



TOWN OF HURLEY PLANNING BOARD

PO BOX 569

Hurley, New York 12443

planning@townofhurley.org

(845)331-7474 Ext. 6

Minutes of Meeting Held on 2024-03-28

Present: Peter McKnight, Chair; Karl Brueckner; Dennis O'Clair, Griff Liewa, Mitch Cohen, Alternate Member 1-Ray Palmer, Alternate Member 2-Janet Briggs

Absent: Member Kathryn Kiewel; Debra Kossar, Vice-Chair

Also Present: John Lyons, ESQ.(after 6:51PM), Bonnie Franson, Planner , Meagan Zapotoski, AICP

- I. 6:06PM-** Peter McKnight, Chair Opened the meeting, acknowledged there is a quorum and that Alternate Member 1-Ray Palmer will be acting as Member Kathy Kiewel on all applications; Alternate Member 2-Janet Briggs will be acting as Debbie Kossar, Vice-Chair on all applications
Chair Peter McKnight identified all the emergency exits for all present
the Pledge of Allegiance was recited.
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. 6:07PM Public Comment-****see motion after 'Old Business'**

- III. 6:07PM- Public Hearing:** None

- IV. Old Business:**

- 1. 6:08PM-File 2024-#03-NeverAlone-SBL-47_3-2-11.1-SP**

Location/Zoning Dist./Acres: 20 Crofts Rd/A-2.5/33.1 acres

Application: Site Plan; Received ZEO referral received 2024-01-19/Application received: 202

Scope of Request: revise previous SP approval from 1993 to add a 10,240 sq ft. bldg.: Gym, Activities, Rooms, offices. Population to remain at 25 clients maximum/ Use per ZEO: pre-existing non-conforming

Need: SEQRA Classification; Determine if Public Hearing required

Steve Drakulich, Architect; Glen Kreisberg, Engineer and Vlad Panteleev, Owner were present to represent the application.

Applicant Statement

Steve Drakulich reviewed the new submission, which they believe addresses all the Planner's previous comments. The Applicant and representatives comments and answers to questions provided below:

- Page 1-they added a bulk table;
- Regarding septic-there is no increase in use, but they have submitted a letter to UCBOH for confirmation that nothing is required;
- Sewer line was documented

Board Questions/Comments

- Member Mitch Cohen stated he has observed that a new unfinished fence was put up. Answer-yes, it was an attempt to create a buffer;



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- Member Mitch Cohen asked if it was going to be painted or landscaped? Answer Probably painted dark brown;
- Member Karl Brueckner stated the Applicant should wait a year before painting to give the wood time to cure
- Chair Peter McKnight stated the fence should be added to the site plan and the painting could be a condition of approval;
- Alternate Member 1 Ray Palmer asked if they would consider expanding the fence around the edge? Answer, possibly. If so it should be shown on the map;
- Chair Peter McKnight asked what is the “woods roads” on the map? Answer- it is an old trail; it is not used as any access to the property;
- Member Mitch Cohen asked out of the allowed 25, how many students are currently there? Six. Their maximum is actually 22 under their State license, and as part of the original approval, there are always 2 beds set aside for Town of Hurley residents;
- Member Griff Liewa asked is it for both boys and girls? Yes, but right now there are only boys present.

Site Visit Comments

- Member Karl Brueckner stated he wants to make sure there is no plan for more than 25 beds. The upstairs of the new building looks like it could become bedrooms. Answer, all stairway access, inside and outside, will be removed;
- Member Karl Brueckner stated he would really like to see a defined use for the upstairs. Answer, it could be a pickleball court or classrooms;
- Chair Peter McKnight stated, you were given approval as a school in 1993, what happens to the education of the teens while they are there? Answer, we follow the Onteora School schedule. They are in class from 8:45-2:45 Monday-Friday. Their home school district is contacted and they continue to follow that curriculum;
- Member Dennis O’Clair asked if they are accredited? Yes
- Alternate Member 1 Ray Palmer stated he was impressed with the new security changes, like TVs in the rooms and light beams on the windows that set off an alarm if the window is opened;
- Chair Peter McKnight asked what is going to happen with the pool? Answer-it will be filled in.

