

Town of Hurley  
Ulster County, New York  
2023 Comprehensive Plan Update

DRAFT



Adopted by the  
**TOWN OF HURLEY TOWN BOARD**  
DATE



**NELSON POPE VOORHIS**  
environmental • land use • planning

## **Acknowledgments**

The Town Board would like to thank all of the individuals and organizations, including former Town Board members, who provided their valuable input which formed the basis for this Plan. We greatly appreciate everyone who participated in the planning process, the public survey and workshop, all who provided their comments and ideas for the Town and its future.

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# A. INTRODUCTION

## A.1 COMPREHENSIVE PLANNING FOR HURLEY

### OVERVIEW

The Town of Hurley is situated in northeastern Ulster County, to the west of the City of Kingston and approximately 3.5 miles west of the Hudson River. The Town has two primary hamlets - West Hurley and Hurley. The Hurley hamlet, listed as a National Historic Landmark, is situated within the uplands to the east of Esopus Creek, and early settlers built their stone homes here in the 1700s. In 1777, General George Clinton – New York Governor and 4<sup>th</sup> Vice President of the United States - made his headquarters here. For a brief time, the Hurley hamlet became a temporary capital of New York State after fires burned the City of Kingston. The West Hurley hamlet is a historic hamlet which was established subsequent to the demolition and removal of the original West Hurley hamlet at the time that lands were taken for the construction of the Ashokan Reservoir. The reservoir, built in the early 1900s, impounded Esopus Creek and tributaries to provide drinking water to New York City.

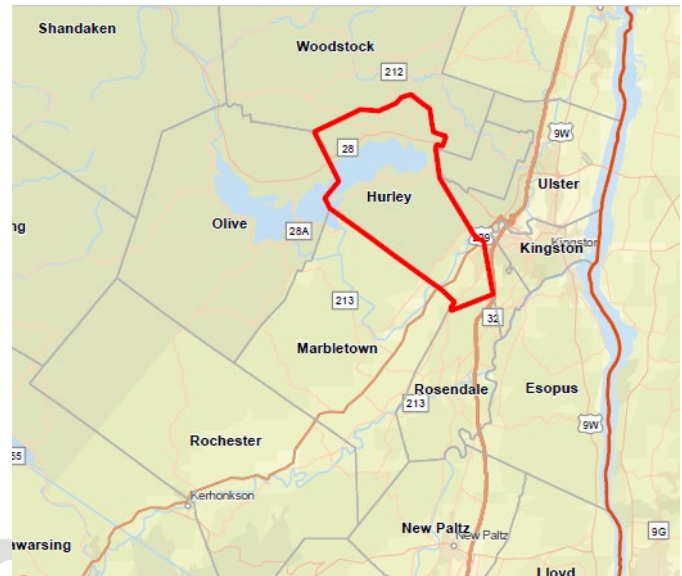


Figure 1. Town of Hurley, NY.

### FAST FACTS:

**2020 Population:** 6,173 persons

**Households:** 2,573

**Average Household Size:** 2.38

**Median Age:** 50.6 years

**Total Area:** 36 sq. mi.

**Land:** 30 sq. mi.

**Water:** 6 sq. mi.

**Pop. Density:** 171 persons/sq. mi.

**Hudson Valley Greenway  
Community**

**Catskill State Park community**

The Town is geographically located at the easterly edge and within the Catskill Forest Preserve, an area of mature, deeply dissected plateau, and home to bluestone that is exclusive to this part of the United States. The Town is a primary gateway into the Catskill Park. NYS Route 28, which travels between the reservoir and West Hurley, has been designated the Catskill Mountains Scenic Byway - the Town is petitioning to be an official byway Town.

In 2020, the Town had a population was 6,173 persons within the Town's 36 square miles, or about 171 persons per square mile – it is a rural community. The Town's area includes 30 square miles of upland, and 6 square miles of water contained within the Ashokan Reservoir.

Hurley is visually, culturally, and historically rich. What is now Hurley was inhabited by the Esopus, a northern tribe of the Lenape (Delaware) Native Americans, who originally resided in the Delaware River valley and extended their territory into the Catskill Mountains and elsewhere. European settlers came to Hurley in the 1600s. The Hurley hamlet, or Nieuw Dorp (New Village), was founded in 1662 by several Dutch and Huguenot settlers. A large portion of the hamlet is listed on the National Register of Historic Places. The Main Street historic stone houses represent a snapshot in time of the colonial Dutch architecture that was prevalent. However, the district includes buildings



and properties that contribute to the historic character of the hamlet and extend beyond the time period when the hamlet was founded.

The Ashokan Reservoir provides expansive scenic vistas of the Catskills, which have been the subject of Hudson River School artists like Thomas Cole. The Town is home to the historic Ontario and Western Rail Trail, which follows Route 209 through the Esopus and Rondout Creek valleys, and the Ashokan Rail Trail (ART), which follows the north rim of the Ashokan Reservoir along the former Ulster and Delaware Railroad right-of-way. The Hurley segment of the Ontario and Western Rail Trail is a Hudson River Valley Greenway Designated Greenway Trail. Winslow Homer, one of the greatest American painters of the nineteenth century, visited Hurley several times during the 1870s and captured his personal view of rural life in America, and evocative of Hurley's ambience and traditions.

### **HURLEY - A GREENWAY COMMUNITY**

The Town of Hurley is a participating member of the Hudson River Valley Greenway. The Hudson River Valley Greenway Act of 1991 (the "Greenway Act") created a process for voluntary regional cooperation among 264 communities within 13 counties that border the Hudson River, to facilitate a regional strategy for preserving scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development and maintaining the tradition of home rule for land use decision-making. The "Greenway criteria" serve as the basis for attaining the goal of a Hudson River Valley Greenway. The criteria are:

- *Natural and Cultural Resource Protection - Protect, preserve and enhance natural resources including natural communities, open spaces and scenic areas as well as cultural resources including historic places and scenic roads.*
- *Economic Development - Encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources including agriculture, tourism and the revitalization of established community centers and waterfronts.*
- *Public Access - Promote increased public access to the Hudson River through the creation of riverside parks and the development of the Hudson River Valley Greenway Trail System.*
- *Regional Planning - Communities can work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development (including necessary public facilities and infrastructure), public access and heritage and environmental education.*
- *Heritage and Environmental Education - Promote awareness among residents and visitors about the Valley's natural, cultural, scenic and historic resources.*

The Hudson River Valley National Heritage Area (HRVNHA) by Congress to recognize the significance of the history and the resources of the Hudson River Valley to the nation. The cities, towns, and rural landscapes of the region display exceptional surviving physical resources spanning four centuries. The Town of Hurley is situated within the national heritage area.

In developing the Vision and recommendations for this 2023 Plan Update, the Town specifically acknowledges and reaffirms the importance of its location within HRVNHA.



## THE PLANNING PROCESS

New York State Town Law enables municipalities to prepare a “comprehensive plan” - a document that sets forth the vision and supporting goals, objectives and implementation measures for the immediate and long-range protection, preservation, enhancement, growth and development of a community. In particular, a comprehensive plan guides the regulation of land use in order to protect the public health, safety and general welfare of its citizens. The legislation recognizes that participation of citizens in the planning process is “essential” to the design of a comprehensive plan. A comprehensive plan fosters cooperation among governmental agencies that plan and implement capital projects and gives due consideration to the needs of residents and stakeholders of the community and the region.

A comprehensive plan is not required in New York, but when adopted, the Town’s land use regulations must be in accordance with the principles and policies laid out in the plan. A comprehensive plan is a “living” document that should adapt to the changing conditions in a community, as such, it should be reviewed on an annual basis, and updated about every 10 years.

The Town of Hurley last updated its Comprehensive Plan in 2006 (2006 Plan). The 2006 Plan articulated well that the comprehensive planning process gives the community the opportunity to think about its future and make decisions looking at the “big picture” rather than reacting to a particular proposal. It gives the Town the opportunity to set a context for its decisions – this plan update does the same.

As the 2006 Plan is now 17 years old, the Town determined it was time to initiate a Comprehensive Plan Update. In 2020, the Town Board established a Comprehensive Plan Committee (CPC) to aid in the development of the Plan, as well as to study existing multifamily residential zoning in the Town. In 2022, the Town received a grant from the Hudson River Valley Greenway Program to complete this Plan Update.

This 2023 Town of Hurley Comprehensive Plan Update (2023 Update) identifies Townwide priorities through the next ten years. The Plan Update process responds to the following questions:

1. **Where are we coming from?** An existing conditions inventory was prepared to assess what the past and current trends – demographic, land use patterns, economy, mobility, and the environment.
2. **Where are we now?** The Town defined strengths and weaknesses, opportunities and threats related to its current conditions, and what might occur in the absence of change.
3. **Where do we want to go?** The Town’s residents and stakeholders have been asked what the vision is for the Town, what it should aspire to, in the next 10-20 years.
4. **How do we get there?** The outcome is to define measures that will be implemented to achieve the Town’s vision.

An existing conditions inventory was conducted to address Questions 1 and 2 above. This process was overseen by a Comprehensive Plan Committee that vetted the information gathered for the inventory. **Appendix A** provides a snapshot of current conditions influencing land use and other patterns in the Town. The Plan Update then introduces the Town’s Vision Statement, responding to Question 3 (above), “where do we want to go?”; and addresses Question 4 “how do we get there?” by describing the goals and recommendations to achieve the Town’s Vision.



**PUBLIC OUTREACH**

Public input was sought to build a better understanding of the Town’s values, needs, strengths, and what the community’s vision of its future is. Public outreach has included:

- oversight and preparation of an existing conditions inventory by a Comprehensive Plan Committee;
- an online survey;
- community participation through public workshops held in the Town’s two hamlets;
- utilization of the Town’s email list and notifications on the Town website.

>>> *Public Survey*

The online public survey included 18 questions on topics such as demographics, development preferences, housing, recreation, tourism, and strengths and issues surrounding the Town. The online survey was conducted using the platform Survey Monkey®, and included multiple choice, short open-ended, map, and preference ranking type questions.



