
  - What is the PRF fence? Is additional fencing being added along the escarpment?
  - As a general comment, if the tennis court remains, it should be shown.
  - It should be confirmed that all solar panels are on the rooftops of the structures. The panels, given the buildings' location, should shed the least amount of glare. Information on the solar panels should be provided.
9. Is the hammam interior to the new dwelling?
- As per Sheet PB-2.0, it is unclear which pool is new and which is being added when compared with Sheet PB- 1.1.
  - Will any other activities besides storage occur within the barn? The plans illustrate a mezzanine.
  - Are any structures going on top of the vegetated roof deck? What is the box that is shown in the storage area attached to the studio along the southern wall?
  - It is unclear why there are three images of the barn floor plan in PB-2.4. Are these different "levels", e.g., first floor versus mezzanine?



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- As per PB-4.0, is a covered walkway being constructed from the new dwelling to the studio?
- In general, what exterior light fixtures are being installed and where?
- What kind of glass is being used? Will it be mirrored/reflective?
- While colors are specified, please indicate what materials are being used in the improvements.
- Are trees being removed for the expanded septic system?
- Is any landscaping proposed?

#### SEQR

1. Type of action. As per the SEQR regulations, the action may fall under the Type II (exempt from SEQR) list of actions. These include:
  - construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;
  - construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
  - reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

The Planning Board Attorney should opine.

#### Process

1. It is recommended that the plot plan be updated to address comments.
2. The Planning Board should discuss whether to conduct a field visit.
3. Additional information is necessary to determine the extent to which the improvements will be visible.
4. The Planning Board should discuss whether additional input would be useful from the Building Inspector regarding its potential review of the proposed studio. Depending on the outcome, additional approvals may be required. At this time, unless a site plan is required (which is not required for the Visual Assessment review), a public hearing is not necessary. Depending on whether the application is also subject to site plan and/or special use permit review, a public hearing may be required.

#### Board Comments/Questions

- Member Debbie Kossar asked if each floor is 2,400 sq. ft.?-Answer-Yes
- Alternate Member 1 Ray Palmer asked what is the sq. ft. of the existing house? Answer- 10,000 sq. ft.
- Alternate Member 1 Ray Palmer asked if recording occurs on the property?- Answer-Yes but not with a band, just 1 or 2 people
- Chair Peter McKnight asked why have 2 garages? Answer-He has children and a family plus some storage
- Member Debbie Kossar asked why not just have 2 residences? Answer-Mr. Price stated he was told he couldn't have 2 residences unless he either sub-divided or proved he could meet the sub-division requirements
- Board Members stated the above assertion may not be completely true in the way the Applicant is interpreting
- Member Debbie Kossar questioned isn't there a restriction on the size of Home Occupation? Answer-possibly
- Member Dennis O'Clair questioned why does the Board need to know the percentage? The ZEO has made his Determination. Attorney John Lyons stated it is not uncommon for an Application to be modified from the ZEO's original Determination once other facts start to become available in meetings and/or site visits.
- Member Debbie Kossar stated the Board wants to see the Applicant succeed and since the land is so big (25.4 acres), we are trying to blend all the pieces, but abide by the requirements.
- Member Debbie Kossar asked if the new house can be seen like the existing house? Answer-no
- Member Karl Brueckner stated the new house must meet the escarpment setback of 100-feet. Answer-Applicant's Representative stated there are beautiful trees towards the back of the property that the Applicant does not want to remove and as you move back, the topography starts to get challenging
- Member Karl Brueckner asked if the septic is the original? Answer-yes, but it is sized to handle all the proposed uses



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- Member Debbie Kossar asked if the Board could get a visual analysis. Answer-not sure how it would get done
- Member Griff Liewa asked if there would be performances on site? No

#### Planner Questions

- Planner Franson stated she believes the use may not conform to the Home Occupation requirements in the Zoning Law-Answer by ZEO Paul Economos stated he respectfully disagrees with the Planner's interpretation. He has, through his official Determination of Use, determined that this is an Accessory Use allowed by right not a Home Occupation. If the Planning Board disagrees with his Determination, they must send the issue to the ZBA for interpretation.
- Planner Franson asked if the pool could be renovated rather than moved?
- Planner Franson asked if trees are being removed? Answer-as little as possible
- Planner Franson asked what colors are proposed? Roof-Englert-Dove Gray; Siding-Englert-1547-Dragon's Breath

#### Attorney Comments

- Attorney John Lyons questioned what facilities does the Applicant already use to play music? Answer a portion of the existing house
- Attorney John Lyons asked if there is a recording desk? Answer-Yes
- Attorney John Lyons stated he believes the Board needs more information regarding the use before moving forward. He has a Home Occupation on his property where he runs his practice there is a full kitchen. How much of his music business is conducted on the property? Applicant's Representative stated the Applicant is away approximately 6 months out of the year. When he does work on the property, there is only about 1 or 2 people.
- Attorney John Lyons stated any approval is not limited to this Applicant. It runs with the property, so the Board has to be sure it fully understands the Use and, if necessary, place conditions to ensure the scope is followed. He further stated he believes the Board needs to see interior floor plans identifying how it is used, a more detailed narrative and a site visit before moving forward with further classifications or hearings

#### Official Actions

The Board will conduct a site visit on Wednesday, 2024-01-31 @10:00AM

- VI. 7:10PM-Alternate Member 1 Ray Palmer motioned to go into Attorney-Client session; Member Griff Liewa seconded. 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
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

Chair Peter McKnight invited Town Board Liaison, Diana Cline and ZEO Paul Economos to join the session

- VII. 7:30PM-Alternate Member 1 Ray Palmer motioned to come out of Attorney-Client session. 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
Karl Brueckner	Aye
Dennis O'Clair	Aye





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Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

Chair Peter McKnight stated no decisions were made during the Attorney-Client session.

**VIII.** 7:32PM-Withdrawals: None

**IX.** 7:33- Decision: None due

**X.** 7:34PM-Minutes: 2023-12-21

#### Official Actions

Member Griff Liewa motioned to accept the minutes for the 2023-12-21 meeting; Member Debbie 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
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

**XI.** 7:40PM-Correspondence: None

**XII.** 7:41PM-ZBA referral-None

**XIII.** 7:42PM-Action Items: None

**XIV.** 7:43PM-Local Law referrals: None

**XV.** 7:44PM- Next Meeting: Thursday, 2024-02-22; Application Deadline: Thursday, 2024-02-01

**XVI.** 7:45PM- Pre-Application Meeting: None

**XVII.** 7:46PM-Board Time- Vice-Chair for 2024-

#### Official Actions

Member Griff Liewa nominated Member Debbie Kossar to be Vice-Chair for 2024; Alternate Member1 Ray Palmer 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
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye



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**Thursday, 2024-01-25 @ 6:00 p.m.**

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

**XVIII.** 7:55PM- Sign Maps: None as of Agenda creation

**XIX.** 8:00PM- Adjourn

**Official Actions**

Vice-Chair Debbie Kossar motioned to adjourn; Alternate Member 1 Ray Palmer 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	Aye
Karl Brueckner	Aye
Dennis O'Clair	Aye
Kathryn Kiewel	Absent
Griff Liewa	Aye
Debra Kossar	Aye
Mitch Cohen	Absent
Alternate Member 1 Ray Palmer	Aye
Alternate 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; two (2) Absent, Vice-Chair-Kathy Kiewel; Mitch Cohen; and 0 Abstentions

Meeting adjourned at 8:10PM

Respectfully Submitted,

Maggie Colan, Clerk

Dated: 2024-02-07

Approved:



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