Planner Meeting Comments

- It would be good to have a master plan;
- It would be ideal to have a ‘list of sheets’ on the first page that lists what page the individual items are e.g. ‘landscape plan p C-2’;
- Page 2, please identify a firetruck turn-around;
- Is there any landscaping planned? Answer- No – the Planning Board found this acceptable;
- An area for snow storage should be identified. Answer, will provide;
- Will there be any drainage structures? Answer, Glen Kreisberg stated that the area is mostly flat and that water flows away from the structures and roads;



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- The lighting plan seems inaccurate. Answer, they had the plan done a year ago, they will have the person that did it remove unnecessary items and update it;
- The residents are only there for 45 days maximum, correct? Yes;
- What is the age of the curriculum? Middle School to High School

Planner Comments from review Memo

We are in receipt of the following items:

Cover letter prepared by Steve Drakulich & Associated, dated March 6, 2024;

Photometric plan with attachments, prepared by Reflex Lighting, dated October 20, 2023; Survey prepared by Control Point Associates Inc PC, dated May 25, 2023;

Planning Board Site Plan Application, dated February 1, 2024, with attachments;

Site Plan for Never Alone Teen Center, prepared by North Engineers & Design Associates, dated January 29, 2024, last revised March 1, 2024, consisting of three sheets;

New Teen Center for Never Alone, prepared by Steven T. Drakulich Architecture, last revised March 4, 2024, consisting of 4 sheets.

The Applicant, KMG Holdings, LLC proposes to construct a new building at the Never Alone complex. As per the application, the present use of the property is an adolescent drug and alcohol recovery center. The cover letter indicates that the new building would result in the construction of a “teen center” which would house various functions, including but not limited to a basketball/volleyball court, game room, exercise room, meeting rooms, hair salon, and counseling offices. The narrative indicates all functions are currently provided on site in existing spaces that are undersized. The Applicant has stated that the maximum number of beds has been capped at 25 as per the original approval for the facility. The facility is presently served by onsite septic and well – it is unclear whether any upgrades will be necessary. The Applicant does propose to formalize the onsite parking in a location in front of the teen center building.

General Comments

1. *Will a Use Variance be needed to expand the pre-existing nonconforming use? Section 210-46, Continuation, states: “Any lawful building, structure or use of premises existing at the time of enactment of this chapter or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions thereof, except as follows....” Does the phrase “or any subsequent amended thereof apply to....use of premises” allow the expansion without a variance? The Planning Board attorney should opine. **Comment remains open.***
2. *Reuse. As per the Applicant’s narrative, space is being freed up with the installation of the teen center. What will be occurring within the buildings that will no longer be needed, e.g., the gym. There should be some discussion of this. **As per the response from the applicant, many of the areas currently being used for exercise areas, common rooms, etc. are either not suitable for anything except storage, or have multiple uses which would be reduced to one use upon construction of additional space.***
3. *Unfinished space. The second story proposes “unfinished” space. There should be some discussion of what may occur there. Specifically, could it be used for beds? If space is being freed up by accommodating certain existing uses/activities in the new building, will there be capacity for additional beds in the other buildings?*



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*Does the applicant have a master plan that indicates plans for the overall site? **The applicant states that this area is attic space that would not be accessible at this time other than through a ceiling hatch. Additionally, increased bedroom count would require updated plumbing infrastructure, and is therefore not proposed.***