Figure 2. Three Things You Love About Hurley.



Figure 3. Challenges the Town of Hurley is Facing.

A paper version of the survey was also made available at the two workshops held on November 5, 2022, at the Hurley Fire House and Hurley Town Hall. The survey was held open from October 4th through December 16th, 2022, and was marketed online via the Town of Hurley’s website and email blasts to Town residents. A total of 134 persons responded to the survey, 94% of which are residents of the Town.

Responses are visualized in the word clouds, with similar comments summarized by theme to better organize results. Respondents felt that Hurley’s history, small town-rural feel, and overall beauty ranked highly. Development, housing costs, and high taxes were ranked highly among the identified threats to Hurley.





A detailed summary of the online survey results is provided in **Appendix A**.

### >>> *In-Person Workshop*

On Saturday, November 5, 2022, the Town of Hurley held two public workshops from 9 AM – 12 PM at the West Hurley Firehouse, and 1 PM – 4 PM at Hurley Town Hall. The workshops sought to gather feedback from community members and stakeholders on existing conditions, community needs and concerns, and recommendations for the Comprehensive Plan Update. The workshop was set up in an open house format, where participants could visit stations and provide input based on the topics addressed at each station. Seven (7) stations were set up to address the following topics:

- Existing Conditions Map Gallery
- Strengths, Weaknesses, Opportunities, and Threats
- A Vision for the Future
- What does Hurley need?
- Placemaking
- Visual Preference Survey
- Completing an online survey

Participants included residents, business owners, families, Planning Board members, and senior citizens. After signing in, participants were given a brief introduction and a handout with instructions describing each station with a check box to log their progress of the stations. Planners from Nelson, Pope, Voorhis, LLC, facilitated discussion and aided in guiding and informing participants through the stations. Some of the takeaways from this first workshop were:

- Town strengths, the majority of comments were related to Hurley's overall community character. Comments included positive remarks on the friendly neighbors and people, and the small town, quaint, rural feel of the town.
- Weaknesses were expressed as issues with the Town's existing facilities, such as the lack of a central community center, power line maintenance and outage prevention, and lack of tree maintenance on roads. This was followed by comments regarding open space and conservation, as participants felt there should be more forests, conservation efforts, and open space.
- Participants felt that the most opportunity for Hurley was parks and recreation, as comments addressed the possibility of expanding existing parks and creating new outdoor recreation areas.
- Threats to the Town's values were mainly on the topic of development, as participants felt that increased commercial, industrial, and residential development threatened the character of the community.

Overall, participants valued the Town for its character, which is derived from its natural beauty/open space, history and regional setting. They indicated they would like to see this enhanced by safely connecting the Town's residential neighborhoods to existing and future recreational and commercial areas in the Town. Participants also conveyed a need for diverse but contextually appropriate housing options to accommodate a range of income and age ranges and allow seniors to age in place. In general, context and conservation appeared to be extremely important for any new development that may be encouraged in Town. The workshop results are included as **Appendix B**.



## A.2 A VISION FOR THE TOWN OF HURLEY

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### A FRAME OF REFERENCE

The Town of Hurley is located at the foothills of the Catskills along one of the major byways into the Catskill region – NYS Route 28. The Town’s original landform was significantly altered by the construction of the Ashokan Reservoir which split the Town into a north and south, with the vast majority of the Town’s land area to the south of the reservoir. Thus, there are two population centers in the Town: West Hurley hamlet to the north, where displaced residents from the former hamlets of West Hurley and Ashton were relocated, and Hurley hamlet to the south. The hamlets are where the Town’s major services are located - town hall, firehouses, places of worship, libraries, and other gathering places. Outside of these two centers, within the Glenford and Morgan Hill hamlet areas, the land use pattern consists of vacant land, mostly large lot single-family housing, and scattered “home-style” businesses – bedrock, wetlands, steep slopes, and mountain terrain have limited these areas from any intensive development.

The primary connection between the Town’s two centers is mostly via Route 28 – to get from north to south, one literally has to travel through another town to obtain access, traveling either through the towns of Ulster, Kingston, or Woodstock. As a result, to evolve into a more “cohesive” community, the Town must rely on other shared services, connections, and amenities that link north and south.

The Town has three major transportation routes – Route 28, Route 375, and Route 209. While property frontage along major state routes throughout Ulster County may offer development opportunities, those in Hurley are significantly constrained. Most of Route 28 in the Town of Hurley is undeveloped or residential. Only an approximately 1.5-mile segment of the highway is not within the NYCDEP watershed, which imposes regulatory limitations on future development. With the exception of five privately-owned parcels (totaling 2.2 acres and developed with single-family dwellings), the entire southerly side of Route 28 through the Town of Hurley consists of NYC-owned watershed lands. Along the north side of Route 28, parcels are mostly small lot, residentially developed, or constrained by wetlands or bedrock. Scattered businesses are found along the corridor, concentrated near the two hamlets along the corridor – West Hurley and Glenford.

Routes 209 and 375 also service the Town. Route 375 is a primary arterial within the West Hurley hamlet area, where some neighborhood commercial uses are located – the length of Route 375 is about 2 miles through Hurley, and much of the development along this road is residential. Route 375 serves as a major connector between Route 28 and the Woodstock hamlet, a major tourist destination in the region.

Route 209 in the southerly area of Hurley is about 3 miles in length – Route 209 north of the “old” Hurley hamlet on both sides of the road is constrained by floodplains and wetlands. Direct access to Route 209 is also constrained by the presence of the O&W trail on the east side of the route – it is not until reaching Bessal Road at the south end of the Town that properties have direct frontage on Route 209 and do not require crossing the rail trail. It is notable that most properties on the west side of Route 209 do not maintain frontage or get access from Route 209 – access is provided from other local roads, including Old Route 209. As a result, Route 209 is free from commercialization and development.



Perhaps the most significant factor influencing the Town's evolution and land pattern is a lack of centralized water and sewer in the community. While there are several neighborhoods in Hurley and West Hurley being served by small private water systems, central sewer service is not available.

Since construction of the Ashokan Reservoir, Hurley has grown incrementally. Development of small residential subdivisions and conversion of dwellings into commercial uses, mostly along the Town's state routes, have been the norm. After construction of the Ashokan Reservoir, the construction of I-87 around 1954-55 and the opening of the IBM Kingston campus in Lake Katrine in 1956 were more recent impetuses to limited residential development within the Town. Since 1999, COVID and the growth in remote jobs has resulted in renewed interest in the construction of single-family dwellings, either as primary residences or second homes mostly on existing parcels of land – there have been few new residential subdivisions processed in the past five years. The quietude and beauty of Hurley is what draws many newcomers to the Town.

## THE VISION

A Vision describes what the Town of Hurley wants to achieve and how it desires to evolve over the next 10-20 years. It sets the direction for the goals and recommendations. The 2006 Plan stated well what the intent of the Vision is: "We think the Town of Hurley is a special place. With time everything changes...we have outlined recommendations that will safeguard the essence of Hurley while embracing a vision for the future." The 2006 Plan's Vision below was reviewed and evaluated based on the input provided by community participants in the current planning process:

*"Honor and preserve the best of Hurley & its beauty, its history, its agricultural roots and respect for landowners rights. Treasure its friendliness. Appreciate and protect the ease of living that comes with our location. Acknowledge and prepare for the inevitable economic and demographic changes that come with time."*

The 2023 Town of Hurley Vision is intended to present a positive, forward-thinking statement of the Town's future for the next 10-20 years. It has been revised and updated based on public input. The 2023 Vision integrates key words that express the following:

- **Incremental** – "Small changes" in "small increments" are preferred. "Large-scale", "all at one time" development or changes, whether commercial or residential, is inconsistent with the Vision. Future growth needs to fit into the community in terms of its size and scale and should be phased in over a period of time.
- **Sustainable** - Sustainability fulfills the needs of current generations without compromising the needs of future generations, and ensures a balance between economic growth, environmental care and social well-being. Any growth in the Town should incorporate sustainability.
- **Well-designed** – the Town seeks development which fits with its visual character and is contextually appropriate. Buildings and structures need to fit into the unique character of the location where it may be proposed – a building proposed along the Route 28 corridor versus a building proposed within the Hurley National Register historic district will be different in design, yet both need to be designed to fit contextually into the surroundings, in terms of scale, intensity, density and architecture.
- **Locally-oriented** – the Town wants to promote a local economy and residential program that is responsive to Hurley residents, employees, and community providers first.



- **Community-scale** – Growth, whether residential or nonresidential, is to evolve and expand outward from, or as a result of infill within, the Town’s existing hamlets and neighborhoods. The Town, as part of its Vision, does not seek to create new neighborhoods and communities wholesale, but to evolve from the existing mixed-use hamlets that are already set up to meet the social, commercial, health, and other needs of residents. Growth outside these neighborhoods should be very low density and should respect the sensitive natural and scenic environment within which they are located.

## 2023-2033 Town of Hurley Vision

**PRESERVE AND PROTECT HURLEY’S SCENIC BEAUTY AND RURAL CHARACTER BY RESPECTING ITS ENVIRONS – ITS NATURAL RESOURCES, CLIMATE, HISTORY, AND SMALL-TOWN ATMOSPHERE. ALLOW INCREMENTAL, SUSTAINABLE, WELL-DESIGNED AND COMMUNITY-SCALE NEIGHBORHOOD EXPANSIONS THAT ARE CONSISTENT WITH THE TOWN’S VISION OF MAINTAINING A SMALL, LOCALLY-ORIENTED, SOCIALLY VIBRANT, CREATIVE AND CONNECTED COMMUNITY. RESPECT THE TOWN’S AUTONOMY TO PURSUE ITS VISION.**

The chapters that follow describe the goals and recommendations necessary to achieve this Vision.

For Pa



## A.3 SUSTAINABILITY

The Vision, goals and recommendations embodied in this Plan Update are intended to promote sustainability. Sustainable development is characterized as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. This concept has been

expressed as a balance between the three “E”s – environment, economy, and equity, or, the three “P”s – planet, prosperity and people.