4. *New building. What is the total footprint of the proposed building, and what is the total gross floor area? We have seen varying information since submission. **Comment partially satisfied. The footprint area and gross floor area of the entire building should be noted on the site plan (C-1).***
5. *Site Plan Application. The owner of the property appears on the real property records as KMG Holdings, LLC. A "Kiril Vesselov" has signed the Application as the property owner. Evidence should be provided that Kiril Vesselov can represent the application and is the property owner. **Comment not satisfied. Applicant states that a letter from the owner has been included authorizing the applicant, however that was not received as part of this submittal.***
6. *GML review. It should be determined if GML review is required.*
7. *Public hearing. As this is a site plan, a public hearing is optional.*
8. *Referral agencies. The following is noted:*
 - a. *Ulster County Board of Health – unclear what utility improvements are occurring on site – this should be discussed.*
 - b. *Fire department. The West Hurley fire department may want to comment on the adequacy of fire access.*
9. *Survey. It is difficult to make out what is existing, and what improvements are proposed, in addition to the parking and building. Is there an existing survey available? **A survey has been provided. The site plan should be revised such that the building labels are legible.***
10. *Photos. It may be useful for the Applicant to supply photos of the site for the benefit of the Planning Board's review. **Photos not provided.***
11. *Field visit. The Planning Board should discuss whether it would like to conduct a field visit. **A site visit took place on February 29, 2024. The Planning Board should discuss its observations.***
12. *Water and septic. There are many uses in the new building that will create demand for water and septic,*
13. *Architectural plans and elevations.*
 - a. *Specify the specific colors to be used on the building and roof on the plans. **It should be indicated on sheet 4-A4 that the colors shown are proposed. The Applicant will bring samples to the meeting.***
14. *Fire Code. Are sprinklers required for this occupancy? Will fire water storage be required? **The applicant states that sprinklers are not required. This should be vetted with Building Inspector.***

Site Plan Review

Sheet C-1

1. *Bulk table.*
 - a. *Height. **The maximum height needs to be revised as it is shown as 30' 3" on sheet 4-A3.***
2. *In general, it is difficult to read the plan on the first page. It is recommended that the location and tax map be merged and made smaller, and that more of the page be dedicated to the plan itself, so it can be enlarged to be more legible. **Comment remains.***
3. *The prior October 2023 plan showed that the septic system would need to be expanded. What is current status? **Applicant states that expansion is not needed.***
4. *In general, there should be a table of all the sheets that make up the site plan set shown on the first sheet.*



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The set should include the lighting plan and survey.

C-2

1. ***With regard to the parking calculation, it does not appear to include visitors. Also, please provide information on the aisle width between the spaces.*** Comment partially satisfied. Applicant states that visitors are not permitted on site. The aisle width has not been labeled. Parking space size should also be noted. Also, there are 25 spaces shown –
2. ***Please show the route of any pipes for well and septic locations, and whether it will require tree removal.*** Comment partially satisfied. While pipes have been shown, no response was given regarding potential tree removal.
3. ***Please show the limits of disturbance around all improvements.*** Comment partially satisfied. As this is now shown on sheet C-3, the route of pipes for well and septic should be shown on this sheet as well. What is the total disturbance? Is a SWPPP required?
4. ***Is any landscaping proposed?*** The applicant states that no landscaping is proposed as the improvements are not visible from the road. The Board should determine if this is acceptable.
5. ***Show location for snow storage.*** Comment partially satisfied. Snow storage areas should be delineated.
6. ***Are any drainage structures proposed?*** The Planning Board may wish to refer this to their consulting engineer.

Lighting Plan

1. What does “not in contract” signify on the plan?
2. The lighting plan needs to be made a part of the site plan set.

SEQR

1. Type of action. As per the SEQR regulations, the action would appear to be an Unlisted Action, given the building size. The Planning Board needs to determine whether it will require coordinated or uncoordinated review.
2. The site is not within the NYCDEP watershed area.
3. SEAF Part 1. The EAF needs to be run through the EAF mapper. This does not appear to have been. We are not in receipt of an updated EAF – the comments below remain:
 - a. Brief Description – the building size needs to be reviewed. Also describe other improvements and whether any spaces being reused.
 - b. Item 2 – this may require additional approvals – this will be determined through the process.
 - c. Item 3 – need to check the disturbance amount through the limits of disturbance which needs to be added to the plan.
 - d. Item 4 – there are residences around the site. Also, the land use on the site is not forest. For other, please add the use of the facility.
 - e. Item 5 – as per the ZEO determination, the use is not permitted under the zoning.



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- f. Item 7 – the site is not in a CEA.
 - g. Item 8 – more information is needed regarding vehicular trips.
 - h. Items 10 and 11 – more information is needed on the proposed well/septic service.
 - i. Item 15 – as per the EAF mapper, the site within an area known to have habitat for the timber rattlesnake.
 - j. Item 16 - According to the EAF mapper, the project site contains floodplain. However, it is associated with the NYSDEC wetland which is not proposed to be disturbed.
 - k. Item 17 – this response does not address stormwater runoff.
4. Species. The Planning Board should decide whether it would like to send the application to the NYSDEC for comment, given the potential presence of the timber rattlesnake.
5. SWPPP. At this time, a SWPPP is not required. This needs to be confirmed once the limits of disturbance are shown.

Process

The Planning Board should discuss the results of the field trip.

It is recommended that the site plan be updated to address comments.

The Planning Board should determine whether a public hearing is necessary.

Official Actions:

Member Mitch Cohen motioned to schedule a public hearing for the 2024-04-25 meeting at 6:11PM pending Attorney Lyons recommending same; 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
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liewa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

V. Public Comment

Official Actions:

Member Mitch Cohen motioned to bypass public comment, which was overlooked at the beginning of the meeting as there was no public present other than applicants and/or their representations. Alternate Member 1



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

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

Attorney John Lyons arrived at 6:51PM

VI. New Business:

1. 6:52PM-File#2024-#4-Shultis-SBL-47-2-7-11-SD

Applicant: Marie Shultis

Location/Zoning Dist./Acres: 1 Shultis Lane/A-2.5/15.52

Application: Minor Sub-Division; Received ZEO Referral-DID NOT Receive;

Application received 2023- 03-07

Use per ZEO: Not identified

Need: SEQRA Classification; schedule public hearing

Colin Houston, PLLC was present to represent the application

Applicant Statement

The parcel is located off Brucken Road, which intersects with Morgan Hill Road. It is a private road that has an existing filed Road Maintenance Agreement. The area identified as 'tentative septic' on the map has now been clarified by the BOH; there is a wetland in the back of the property and a small area is in the 100-year flood plain. Mr. Houston stated he is aware of the Bald eagle issue identified on the SEAF. He has seen one fly over the property, but has looked significantly and found no nest. The Applicant is creating a parcel for his daughter to build a house as the house she was living in was discovered to have lead in the pipes.

Board Questions, Comments

- Chair Peter McKnight asked if the 100-year floodplain is the same floodplain off Thiepage? No (note – it actually is the same stream and floodplain)



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- Member Mitch Cohen questioned if, since this lot is in the A2.5 and proposed lot #1 is greater than 2.5 acres, will it be sub-divided again? Answer, Mr. Houston stated the Applicant eventually intends to build a home for himself on that lot at that acreage;
- Member Karl Brueckner asked if there are other houses on Shultis Lane? Answer, there is one other house that uses it.
- Chair Peter McKnight asked what the 'sheds' are sitting on the lot lines? Mr. Houston stated they aren't really structures, they could be dragged elsewhere or easily taken down
- Member Karl Brueckner asked if the road is appropriate for future use? Mr. Houston stated the right-of-way is fifty feet in width and the section that the new lots would use only needs a top coat
- Chair Peter McKnight questioned how do we rectify NYS 280-A access?
- Member Griff Liewa asked if this is close to Eagles Nest Road? Answer- No
- Member Karl Brueckner stated he believes because of the length of the road; an alternate access needs to be created
- Alternate Member 1 Ray Palmer stated he believes the Board should do a site visit; a site visit was scheduled for 2024-04-11 at 12:00PM

Attorney Comments

- Attorney John Lyons stated he believes there is a limit to the road length in the NYS Fire Code;
- Attorney John Lyons stated that the West Hurley Fire Company should look at it
- Attorney John Lyons stated that NYS 280-A states that in order to get a building permit, all lots must have direct access to a public road. Mr. Houston asked if it would be possible to have 2 driveways off the end of the road and would that comply with 280-A?
- Attorney John Lyons stated he understand the Applicant wants the least complicated solution. At this time, it appears there are one of two solutions: 1) the Planning Board recommends to the Town Board to create an Open Development Area; or 2) the applicant applies for an Area Variance

Planner Meeting Comments

- There may be a bald eagle nest in the wetland to the north
- Since this is a major subdivision according to the Town of Hurley subdivision regulations, it will need a public hearing on the Preliminary Plat
- The wetlands and streams need to be shown
- There is a potential 280-A issue since neither lot will front on a public road
- The existing RMA may need to be updated – defer to Planning Board attorney
- The limits of disturbance and steep slopes should be shown as the Town has a fill and grade law (Chapter 94)
- Why are the side lot lines not at right angles? Answer, Mr. Houston stated he followed the contours
- The driveways to both lots need to be shown
- This was sub-divided before, the map number is 2005-1546, filed on 11-09-2005. The map was brought up and it shows the road ending before the lot proposed to be subdivided. Mr. Houston asked if a ROW could be granted for the 2 lots?