### Six Principles For Sustaining Places

**Livable Built Environment:** Ensure that all elements of the built environment – including land use, transportation, housing, energy, and infrastructure – work together to provide sustainable green places for living, working, and recreating, with a high quality of life.

**Harmony with Nature:** Ensure that the contributions of natural resources to human well-being are explicitly recognized and valued and that maintaining their health is a primary objective.

**Resilient Economy:** Ensure that the community is prepared to deal with both positive and negative changes in its economic health and to initiate sustainable urban development and redevelopment strategies that foster green business growth and build reliance on local assets.

**Interwoven Equity:** Ensure fairness and equity in providing for the housing, services, health, safety, and livelihood of all citizens and groups.

**Healthy Community:** Ensure that public health needs are recognized and addressed through provisions for healthy foods, physical activity, access to recreation, health care, environmental justice, and safe neighborhoods.

**Responsible Regionalism:** Ensure that all local proposals account for, connect with, and support the plans of adjacent jurisdictions and the surrounding region.

- PAS Report 578, *Sustaining Places: Best Practices for Comprehensive Plans*



Figure 4. The 3'Es of Sustainability. Credit: CalPoly Center for Sustainability.

Sustainability is integral to the goals and recommendations of the Plan Update.

### CLIMATE CHANGE

Sustainability recognizes climate change. The increase in “greenhouse gases” being released into the atmosphere is resulting in climate change. Greenhouse gases, such as carbon dioxide, methane and nitrous oxide, are released when fossil fuels such as coal, oil and natural gas, are burned. The gases trap heat in the earth’s atmosphere warming its surface. This phenomenon is changing the natural cycles within which humans, plants and animals have evolved. Extreme weather and climate events have increased in recent decades as a result of this change. An increase in frequency of severe storm events means greater potential for flooding, which impacts local infrastructure and disrupts local communities and economies. For example, farmers



in New York are already feeling the effects, reporting increased insect, disease and weed pressure (due to shorter and less severe winters). Climate change threatens human health and well-being through decreased air quality and an increase in diseases transmitted by insects, food and water<sup>1</sup>.

The Town of Hurley is taking steps to become better prepared for climate change. The Town took the pledge to become a Climate Smart Community in 2018. The Climate Smart Communities program, which is overseen by the NYS Department of Environmental Conservation (NYSDEC), provides a list of ten overarching climate goals:

1. *Build a climate-smart community.*
2. *Inventory emissions, set goals, and plan for climate action.*
3. *Decrease energy use.*
4. *Shift to clean, renewable energy.*
5. *Use climate-smart materials management.*
6. *Implement climate-smart land use.*
7. *Enhance community resilience to climate change.*
8. *Support a green innovative economy.*
9. *Inform and inspire the public.*
10. *Engage in an evolving process of climate action.*
11. *Innovation*
12. *Performance*

Within each overarching climate goal, a series of more specific climate actions or “priority elements” are listed for which communities can receive points. Some of these climate actions, such as completing a “Comprehensive Plan with Sustainability Elements,” are eligible for funding through the program. The Town created the Climate Smart Task Force in 2020, and the CSTF is working to obtain Bronze Certification in 2023. The Town of Hurley is committed to planning for the future in a way that considers everything from the government's own facilities and operations to how new development opportunities are reviewed and evaluated. Many of the goals and recommendations in this Comprehensive Plan Update will mitigate the causes of climate change and decrease vulnerabilities to its impacts in both the short- and long-term. This aligns with the CSTF's priority of ensuring the Comprehensive Plan Update incorporates sustainability. The Town's initiatives are set forth here:

<https://www.climatesmarthurley.org/> . **This Comprehensive Plan Update incorporates Hurley's Climate Plan by reference.**

The Town has endeavored to incorporate climate smart strategies in the Comprehensive Plan Update, as set forth in this Plan Update.

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<sup>1</sup> NOAA. *Climate Change and Variability*. Accessed March 2023. <https://www.ncdc.noaa.gov/climate-information/climate-change-and-variability>



## A.4 PLAN ORGANIZATION

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The Vision for Hurley will be implemented by pursuing the goals and recommendations set forth in this Plan Update. Goals and recommendations for the Town are organized within the following chapters:

- **Reinforce Land Patterns** – describes the intended Land Use Pattern for the Town. This pattern consists of hamlets, corridors, and Townwide areas. The section focuses on recommendations related to building patterns and development.
- **Foster Community Connection** – addresses the resources that serve the community – from governmental functions to utilities to social organizations and how to promote connection and engagement.
- **Protect the Environment** – describes the natural environment that is quintessentially Hurley and recommendations to protect this environment.
- **Preserve Community Character** – recommends strategies to ensure that those resources that make Hurley unique – its historic buildings, its scenic vistas - are protected.
- **Promote Mobility** –provides for better connections between neighborhoods and resources throughout the Town.
- **The Future** – summarizes the implementation measures identified in the Plan Update.

## A.5 NEXT STEPS AND ADOPTION

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Upon completion of the draft 2023 Comprehensive Plan Update, the Town Board will hold held a public meeting to present the document and obtain feedback on its recommendations. Public comments will be considered by the Town Board, and the draft Plan Update will be revised, as appropriate.

The revised draft Plan Update will be the subject of a public hearing and SEQR review. Following completion of an environmental review of the potential effects of implementing the Plan Update, the Town Board can move to adopt the 2023 Comprehensive Plan Update. Ultimately, the Town Board and other boards and committees will use the Plan Update as a policy guide in their decision making and can refer to the Implementation Summary when considering projects, legislation, and funding in order to advance the Town’s Vision for its future.



## B. REINFORCE LAND PATTERNS

### B.1 HAMLETS, CORRIDORS AND TOWN

This section of the 2023 Update addresses the intended land use and building patterns within the Town of Hurley, that has been revealed through the planning process, and determined to be desirable and appropriate for the Town. This section on Land Patterns integrates a number of interrelated topics, including preferred land uses (housing and economy) and broad building patterns and scale.

The Plan Update acknowledges and builds upon patterns that already exist:

- Hamlets, are the existing concentrations of development and their associated neighborhoods, which include the majority of the Town's residences, and much of the retail, employment activities which provide for the local needs of the Town. The primary hamlets in the Town are West Hurley and Hurley. The Town also has two smaller older settlement areas, Glenford and Morgan Hill.
- Corridors, are those land areas along major transportation corridors which serve the Town but also are available and accessed by the regional population and visitors. The Town's corridors are Route 28 and Route 209. For purposes of the plan, Route 375 is discussed under West Hurley hamlet, because it is functionally a part of the hamlet.
- Hurley Flats, or that area which is almost exclusively dedicated to agricultural operations along the floodplains of Esopus Creek.
- Ashokan Reservoir, and its watershed, are regulated by the NYC Department of Environmental Protection, intended to protect the water quality of the reservoir. The regulations effect future expansion of the Town within this area.
- Catskill and Forest Lands, is the remainder of the Town's land area, consisting of the rural woodland and hills within the Town.

These patterns are described below, to provide the context for the conceptual land use recommendations that follow.

#### B.1-1 HAMLETS

##### *Glenford*

Glenford is a small hamlet area along NYS Route 28, some of the original hamlet being inundated by the reservoir. It is at the confluence of several northerly routes which link Glenford to Mount Tremper via the valley formed by the Little Beaver Kill in the Town of Woodstock. A post office is present in the hamlet which serves the northwesterly portion of the Town. Glenford Engine Company is located in the hamlet. A school and methodist church had also been part of the hamlet fabric. Otherwise, this hamlet is a loose collection of small residential subdivisions and scattered businesses.

*A **HAMLET** is any type of unincorporated settlement. Traditionally, a hamlet is smaller than an incorporated village - a community of some substantial size that remains unincorporated is still a hamlet. A hamlet does not have its own local government.*





### *Morgan Hill*

Morgan Hill is a settlement area generally located around Morgan Hill Road and Dug Hill Road. Unlike a hamlet, Morgan Hill does not have a post office, or other community services indicative of a more diversified hamlet. The center can be recognized by the smaller lots along these roads, compared to other areas outside this settlement. Here, and the surrounding lands and properties, consist of older settlements, bungalows, and housing for workers who were employed in the bluestone quarry businesses that were located in this portion of the Town. Several properties are owned and managed by the NYSDEC as part of the Bluestone Wild Forest. The Town's highway garage and the Town Park are located in this general area.

### *West Hurley Hamlet*

The West Hurley hamlet grew from the homes constructed in the 1900s that were built after the original hamlet was demolished to make way for the reservoir. West Hurley is a historic hamlet and a Census Designated Place (CDP) lying mostly north of Ashokan Reservoir and Route 28; it also encompasses an area in close proximity to Route 28 along Route 28A. The area in the vicinity of Route 28A, by Basin, Morgan Hill and Beesmer roads, could be considered the "remnant" area of the original West Hurley, which was inundated by the construction of the reservoir. Residents and businesses that were displaced were relocated to a portion of West Hurley north of Route 28 and west of Route 375, in the vicinity of Fairview, Cedar, Broad, and John Streets. This neighborhood includes the West Hurley Library and the West Hurley Fire Department.

Route 375 is a major north-south corridor serving West Hurley, connecting the Town of Hurley to the Town of Woodstock. Portions of this roadway are zoned for commercial use and includes a Hannaford grocery store, gas station, healthcare offices and a few small businesses. A small collection of single-family and multifamily homes near Route 375 between Pine Street and Maverick Road are served by private community water systems.

### *Hurley Hamlet*

The historic Hurley Hamlet includes the Main Street area which is listed on the National Register of Historic Places – it is also a Census Designated Place, centered in and around Route 209 and Main Street. Town Hall and Hurley Library are located here. There is a small crossroads commercial area at the corner of Wynkoop Road and Old Route 209/Main Street.

Development in Old Hurley rises from the Hurley Flats and the Esopus Creek floodplain in a series of plateaus between Route 209 and Lucas Avenue Extension. Residences in this area are typically on smaller lots of one acre or less, laid out in a conventional subdivision pattern including a number of cul-de-sacs. A few large lots remain undeveloped but are limited by environmental conditions such as wetlands and shallow depth to bedrock.