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- Shultis lane is a dead-end road, has the Fire Department done a review of what might be needed for turn-offs and/or turn-arounds at the end? No
- The map needs to show where the property monuments will go.
- The existing and proposed tree line needs to be shown
- The SEAF identifies that the Bald eagle and Indiana bat are on the site. They can be dealt with map notes and conditions regarding their presence.

Planner Comments from Review Memo

We are in receipt of the following items:

- *Project Narrative prepared by North & Houston Land Surveyors, dated March 7, 2024*
- *Planning Board Application, signed and dated (signature) March 3, 2024 Short Environmental Assessment Form, signed and dated March 7, 2024 Copy of property deed, dated April 1, 1999*
- *Letter of Authorization, signed and dated March 3, 2024*
- *Sketch Plan Map of Subdivision of Lands Belonging to Marie Ann Shultis, prepared by North & Houston Land Surveyors, dated March 6, 2024*
- *Copy of Private Right-Of-Way and Maintenance Agreement, dated October 31, 2005*

Overview

The Applicant, Marie Ann Shultis, is proposing a two-lot subdivision. The subdivision involves the creation of a 10.52- acre parcel and a 5.02-acre parcel from the existing 15.52-acre property. The parcel fronts on Shultis Lane, which is a private road. proposing two lot line adjustments and a minor subdivision. The properties are zoned A-2.5. Neither proposed lot would front to a public street. There is a federal wetland at the rear of the property that is not proposed.

Lot Line Adjustment and Minor Subdivision Process

1. *Process. As this parcel fronts on the private Shultis Lane, this application must be classified as a Major Subdivision –it does not fit the definition for a minor subdivision. The process is to submit a sketch plat, preliminary plan, hold a public hearing, and then submit a final plat.*
2. *Public hearing. A public hearing will be required for the major subdivision.*
3. *GML Review. GML review would not be required for this major subdivision application as per the Planning Board's agreement with the Ulster County Planning Department.*

Subdivision Map

1. *The location map should identify all property in the vicinity of the subdivision held by the subdivider. It appears that there are other parcels along Shultis Lane owned by the applicant.*
2. *Utilities. The location of the proposed wells and septic systems need to be shown. Also, electric utilities are to be undergrounded. A waiver is required if lines are overhead – see the subdivision regulations.*
3. *Wetlands/floodplain. The federal wetland should be delineated. It may be larger than shown. Based on a review of aerial photos, a stream and wetlands are present more centrally on proposed Lot 2. Please add a*



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wetland note to the map, once the wetland is defined. A wetland stream is also shown on the NWI mapper. Lastly, *the* rear portion of the property contains a small area of the 100-year floodplain – this should be added.