The National Register historic district is concentrated along Main Street and provides a "snapshot" in time of the historic dwellings and properties located here. The streetscape is characterized by blue slate sidewalks in various states of (dis)repair, a healthy tree canopy, historic stone buildings, and other historically significant buildings.

Hurley Avenue Extension (CR 29), a county road connecting Hurley with Kingston, affords scenic vistas across the Hurley Flats and of the Catskill escarpment beyond. Residences include a mix of stone house, Victorian and Colonial architecture, in addition to more modern vernacular ranch and cape style homes.



Figure 5: Residences demonstrating historic architecture on Hurley Avenue Extension.

Route 209 in Old Hurley runs generally parallel to the Esopus Creek and serves as a major arterial for commuters and those traveling through Hurley. Unlike Route 28, there are almost no residential or commercial curb cuts along Route 209 – the highway splits the hamlet between the civic center and residences on Wynkoop Road and Old Route 209 and residences southeast of the corridor. Access to the Ontario and Western (O&W) Rail Trail parking area (which runs parallel and on the east side of Route 209) is provided via Russell Road, off 209. The neighborhood and community character of Hurley is not evident from this roadway. It is once one turns onto a local roadway that the rural residential character of the community becomes evident.

## B. 1-2 CORRIDORS

### *NYS Route 28*

Route 28 follows the northern edge of the Ashokan Reservoir – this is the alignment that was created subsequent to construction of the reservoir. The portion of Route 28 within the Town generally extends from Williams Lane to the east and Kenozia Lake to the west. As mentioned previously, almost all the land area on the south side of Route 28 is owned by the NYCDEP – there are five residential parcels across from Rock Ledge Lane that occupy the south side of the road. The Ashokan Rail Trail, also on the south side, is on NYCDEP lands and is maintained by Ulster County. A parking area for the Ashokan Rail Trail is located in West Hurley between Zena Road and Van Dale Road, across from a shallow strip of commercially zoned properties. Businesses in this area and along Route 28 includes a US Post office, Radio Woodstock, an art gallery, veterinary hospital, a storage facility, gym and the Hotel Dylan and Santa Fe Restaurant. There are few newer buildings located along Route 28. In the West Hurley area, from Williams Lane to Maverick Road, most of the properties have shallow lot



depth, averaging around 160 feet deep. Many are also narrow lots, some measuring about 65 feet wide, as these lots were laid out back in the early 1900s to accommodate new building construction for property owners displaced when the original West Hurley was inundated. Past Moore Lane, the northerly frontage along Route 28 is also in NYCDEP ownership. There are only a few parcels between Bristol Hill Road and Boulevard Road which are privately owned. Beyond Boulevard Road, the property on which Kenoza Lake is located is owned by an Association and is largely wetlands. There are few opportunities for new construction. Thus, the pattern has been for older dwellings to be reused for business use. This lends Route 28 its existing character – it has not been heavily commercialized, unlike properties in neighboring communities to the east. The Town Board is presently in the process of working with the Central Catskill Collaborative to be added as an official community along the Catskill Mountain Scenic Byway.



Figure 6: Businesses along Route 28 demonstrating the adaptive reuse and design characteristics of existing architecture in Town.

As per the 2016 NYS Open Space Conservation Plan: “New York State Route 28 is the primary road corridor through the central Catskill high peaks region, connecting population centers and major interstates in metropolitan Kingston and Oneonta. Because of this existing transportation infrastructure, it is well suited for sustainable small-scale economic development to draw visitors, support local businesses and preserve the natural environment. This area provides an opportunity to simultaneously protect land and promote growth in the Catskills using outdoor recreation-based tourism that focuses on land preservation and controlled recreational use of public natural areas Environmentally sound economic development initiatives here are very



sustainable. It is a potential State Scenic Byway<sup>2</sup> and includes eastern and western gateways to the Catskill Park. Priority areas along this route are known as Gateway Properties, lands adjacent to, and visible from, the easternmost five or six miles of Rt. 28<sup>3</sup>. Gateway properties listed in the open space plan include Tonshi (also “Tonshe”) Mountain (a portion is in the Town) and Kenozia Lake.

### *US Route 209*

US Route 209 is a federal highway which was one of the original highways in the 1926 U.S. Highway System plan<sup>4</sup>. In the Town of Hurley, it extends from the Town of Marbletown to the south and the Town of Ulster to the north. Route 209 is about 3 miles in length – north of the hamlet on both sides of the road is constrained by floodplains and wetlands. Also, direct access to Route 209 is constrained by the presence of the O&W trail on the east side of the route – it is not until reaching Bessal Road at the south end of Hurley that properties have direct frontage on Route 209 without crossing the rail trail.

Also, most properties on the west side of Route 209 do not maintain frontage or get access from Route 209 – access is provided from other local roads, including Route 209. As a result, Route 209 is free from commercialization. In places, Route 209 provides expansive views of the agricultural plains of the Hurley Flats.

## **B.1-3 TOWN**

### *Hurley Flats*

Hurley Flats lies to the west of Route 209 and east of Hurley Mountain Road. Hurley Flats is encompassed within the 100-year floodplain and is drained by Esopus Creek. It is also at the base of the beginning of the Catskill “escarpment”. Soils are extremely fertile, consisting mostly of Unadilla, Sun, and Tioga soil map units, and all designed as prime farmland soils. The Hurley Flats represent the agricultural core for the Town of Hurley. The Esopus Creek “corridor” is a priority open space conservation area identified in the 2016 New York State Open Space Plan.

### *Ashokan Reservoir, and its watershed*

The Ashokan (meaning “Place of Fish”) Reservoir was created in 1915 and encompasses approximately 8,315 acres within the Towns of Hurley, Olive and a small area in the Town of Marbletown. Ashokan Reservoir is one of the two reservoirs in the New York City Catskill water supply system. Schoharie Reservoir’s waters flows into Ashokan via the Shandaken Tunnel and Esopus Creek. Including the water it receives from Schoharie Reservoir, Ashokan Reservoir supplies about 40% of New York City’s daily drinking water.<sup>5</sup> The reservoir is stocked with Brown trout which supplements the wild populations of both Brown and Rainbow Trout. Other cold and warm water fish are prevalent, and the reservoir is a major resource for anglers.

The reservoir is an Audubon-designed important birding area (IBA), and according to the organization’s website, has supported a nesting pair of Bald Eagles – it also hosts Bald Eagles during the winter months. The reservoir

<sup>2</sup> The Town is in the process of being included as a scenic byway community.

<sup>3</sup> [https://www.dec.ny.gov/docs/lands\\_forests\\_pdf/osp2016final1.pdf](https://www.dec.ny.gov/docs/lands_forests_pdf/osp2016final1.pdf)

<sup>4</sup> [https://en.wikipedia.org/wiki/U.S.\\_Route\\_209](https://en.wikipedia.org/wiki/U.S._Route_209)

<sup>5</sup> <https://www.nyc.gov/site/dep/water/ashokan-reservoir.page>



serves as a stopover site for waterfowl, including significant populations of American Black Ducks and Common Loons. Surrounding woodlands support breeding Red-shouldered Hawks, as well as other breeding at-risk birds, including American Black Ducks, American Woodcocks, Whip-poor-wills, Red-headed Woodpeckers, Willow Flycatchers, Wood Thrushes, Blue-winged Warblers, Prairie Warblers, and Worm-eating Warblers. Migrating at-risk species include Pied-billed Grebes (potential breeder), Ospreys, Sharp-shinned Hawks, Cooper's Hawks, and Peregrine Falcons. In the fall, when the reservoir is low, the site also supports shorebirds, including American Golden-Plovers, Pectoral Sandpipers, Whiterumped Sandpipers, and Baird's Sandpipers. Flocks of Snow Buntings and Lapland Longspurs also use the site during the fall.

The NYCDEP regulates lands within the watershed area to ensure water quality is kept high. Portions of Maverick Road and the uplands west and north of the road are in the watershed area, including all of the Glenford hamlet area. Some lands to the south of Route 28A are also included in the watershed, including Town of Hurley municipal property which includes the municipal park and highway garage. The areas of the Town within the watershed are primarily vacant or in low-density residential use, with some scattered businesses.

The 2016 New York State Open Space Conservation Plan recommends that watershed lands continue to be acquired to protect water quality and for natural resource protection.

### *Catskills and Forest Lands*

The lands outside the hamlets, and generally east of Hurley Mountain Road and the reservoir, are within Catskill Forest Preserve, also referred to as Catskill State Park. Specifically, the Town, except for Hurley Flats and the Hurley hamlet, are within the Catskill Park. It is one of the two "forever wild" areas in the State, the other being the Adirondacks. Within the Town on the north side of the reservoir, Tonshi Mountain and Ohayo Mountain are an "edge" of the escarpment with steeply flanking slopes that descend in elevation approaching the reservoir. Maverick Road is a road that generally defines these forested areas of the Town from the West Hurley hamlet. South of the reservoir, all of the lands between the reservoir and Hurley Mountain Road are located within this area. While the south side of the reservoir is not as steeply sloping, it still includes the characteristic geology and forested lands as the north end, deeply dissected by streams.

Within these areas, there are scattered businesses, but most of the land is either vacant or in very low density residential use. Parcels are larger, and largely constrained by slopes and bedrock. Because of the land's constraints, most dwellings front along existing roads, and smaller subdivisions are the norm. North of the reservoir, this area of the Town is highly visible and part of the significant and scenic panorama of land visible from many regional highways and trails. Lands on the south side of the reservoir are less visible, except for those properties which are located right at the edge of an escarpment paralleling Hurley Mountain Road. The land is so rugged, that many of the original lots created out of the Hardenburgh Patent are still intact as tax lots which have not been further subdivided.

Various lands in the vicinity of Morgan Hill are owned by the NYSDEC and within the Blue Stone Wild Forest Area, a priority open space area identified in the state's 2016 Open Space Plan. Specifically: "Just west of Kingston in Ulster County, covering and connecting four towns, this area is actively used by mountain bikers, hikers and birders but holds great potential for expansion and further development of its trail system as a mountain biking destination. The topography, terrain, and precipitation pattern in this part of the Catskills are



conducive to more intensive recreational uses with minimal damage to natural resources. Within the boundaries of Bluestone Wild Forest are areas of significant historical and cultural significance, including the bluestone quarry industry... Protecting, connecting, and potentially expanding some of these tracts as part of the overall protection plan for Blue Stone Wild Forest will facilitate their consolidation into larger, coherent open space resources within and between communities facing ever increasing development pressures.<sup>6</sup>

## B.2 CONCEPTUAL LAND USE PLAN

The Vision for the Town of Hurley as supported by public feedback, and revolves around the concept of “protect, respect, connect.” Future land use policies for the Town of Hurley are to **protect** the natural environment; **respect** the qualities of the built environment that give Hurley its community character while continuing to **connect** neighborhoods and residents to each other in safe and sustainable ways.

The Conceptual Land Use Plan identifies where growth and expansion should occur. It acknowledges current and anticipated realities, as set forth previously:

- Much of the land in the Town is constrained by steep slopes, wetlands, and shallow depth to bedrock;
- Land is highly regulated within the NYCDEP watershed in order to protect the water quality of the Ashokan Reservoir;
- The Town lacks public centralized water and sewer service;
- Property along the primary corridors in the Town, which would be expected to accommodate growth, are limited in terms of property size and lack of direct frontage to the highway, and much land is in public ownership.

The Plan also recognizes:

- The Town is breathtakingly beautiful and is within important regional viewsheds that need to be protected;
- It has a rich pre-contact (Native American) and post-contact history - while prehistoric and historic resources are located throughout the Town, e.g., its historic bluestone industry, a concentration of these resources are located in its hamlets;
- the agricultural base in the Hurley Flats is significant and sustainable;
- there is opportunity for incremental residential and nonresidential growth and expansion along the Town’s corridors and hamlets;
- Like the 2006 Plan, this Plan Update desires to maintain the livability of the Town for an age and income-diverse community.
- Sensitive and appropriate nonresidential development outside the corridors and hamlets would allow for limited opportunities to grow the Town’s economy, provided those opportunities are consistent with the Town’s aforementioned goals.

A primary purpose of this Plan Update is to express the community’s preferences for land use – the types, pattern, intensity and density for the residential, nonresidential, and open space areas within the Town. This pattern is based on a consideration of the relationship of uses to one another and within the hamlets, the

<sup>6</sup> [https://www.dec.ny.gov/docs/lands\\_forests\\_pdf/osp2016final1.pdf](https://www.dec.ny.gov/docs/lands_forests_pdf/osp2016final1.pdf)



underlying environment, transportation system and utility availability, proximity to community services, and input expressed by Town residents. This pattern should not and is not based on one factor, e.g., sewer availability, but by all factors that are have been considered collectively to develop the Conceptual Land Use Plan.

The Conceptual Land Use Plan serves as the basis for the Town's long term future growth and development, consistent with the expressed Vision Statement. It builds upon and considers the previous Plan.

Ultimately, the land pattern will be implemented by adoption of revisions to Chapter 210, Zoning. The Conceptual Land Use Plan is intentionally drawn to have generalized and non-specific boundaries, so that flexibility and discretion can be used at the time that the Town translates the conceptual land use areas into distinct zoning districts. The following descriptions identify the land use areas that constitute the Town.

A map of these conceptual areas is provided in **Map 1**.

## B.2-1 CONCEPTUAL LAND USE PLAN

### *Open Space-Residential Land Use Area*

The open space residential area consists of the steeply sloping hillsides, ridgeline and hilltops associated with Tonshi and Oyaho Mountains. A large swath of this area drains to the Ashokan Reservoir. This area of the Town is the most visible in the community, and views across the Ashokan Reservoir are overlooking this range. Several parcels along the slopes of this range have already been acquired by the NYCDEP, including the Green Eye, Boulevard Road, and Yankeetown Road units. Conservation easements have also been acquired for parcels of land within this area. This portion of the Town is within Priority Area 1B identified in the NYCDEP Memorandum of Agreement – these are the subbasins within 60-day travel time to drinking water distribution locations – this is the second highest priority designation for land acquisition. Because of the rugged terrain of this area, many of the dwellings are constructed along the few County and Town roads that traverse this mountainous location. Development is served by individual wells and septic systems due to limitations for extending any centralized services to these remote areas of the Town. The 2006 Plan had recommended reducing the development density within this area. Consistent with the 2006 Plan, this Plan Update recommends reducing the residential density of this area in order to limit impacts to one of the Town's most significant viewsheds, to protect water quality, and to limit the total amount of community services demanded by these more remote areas of the Town. In terms of zoning, it is recommended that the Town explore a new zoning district that would have a lower density than the A-4 zone – this new district would encompass the ridgelines and slopes of Ohayo and Tonshi Mountains, as well as Ashokan Reservoir and the NYCDEP lands. This is also consistent with land use principles and zoning regulations in neighboring towns, such

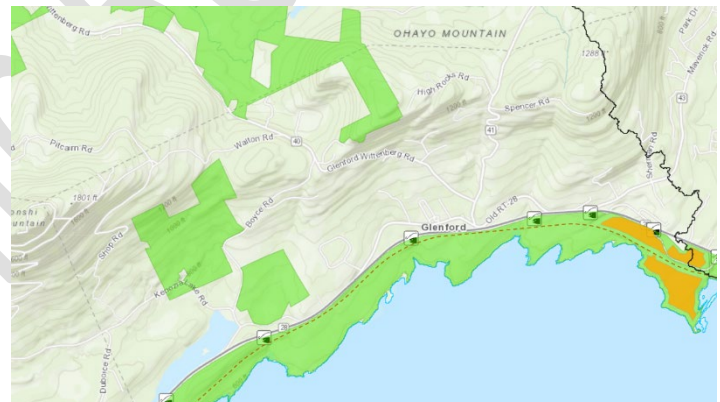


Figure 7 NYCDEP Management Units.

Source:

<https://nycdep.maps.arcgis.com/apps/webappviewer/index.html?id=9622fdc0897a4067a80fe25bc2f25f53>



as Woodstock and Olive. Land uses should be strictly limited to open space related uses, and single-family detached residential uses. Terrain adaptive housing should be pursued, so that new development sits within, and does not dominate, the visual landscape. Like the present visual assessment process conducted for properties in the A-4 zoning district, the same would occur here.

### *Agricultural Land Use Area*

The Hurley Flats is a very unique agricultural center within the Town of Hurley that has existed for generations, representing some of the first settlement areas in the Town. The flats encompass the fertile soils on either side of Esopus Creek. These farmlands are almost entirely encompassed within the 100-year floodplain; if these lands had not been drained, they would likely revert to wetlands. The soils in the Hurley Flats are classified as Prime Farmland and Soils of Statewide Importance, and are presently cultivated. Much of the property is controlled by the Hudson Valley Farm Hub, a non-profit center for regenerative agriculture located on about 1,500 acres<sup>7</sup>. The quintessential rural and agricultural landscape was memorialized by Winslow Homer and remains largely intact and the same. The lands between Hurley Mountain Road and Route 209 encompass uplands outside the cultivated landscape, which afford opportunity for use for farmers markets and other agricultural-related uses. It is recommended that the Town explore the creation of a new zoning district that would encompass the Hurley Flats and some of these uplands around Route 209, to allow a greater diversity of agricultural activities and uses in this area. Very low density, single-family detached residential uses would also be permitted.

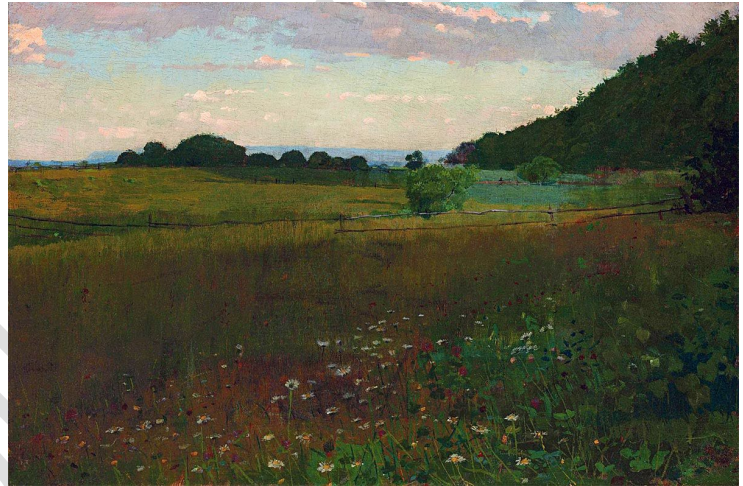


Figure 8 Evening, Winslow Homer, 1870. Views looking generally south from Wynkoop Road of the flats with Shawangunk Ridge in the distance.

### *Very Low-Density Open Space-Residential Land Use Area*

The very low-density open space areas would encompass lands which are mostly forested uplands to the south of the reservoir and also generally south of Morgan Hill Road, and north of the Agricultural Land Use Area. Here, soils are bedrock controlled with significant exposed bedrock, and the areas approaching the Hurley Flats are steeply sloping. Dug Hill Road is the only Town road which extends from this land use area to the Hurley hamlet, due to the steeply sloping terrain which limits any additional road connections. Bluestone Road, Eagle Nest Road, and Thielpape Road are all examples of roads which do not continue from north to south, due to environmental limitations such as steep slopes and bedrock. The lotting pattern in much of this area is historic and some parcels date to the 1700s. The long, generally north-south oriented tracts of land (one lot as long as two miles, and only about 300 feet in width) are from the re-allotment of the historic Colonial-era original Hurley Woods patent<sup>8</sup>. The environmental landscape in much of this area is deeply constrained by bedrock and slope and challenging to any development, and the lot shapes reflect the lack of subdivision of the

Source:

<https://www.hurleyheritagesociety.org/museum/winslow-homers-hurley/on-the-farm/evening-on-the-flats/>

<sup>7</sup> <https://hvfarmhub.org/>

<sup>8</sup> <https://web.archive.org/web/20131213180309/http://net.lib.byu.edu/fslab/restricted/OFAV3N1.pdf>





land in this part of Town. As such, much of this area is in open space and very low-density residential uses. Uses are served by individual septic systems and on-site wells.