4. Road frontage. Neither proposed lot will front to a public road. Will an ODA or 280-a variance be required? The Planning Board attorney should opine. As per the subdivision regulations, lots are required to have a minimum frontage of 50 feet on an existing street or a proposed subdivision street. It appears that Shultis Lane currently ends and widens at the northern end of the parcel frontage. Any plans to extend or improve the road, including any turnaround area, should be shown. The Planning Board attorney should also opine as to whether the existing road maintenance agreement must be updated to reflect the additional lot being created.
5. LOD. Limits of disturbance need to be shown on both lots. Also, topography should be provided with 2- or 3-foot contours especially given the presence of wetlands and a stream to better define the limits of same. The Planning Board is responsible for reviewing applications subject to Chapter 94, Filling and Grading. Any steep slopes should be shown.
6. Lots. Side lot lines are to be at right angles to street lines unless a variation from this rule will give, in the Lots. Please indicate why the lot line is not designed in this manner for the Planning Board to opine.
7. Driveways. The proposed driveway locations are to be shown. The maximum driveway gradient to the building site shall not exceed 12%, unless waived by the Planning Board – please indicate the gradient.
8. Dead end streets. According to the subdivision regulations, permanent dead-end streets are not to be longer than 1,200 feet, exclusive of a turnaround – the length of the private drive should be shown. It is unclear whether this applies to private roads. The condition of the road should be checked. Should this be referred to the fire department? Note that there was to be a dead-end turnaround that was to be provided – does this exist? See excerpt from previously filed map.
9. Property lines. Please indicate where property line monumentation will be added.
10. Tree line. The existing and proposed tree line should be shown for each proposed lot. It appears from aerial imagery that some clearing has taken place on property previously.
11. Bulk. The following comments pertain to the Density Control Table:
 - a. The minimum lot width for proposed Lot 1 should be revised.
 - b. The Lot Coverage and Green Space sections should be completed.
 - c. Building height should be added as a parameter.
12. Recreation. A payment in lieu of providing recreational lands would be required, if such a fee is imposed by the Town.

SEOR

1. Unlisted action. The major subdivision is an Unlisted action. The Planning Board can conduct coordinated or uncoordinated review. A Short Environmental Assessment Form, Part 1, has been submitted.
2. With regard to the Short EAF Part 1, we note the following:
 - a. Part 1.3.b – acreage will be disturbed to construct two dwellings – this will need to be revised to reflect actual disturbance area once it is shown on the plan.
 - b. Part 1.17 – as two dwellings will be created with impervious surface areas, stormwater discharge would occur even if minor.



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3. *Habitat. Habitat for the Bald Eagle and Indiana Bat is present, as per the EAF. The Planning Board should determine whether any consultation should occur. The DEC should advise on the location of any Bald Eagle nests and whether they are close to the site.*

Process

1. *The Board should review the map and raise any other comments it may have. The Planning Board could conduct a site visit.*
2. *It is recommended that the subdivision map be revised before scheduling a public hearing.*
3. *The Planning Board should deem the action an Unlisted Action.*
4. *GML review is not required.*
5. *Ulster County Health Department review and approval may be required.*

Official Actions

Member Mitch Cohen motioned to classify **File#2024-#4-Shultis-SBL-47-2-7-11-SD** as an Unlisted action under SEQRA and deem complete pending response to the Planner's comments; 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:

Member	Vote
Peter McKnight, Chairman	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liewa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

VII. 7:54PM-Withdrawals: None

VIII. 7:55- Decision: None due

IX. 7:56PM-Minutes: 2024-02-22



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

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

X. 7:59PM-Correspondence: None

XI. 8:00PM-ZBA referral-None

XII. 8:01PM-Action Items:

- Decide whether to record and post meetings-tabled to 2024-04-25 Agenda
- 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: VA; Received ZEO Referral-2023-11-29;

Application received 2023-12-04

Applicant Statement

Mr. Price had a conflict with the meeting time, but asked if the Board and the Planner could review his most recent submission and give some feedback. The proposal included painting the existing house a dark color to minimize the visual impact, but still not have the proposed new residence not fully meet the one-hundred-foot (100') setback to the escarpment

Board Comments/Questions

- Member Dennis O'Clair stated he believes minimizing the existing house could be a win-win and that the new proposed house would likely be less visible as well as it would be blocked



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- Vice-Chair Debbie Kossar had sent an email with comments even though she couldn't be at the meeting: she feels the setback should be adhered to and she would like to see a requirement that the window shades be drawn at night. It would also be visible from the angle behind it;
- Member Mitch Cohen stated that 210-42 states in regard to the setback "where possible" he believes if the Board can minimize the existing bad visual impact, but give a little on the setback, there would be a benefit. He further stated he has concerns about the lighting: are they dark-sky? Are they spot lights? Are they covered so they are spilling light into the night sky?
- Member Griff Liewa stated he believes the Board needs to take caution and remember each decision can impact the next one and if they make an exception now, does it hamper them from saying 'No' down the road?
- Alternate Member 1 Ray Palmer suggested having a negotiation with the Applicant
- Dennis O'Clair asked if the Planning Board can even approve it as requested or does it need to go to the Zoning Board?;
- The Board discussed the Draft resolution of referral prepared by the Clerk and edited by Attorney Lyons regarding whether to send the Application to the ZBA for an Interpretation of whether this is actually a Home Occupation under the Zoning Law and the ZEO Economos' Interpretation that it is allowed by right is wrong. If it is a Home Occupation, it would require Site Plan approval, which has separate requirements, some of which are concerns the Board has