This area is intended to remain largely as a very-low density residential area. In addition, there is opportunity to support local businesses, artisan-related and tourism-related uses, subject to appropriate controls which limit any impacts to adjoining residences. Agricultural uses would also be allowed. Given the larger lot sizes in this area of the Town, it is possible to support small scale businesses and appropriately buffer them from their neighbors. It is anticipated that these areas will remain largely zoned as they are at present. In general, this area is zoned A-4 – the boundaries should be checked to ensure that it appropriately encompasses lands that are more versus less constrained to development.

### *Low Density Residential Land Use Area*

These areas serve as transitional areas between the very low density and open space areas of the Town, and the residential neighborhoods that have been settled in and around the Town's primary hamlets – West Hurley and Hurley. The exception is the low-density residential land use area which has evolved just to the south of the reservoir, in and around Route 28A and Dug Hill Road. The Town's highway garage and Town Park are located off of Dug Hill Road. Many of the residents that live in this area may also maintain home businesses. Scattered throughout this area are miscellaneous commercial and other nonresidential uses, including crafting businesses (pottery, retailers), retreat centers, masonry, massage therapists, and the NY Conservatory for the Arts.

The other low density residential area would be southeast of Route 209, and near and south of the end of Mountainview Avenue and Dewitt Mills Road. Here, lands are constrained by large NYSDEC-regulated wetlands (identified as KW-8 and KW-9 and KW-11 and KW-12 on NYSDEC wetland maps).

Throughout the low-density residential land use areas, bedrock is present.

This area is intended to remain largely as a low-density residential area. In addition, there is opportunity to support local businesses, artisan-related and tourism-related uses, subject to appropriate controls which limit any impacts to adjoining residences. Agricultural uses would also be allowed. Given the larger lot sizes in this area of the Town, it is possible to support small scale businesses and appropriately buffer them from their neighbors. It is anticipated that these areas will remain largely zoned as they are at present. In general, this area is zoned A-2.5 – the boundaries should be checked to ensure that it appropriately encompasses lands that are more versus less constrained to development.

### *Hamlet Residential Land Use Areas*

The Hamlet Residential Land Use Areas encompass the residential neighborhoods that are within the Town's primary hamlets – West Hurley and Hurley. Within the older residential neighborhoods, lots are typically one-quarter to one-third of an acre although lots can be smaller. Some of the subdivisions in the Hurley and West Hurley hamlets are served by central water but not central sewer. More recent subdivisions have resulted in the development of single-family homes on 1 acre and larger lots.

In general, these areas are zoned presently as R-1 and R-2. The R-2 zoning district allows smaller lots than the R-1, where central sewer and/or central water is available. Except for the lot sizes, there is almost no difference in



the types of uses allowed within these two zoning districts, and specifically no differentiation in the types of dwellings allowed. These districts allow one-family detached dwellings by right, and two-family dwellings subject to site plan review. Three-family and multifamily dwellings are allowed subject to a special use permit. The Plan Update recommends that detailed standards be incorporated into the zoning chapter to regulate three-family and multifamily dwellings, as none exist at this time, except for “conversion” from a pre-existing residential or nonresidential structure. Other uses that are appropriate for these areas are those that support residential neighborhoods, such as schools, libraries, fire halls, and places of worship.

### *Historic Hamlet Mixed Use Land Use Area*

This land use area encompasses the Hurley National Register Historic District and surrounding properties. It encompasses the stone houses along Main Street. Parcel sizes vary but can be as small as 0.2 acres. The historic hamlet mixed use area is anchored by the Hurley Reformed Church to the west, extending to Hurley Avenue Extension, crossing over the New York State Thruway. At present, this area is zoned as the H, Historical, zone and the R-2 zone. The H zone is intended to preserve and enhance the Town’s historic resources through review provisions that ensure compatibility with the existing structures in terms of architectural design, materials and colors.

In general, given the historic nature of this area, the focus for the zone should be on one-family dwellings, and to strictly limit the conversion of these buildings into additional dwellings. Residential conversions to multifamily dwellings and boardinghouses are not appropriate. Some limited artisanal retail type uses should be considered. While the intent of the zoning is not to create a “living museum,” artisans in quilting, soaps, candles, metalworking, and similar small-scale businesses would provide additional uses in this area, and bring people to old Hurley hamlet. Other uses to consider would be antique and book shops, and small sit-down eateries such as a tea room.

With regard to design, it may be appropriate to create a separate hamlet scenic overlay which would regulate activities that would affect the design of historic buildings in this area. The overlay would likely encompass more properties that are beyond the boundaries of the existing Historical zoning district, including but limited to some historic properties extending up Zandhoek Road. The Historic zone boundary needs to ensure that it encompasses many of the historic properties in the area of the Main Street Historic District, which contributes to the overall feel of this historic hamlet.

### *Neighborhood Mixed Use Land Use Areas*

These land use areas are found throughout the Town. The land uses that are allowed would include small-scale commercial uses and residential uses, including a variety of residential housing types. Where these neighborhood mixed uses zoning districts are located along Route 28, the intent would be to allow for the adaptive reuse of the dwellings into nonresidential uses, to continue the existing scale of development.

The Neighborhood Mixed Use Land Areas encompass properties that are presently zoned either NC or B-1. Both of these zoning districts allow residential uses; the primary distinguishing criteria for location is based on whether the zone is on a state highway or not. However, the Plan Update recommends considering whether these distinctions are appropriate or necessary.



Appropriate uses would include a variety of housing types, including one-family, two-family, three-family and senior housing on a range of lot sizes (subject to central water/sewer availability), retail, personal service and business office uses, restaurants and other gathering places. Mixed uses, e.g., a building with both nonresidential uses at the ground floor level, and a residential use in an upper story or behind the nonresidential use, would be allowed. These land use areas would be interconnected with the adjoining residential areas they can serve, through pedestrian and road connections. Uses within these mixed use areas would be subject to design standards. A maximum scale would be imposed on nonresidential uses by regulating impervious surface area coverage, building floor area ratio or building footprint.

**Office/Light Industrial Land Use Areas**

Within the Town, there are certain areas which only allow nonresidential uses, and which are zoned I-1. The largest of these zoning districts is located between Basin Road/Route 28A and the Town line with the Town of Kingston, which contains an assortment of uses, including a recording studio, a restaurant, and contractor establishments. There are a number of residential properties, as many as there are nonresidential properties, in this zoning district. Uncontrolled filling and grading, including filling of wetlands, has been observed on several properties. The other I-1 zone encompasses one property located along Route 28A, and which is used as a storage warehouse building, and is presently occupied by a fuel distributor.

Proper enforcement of these land use areas is necessary to maintain the same high quality environment intended throughout the Town. There are other properties in the Town which are identified as an office/light industrial area, including the Numrich Gun Parts property and the Fish Creek Iron, a steel fabricator. A concept introduced by the Plan Update is to create an industrial-type floating zone, which would allow light industrial uses to be located within the Town, provided they meet a set of locational and design standards. There may be appropriate larger-scale businesses and technology businesses that could settle in the Town, provide they do not impact neighboring residential properties.

**B.3 LAND PATTERN GOALS AND RECOMMENDATIONS**

Below are the goals and recommendations intended to implement the Conceptual Land Use Plan.

**LAND PATTERNS: Goals and Recommendations**

<b>LP1. Update the Town’s zoning chapter and zoning map to reflect the recommendations of the Comprehensive Plan Update.</b>	
LP1-1	<b>Consider creating a new residential zoning district for the Ohayo-Tonshi Mountain area of the Town.</b> The new zoning district would encompass the hillsides, ridgelines and hilltops of the Ohayo and Tonshi Mountain area of the Town. Lot sizes would be increased from 4 acre to 8-10 acres. In addition, the Planning Board would be given authority to require cluster or conservation subdivision in order to protect any scenic views of this area. Lastly, this area would be subject to appropriate controls, including visual impact assessments.
LP1-2	<b>Consider creating a new Agriculture zoning district to encompass Hurley Flats.</b> The Plan Update recommends that a new zoning district be created that would encompass the Hurley Flats and some adjoining upland properties. The intent is to specifically allow agricultural uses within the zoning district. Pre-existing residential uses would be



**LAND PATTERNS: Goals and Recommendations**

	<p>allowed to continue. Other agricultural-related uses, such as an on-site farm market, restaurant, tasting room, and other uses could be subject to site plan review and approval when developed in conjunction with an agricultural operation. Breweries, wineries, small-scale food production, in association with farms, subject to appropriate standards to minimize conflicts between residential and agricultural production uses, could be allowed. Accessory activities for farm-related uses might include event venues, farm markets, farm-to-table restaurants, farm breweries or distilleries, overnight accommodations, education centers or youth camps. Temporary installations such as seasonal festivals, markets, food trucks or other events could be allowed through a permit with the building department, or limited Planning Board approval as long as adequate parking and circulation can be accommodated on site.</p> <p>Agritourism uses should be defined and could encompass restaurants, distilleries, breweries, overnight accommodations, educational facilities, experiential farm activities such as farm markets, corn mazes, pick your own produce and so forth. Agricultural value-added production should also be considered. Simply put, a farm that makes jam from its fruit, or marinara sauce or salsa from its tomatoes, is creating added value to farm products.</p>
<p>LP1-3</p>	<p><b>Consider merging the NC and B-1 zoning districts into one Neighborhood Mixed Use Zoning District.</b> Review the NC and B-1 zoning districts and develop a list of residential and nonresidential uses that would be appropriate to all locations that are presently zoned NC and B-1. Mixed uses, i.e., residential and nonresidential uses in one building, should be allowed explicitly.</p>
<p>LP1-4</p>	<p><b>Consider creation of an “I” floating zone district.</b> The I zone would encompass properties described in the Conceptual Land Use discussion above and would also be a floating zone which could be applied to properties in the future. The Light Industrial (LI) District would permits research, heavy commercial, manufacturing, and wholesale business uses in accordance with performance standards. The Town Board would be required to approve the “landing” of a zone, subject to specific locational criteria. It would be envisioned that the I zone would not land within areas that would be zoned A-2.5, NC, or B. The minimum lot size would be required to be larger than the underlying district, with appropriate setbacks from any adjoining residential properties.</p>
<p>LP1-5</p>	<p><b>Update the H zoning district to allow a greater variety of land uses.</b> Allow additional uses, including antique shops, coffee and tea shops, small scale restaurants, artisan and craft shops, provided all uses adaptively reuse and protect the architecture, design and historic elements of any locally designated or National Register properties in the zoning district.</p>
<p>LP1-6</p>	<p><b>Create a historic design overlay zoning district.</b> The overlay district would include the H zone, as well as additional historic properties that surrounding the main street historic district. This would ensure that alterations to any historic buildings in and around the main street “core” of the Hurley hamlet are protected, and any alterations are appropriate to the historic character of the overall area.</p>
<p><b>LP2. Encourage a greater variety of housing types, particularly within the neighborhood mixed use zones and control the scale and size of dwellings and development to ensure they fit into the Town’s community character.</b></p>	
<p>LP2-1</p>	<p><b>Support senior housing opportunities.</b> Consider methods to allow older residents to “age in place” such as encouraging accessory dwellings to one-family dwellings. Explore</p>



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	alternative housing types for seniors that could be supported by the Town. Senior housing would be promoted in the Mixed Use Neighborhood land use areas.
LP2-2	<b>Residential conversions.</b> Review regulations related to the conversion of residential buildings to ensure that additional residential density can be practically accommodated but remains consistent with the rural community character of the Town. Consider whether, and under what conditions other building types may be appropriate for conversion to residential units. In addition, standards for minimum dwelling size, total number of dwellings in a building, and other standards need to be implemented.
LP2-3	<b>Accessory dwellings.</b> Review the accessory dwelling regulations to ensure it is not overly regulated if the intent is to promote these dwellings as affordable alternatives. Specifically, some communities allow accessory dwellings subject to a building permit only. Alternatively, full site plan review should not be required, if it can be determined with certainty, and based on an existing up-to-date survey, that the accessory dwelling can be accommodated in accordance with the zoning regulations. Some communities allow the owner to reside in the accessory apartment, e.g., an older resident who rents the main dwelling to a family.
LP2-4	<b>Two-family dwellings.</b> Consider requiring additional land area for two-family dwellings, where allowed, to ensure there is sufficient room for the additional parking and yard needs of two dwellings on the same lot.
LP2-5	<b>Tiny houses.</b> Tiny houses continue to be a trend in housing options and are now regulated by Appendix Q in the NYS Residential Code, and is defined as a dwelling unit which is 400 square feet or less excluding loft space. Tiny houses, if maintained on a trailer, may also fall under the category of a recreational vehicle. The Town should assess whether it wants to permit tiny houses, either as a dwelling or seasonable type of unit, and appropriately regulate them.
LP2-6	<b>ECHO Housing.</b> ECHO is an acronym for Elder Cottage Housing Opportunity. Elder cottages are small, separate, manufactured residences (like tiny houses) that are temporarily placed in a rear yard of another dwelling, often limited to use by an elderly parent or family member of the owners of the main dwelling. Benefits include: the elder and the host family maintain their privacy and dignity; it can improve the mental health of the older resident, stress on caregivers is reduced and family cohesiveness is preserved; placing a temporary elder cottage near one’s home is also more cost-effective and timely than making in-home modifications; it can be more affordable than nursing home care; and access to an elder cottage can prevent premature institutionalization of an older adult. These can be allowed on a temporary basis, where the unit is removed after the elder adult is no longer inhabiting the unit, or could be converted to an accessory apartment.
LP2-7	<b>Multiple dwellings.</b> Review the Town’s multiple dwellings law. This law allows multiple principal residential structures on the same lot.
LP2-8	<b>Multifamily housing.</b> Review the special use permit regulations for multifamily housing to ensure that new housing fits into the Town’s land use pattern at a scale and intensity appropriate for the Town. At this time, there are no standards for multifamily housing developments within the Town. Appropriate special use permit regulations need to be developed to guide appropriate construction of this housing type. With proper regulation of multifamily housing, consider eliminating boardinghouses as an allowable use.
LP2-9	<b>Planned residential development (PRD).</b> Revisit the Planned Residential Development floating district and whether to revise/eliminate the regulations. PRDs are regulated in



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Section 210-45 of the zoning chapter. A PRD requires a zone change approved by the Town Board. The locational criteria requires that the PRD is 50 acres or more, and that it have at least 200 feet of frontage on and direct access to a state or county highway. The PRD essentially allows for a range of housing types, specifically one-family, townhouses, and multifamily residences. While it also allows nonresidential uses, it does not mandate a mix of residential and nonresidential uses. The maximum density is two dwelling units per gross acre devoted to residential use, and the initial size of a development shall not be less than 50 units. The amount of open space is limited to 30 percent of the gross site area of the PRD, which is not significant in relation to the increase in development intensity which is allowed.

As an example of how these provisions may be applied to parcels in the Town, County roads traverse the A-2.5 and A-4 zoning district where 50-acre plus parcels are present. The below illustrates the increase in housing allowed by the PRD zone on a 50-acre property. Other than allowing a significant amount of additional residential development, the PRD has little other explicit benefits, such as requiring a percentage to be affordable, requiring a housing mix (not all multifamily) for housing diversity, requiring some nonresidential ratables to serve the development, or other benefits. Further, there are large lots and landholdings in the Town in excess of 300 acres, which could result in over 600 dwelling units. The regulations do not require that environmental constraints, such as wetlands or steep slopes or floodplains, be subtracted from the density calculation.

A-4 (4 acres/unit)	A-2.5 (2.5 acres/unit)	PRD (0.5 acres/unit)
50 acre parcel yields:		
12.5, say 12 units	20 units	100 units
12% of the PRD density	20 percent of the PRD density	Allows 8 times more housing than A-4 zone, and 5 times more housing than A-2.5 zone

As an alternative, the Town can instead consider adopting incentive zoning provisions, where the base number of allowable dwelling units is allowed to be increased, provided that the Town finds that a project will offer defined benefits. As per NYS Town Law 261-b, "incentives or bonuses" mean adjustments to the permissible population density, area, height, open space, use, or other provisions of the zoning for a specific purpose authorized by the Town Board. "Incentive zoning" is the system by which specific incentives are granted, on condition that specific physical, social, or cultural benefits or amenities would benefit the Town. These benefits are defined by NYS Town Law, and include open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community which are authorized by the Town Board. For example, a project which is determined to yield 25 dwellings, may be allowed additional housing units provided a percentage of the dwelling units are set aside for seniors. The use of incentives should be considered as an alternative option to the existing PRD provisions. If PRD provisions are retained, the Town should consider: a maximum acreage to which it can be applied; separation distance between two PRDs; subtraction



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of environmental constraints when determining yield; mandating a housing mix; and other considerations.

**LP3. Ensure that new non-residential development is well-defined, and designed to fit into the community character of the Town and facilitates safe access for all users.**

LP3-1

**Adaptive reuse.** Explore the appropriate adaptive reuse of residential and non-residential buildings for new non-residential uses. Adaptive reuse is the process by which existing buildings are adapted for a use other than which it was originally built or designed for. This method can support development that is more consistent with the community character of a Town as it does not significantly change, and can be encouraged to improve, visual conditions of an existing site. The image presents a bank



which adaptively reused an existing farm building for its operation in Chester, NY. Parking is the rear of the building, a landscaped front yard has been retained, and the building is connected to the sidewalk system. Existing examples are already present

throughout the Town. The neighborhood mixed use areas should evolve through requiring adaptive reuse wherever possible and appropriate.

LP3-2

**Review nonresidential land uses and provide more specificity to allowable uses.** In general, the Town’s zoning list of allowable uses, and the definitions applicable to same, need to be updated. In some instances, the uses are very broad, and subject to much interpretation, which can lead to controversy. For example, one category of use is “retail business or service not otherwise mentioned herein” – the same applies to “wholesale business or service not otherwise specifically mentioned herein”. This would seemingly allow any retail business or service – a very broad category which could range from candlemaking to contractor’s yard, each with very different impacts on surrounding uses. Each use in the use table should be defined to limit the potential for inappropriate interpretations and a more comprehensive list of allowable uses incorporated into the zoning chapter.

LP3-3

**Consider how drive-throughs should be regulated.** Drive-throughs are not explicitly regulated by the zoning law. Drive-throughs allow for business and transactions to be conducted, with customers/clients who drive up to a window and remain in their vehicles. Current trends in design result in the driveway and parking lot taking up significantly more space than the building within which the business is located. The idling from vehicles within queues result in excess air emissions of pollutants and inefficient energy use of fuels. Many businesses are attempting to eliminate a bypass or escape lane, further trapping vehicles to wait within a queue. Other negative aspects of drive-throughs are that they generate less property tax revenue because the drive-through lanes and additional infrastructure take up more space than a conventional storefront without a drive-through. Drive-throughs are also significant traffic



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	generators, and if not located on a properly sized lot, can result in traffic back-ups and traffic conflicts spilling onto the adjoining street. They are also not beneficial to pedestrian environments, with the potential for accidents to increase between pedestrian and vehicle conflicting movements. The zoning chapter needs to address drive-through facilities for all types of uses, from banks to pharmacies to fast food restaurants, and prohibit, or limit and regulate them appropriately.
LP3-4	<b>Consider regulating “formula” businesses.</b> Standards that regulate formula businesses help preserve neighborhood character, support the local economy, and recirculate wealth within communities. They can prevent environmental impacts typically associated with larger businesses, such as traffic congestion and air pollution. Concerns with formula businesses include visual impacts, where large format retailers introduce, excessive parking lot space, elimination of local homegrown stores, inaccessibility to pedestrians, increased traffic and related pollution while placing unacceptable demands on existing infrastructure. Long-term, concerns exist about the future inability to reuse large empty structures (and their parking lots) should a store be abandoned. Communities seek to protect local economies and businesses, home values, safe traffic circulation, and visual, air, and water quality. To that end, measures that would protect the Town include: limitations on building footprint/size; design and architectural standards; limits on total impervious surface area; requirements for pedestrian circulation, and similar measures.
<b>LP4. Encourage appropriate tourism and tourism-related land uses at an acceptable scale and intensity for the Town.</b>	
LP4-1	<b>Encourage nonresidential tourism uses throughout the Town in accordance with appropriate design standards.</b>
LP4-2	<b>Allow small-scale overnight accommodation.</b> The Town at present already allows vacation resorts, camps, cottages or cabin development, hotels, and bed and breakfast inns in the A-4 and A-2.5 zoning districts. Some of the issues with regulation of these uses include ambiguous definitions (what is a summer colony) or a lack of definitions – what is a cabin versus cottage, and must it be seasonal? Further, it lumps different types of uses into one set of special use permit regulations. The Town needs to define the types of acceptable overnight accommodations it would allow, where those uses should be allowed, and any limits on the size/scale/density/intensity of these developments. At present, the standards are limited to: fire and police accessibility, water and sewage disposal availability, and setbacks from property lines (50 or 200 feet, depending on the use). The regulations do not address the total number of cottages, cabins, tents, and any accessory uses in association with these activities. It is unclear if these definitions would allow recreational vehicles and tiny houses. Standards need to be updated, to address the intensity of any potential use. Further, there should be upper limits on the total number of camps, cabins, etc., beyond which the Town may want to consider implementing a floating zone for larger-scale tourism uses, as has been done in other communities, or simply capping the total size.
LP4-3	<b>Consider creating a floating zone for larger-scale tourism-related overnight accommodation.</b> If the Town wants to consider larger-scale resort style developments, it could create a floating zone over which certain properties that exceed a certain size, or a project that proposes more tents, cabins, hotel units, etc., than a defined threshold is subject to creation of a floating zone, which would be a zone amendment issued by the Town Board. In this way, the Town Board has full discretion not to consider a project which by its nature is inconsistent with the intent of the Comprehensive Plan Update.





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**LP5. Update or introduce regulations for utility and resource extraction land uses.**

LP5-1	<p><b>Update the Town’s telecommunication facility regulations.</b> In general, the Town needs to update the existing regulations to address the Federal Communication Commission’s (FCC) “shot clock” rules that establish time frames within which State and local governments must complete their reviews. The shot clocks, which implement federal statutes, generally provide more time to review large-scale projects that may have comparatively large impacts and less time for collocations or modifications to existing deployments. In addition, the Town should consider prohibiting towers from the A-4 and any new lower density zoning district – the provider can request a use variance and make proof that there are no alternative locations for a provider.</p>
LP5-2	<p><b>Forestry.</b> In 2004, a “Right to Practice Forestry” bill took effect. The adopted bill requires that local land use regulations facilitate the practice of forestry. The Town should consider establishing best management practices for forestry – recommendations are included here:  <a href="https://www.dec.ny.gov/docs/lands_forests_pdf/guidetoforestry.pdf">https://www.dec.ny.gov/docs/lands_forests_pdf/guidetoforestry.pdf</a></p>
LP5-3	<p><b>Create regulations for battery storage.</b> Utility scale battery storage would be an inappropriate use for the Town, given the sensitivity of the Town’s groundwater resources. However, appropriate regulations should be implemented for battery storage in dwellings and other buildings. At present, the Town’s zoning chapter does not regulate these uses, and it is unclear what types of approvals, if any, would be required.</p>
LP5-4	<p><b>Review solar energy system regulations.</b> As part of the review of the Town’s zoning chapter, the current solar energy system regulations should be reviewed and updated, as necessary, to ensure that utility-scale solar systems are allowed on properties that can appropriately accommodate these systems, and to review the smaller scale solar systems to ensure that the size, especially of ground mounted solar systems, is not impactful to adjoining uses. Consideration should be given to establishing a maximum size, in terms of gross square footage, or relating the maximum size to the building footprint of the building(s) it will serve.</p>

**LP6. Update the Town zoning chapter and subdivision regulations to be consistent with the 2023 Comprehensive Plan Update.**

LP6-1	<p><b>Update the site plan regulations.</b> The site plan regulations will be updated to ensure be more descriptive of the requirements applicable to site plan review. A waiver provision will also be added, in order for certain submissions to be waived, where they are not relevant to an application.</p>
LP6-2	<p><b>Update special use permit standards.</b> The general standards for special use permit decisionmaking will be updated to comprehensively set forth design standards that need to be considered when reviewing a special use permit. In addition, uses that are allowed by special use permit will be reviewed to assess whether they are regulated by individual standards applicable to the specific special use – individual standards will be added, as necessary.</p>
LP6-3	<p><b>Update all timeframes and review processes to be consistent with NYS Town Law.</b> The zoning chapter and subdivision regulations will be updated to conform to the timeframes and procedures set forth in NYS Town Law.</p>
LP6-4	<p><b>Eliminate the referral requirements related to Planning Board review of ZBA actions.</b> Section 210-58C. requires that all appeals and/or applications to be submitted to the Board of Appeals be forwarded to the Planning. The Planning Board is required to submit a report with an advisory opinion to the Code Enforcement Officer prior to the date of any Board of Appeals public hearing. The failure of the Planning Board to submit</p>



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	<p>such opinion with 60 days shall be interpreted as a favorable opinion for the appeal or application. As a general matter, except for subdivisions, where the Planning Board <u>may</u> provide an opinion to the Board of Appeals, such review is not required under NYS Town Law. Referral of all ZBA applications to the Planning Board results in unnecessary delay to the processing of applications before the ZBA and is not common practice in NYS. The Plan Update recommends that this provision be removed from the zoning chapter.</p>
<p>LP6-5</p>	<p><b>Update the zoning chapter and subdivision regulations to incorporate the revisions recommended in the Plan Update.</b> This Plan Update recommends certain zoning revisions be made in order to effectuate the goals and recommendations of the Plan Update. The recommendations are found throughout the various chapters of this plan document. The Zoning Committee will be tasked to work with the Town planning consultant to research zoning techniques that are most appropriate for implementing a recommendation. Not every potential zoning revision is set forth in the Plan Update, and upon adoption of the Plan Update, it is appropriate to conduct a comprehensive review of the zoning chapter to ensure that it matches the intent of the Plan Update and the expressed Vision for the Town. Similarly, the subdivision regulations will be updated to effectuate the Plan Update recommendations.</p>

FOR PUBLIC REVIEW

## C. FOSTER COMMUNITY CONNECTION

Town of Hurley residents, businesses, and landowners are served by a system of facilities, services, organizations and programs, which collectively improve the quality of life for the Town residents. The Town's resources are inventoried in Appendix C, Existing Conditions Report, and include but are not limited to the Town Hall and its governmental functions, two libraries, the West Hurley and Hurley fire departments, a recreational program and two parks, a neighborhood park in West Hurley, highway garage and services, and a Town Park along Dug Hill Road. Besides Town governmental functions, services are administered by various districts and outside agencies, including but not limited to school and emergency service providers, County DPW which maintains County roads and bridges, and the NYS State Police that patrol the community and its state highways. The Town desires to ensure that residents are served adequately by programs and facilities which enhance the livability and promote social connection in Hurley.

Community making also involves programs and activities that bring the Town residents together – those social activities where neighbors can enjoy the company of neighbors – and where neighbors can help neighbors.

This chapter also incorporates recommendations regarding the infrastructure necessary to serve the community, particular water supply and wastewater treatment. Most parcels in the Town are served by well and septic systems, however, two private water supply systems are also provided to specific neighborhoods in Hurley, Rolling Meadows Water Corporation and the Hudson Valley Water Company. These are described in **Appendix C**, Existing Conditions Report.

Infrastructure decisions in the Town of Hurley must support the other goals and recommendations of the Plan Update. For example, sewer and water should be installed only where it meets other goals, e.g., to allow development to be directed to areas of the Town where diverse housing opportunities are supported by the Plan Update, and support economic development initiatives. Conversely, sewer and water should not be introduced in areas to develop properties at a density in excess of what is recommended by the Plan Update. Wherever practicable, "green" or low impact infrastructure practices should be pursued. The use of green infrastructure can reduce energy needs, the demand for potable water, and the cost of maintenance. The ability to accommodate expansion of the hamlets depends in part on whether centralized wastewater treatment and water supply systems are made available.

Note that this section of the Plan Update addresses recreational opportunities and recommendations. The following chapter addresses recommendations related to open space preservation.

## COMMUNITY CONNECTION: Goals and Recommendations

### CC1. Pursue new and enhanced recreational amenities for Town residents.

CC1-1	<p><b>Pursue additional neighborhood pocket parks within the West Hurley and Hurley hamlets as part of any future subdivision of land.</b> The West Hurley hamlet, on the east side of Route 28, has limited recreational facilities. At this time, it is served by the recreation area that is located on the West Hurley Firehouse parcel. In the long-term, should the firehouse need the space for its own functions, it may no longer be available for resident use. The Town should consider other locations for recreation, which may be in front of the Planning Board for site or subdivision residential review, or lands that become available.</p>
CC1-2	<p><b>Explore a right of first refusal on lands owned and maintained by the Hurley Recreational Association, Inc.</b> A major privately-owned recreation amenity is located in the Hurley hamlet and is owned by the Hurley Recreation Association. The facility controls approximately 50± acres with frontage on, and located south of, DeWitt Mills Road. Amenities include swimming pools, tennis courts, baseball field, basketball court, pavilions, hiking trails, and offer programs such as a summer camp. A right of first refusal would allow the Town to consider acquisition of the property should the association decide to sell the property for other purposes.</p>
CC1-3	<p><b>Ensure that a recreation fee in lieu of land is being collected on residential site plans and subdivisions.</b> As per NYS Town Law (Section 274-a regarding site plans, and Section 276 