Planner Questions

- Planner Franson asked "is it visible"? If yes, the Zoning Law states "*where possible*" it should be moved. It also needs to be functional to the Applicant;
- Planner Franson stated it is not clear in looking at the map, where the escarpment line is ;
- Planner Franson stated the Planning Board has jurisdiction over the entire A4. She would like to see a buildable area with the escarpment overlaid.

Attorney Comments

- Attorney John Lyons- the Board should consider if there would be a net benefit
- Could there be further minimization with vegetative screening?
- Attorney John Lyons stated member Liewa's statement is very relevant: if the Board is going to deviate from the standard, is there sound justification that another Applicant in the future can't say: "you did it for them"

Official Actions

Member Mitch Cohen motioned to submit a request for an Interpretation to the ZBA to determine if the Application as presented is a Home Occupation under the Zoning law or as identified by ZEO Economos as allowed by right; 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:



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Peter McKnight, Chairman	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liwa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

- **File 2024-#03-NeverAlone-SBL-47_3-2-11.1-SP**

Attorney Comments

- Attorney John Lyons stated if this Use received approval in 1993 as a School and has been consistently operating, how can it now be considered a Non-conforming Use as identified by ZEO Economos? The Board needs to understand the ZEO's logic, so it can act appropriately. If it is a no-conforming use, usually there are penalties about expanding.

Official Actions

- Member Mitch Cohen motioned to refer the file back to ZEO Economos requesting clarity on how he determined this to be a Non-Conforming Use and what Non-Conforming Use; 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:

Member	Vote
Peter McKnight, Chairman	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liwa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions



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- Member Mitch Cohen motioned to not rescind the prior motion to hold a public hearing in April until the Board can review the ZEO's response regarding the use; 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:

Member	Vote
Peter McKnight, Chairman	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liwa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

• Material Dissemination-

Board Comments

- Alternate Member 2 Janet Briggs thinks the whole Board should make the decision if Members get hard copies, not just the Chair and Vice-Chair
- Member Dennis O'Clair is fully in support of this Resolution

Official Actions

- Member Mitch Cohen motioned to amend the Resolution to say exceptions will be determined by the entire board; 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	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liwa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye



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Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

- Member Mitch Cohen motioned to adopt the Resolution as amended; 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	Aye
Member Karl Brueckner	Aye
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liewa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and 0 Abstentions

- Member Mitch Cohen motioned that Alternate Member 2 Janet Briggs and Member Karl Brueckner will be sent hard copies by the Applicant; Alternate Member Ray Palmer 1 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
Member Karl Brueckner	Abstain
Member Dennis O'Clair	Aye
Member Kathryn Kiewel	Absent
Member Griff Liewa	Aye
Debra Kossar, Vice-Chair	Absent
Member Mitch Cohen	Aye
Alternate Member 1 Ray Palmer	Aye
Alternate Member 2 Janet Briggs	Aye

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and one (1) Abstention, Member Karl Brueckner

XIII. 9:02PM-Local Law referrals: None

XIV. 9:03PM- Next Meeting: Thursday, 2024-04-25; Application Deadline: Thursday, 2024-04-04

XV. 9:04PM- Pre-Application Meeting: None



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XVI. 9:05PM-Board Time- None

XVII. 9:06PM- Sign Maps: None as of Agenda creation

XVIII. 9:08PM- Adjourn

Official Actions

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

Motion was carried by Seven (7) AYES; zero (0) Nays; Two (2) Absent, Vice-Chair-Debbie Kossar and Member Kathy Kiewel; and one (1) Abstention, Member Karl Brueckner

Meeting adjourned at 9:16PM

Respectfully Submitted,

Maggie Colan, Clerk

Date Prepared: 2024-04-11

Approved: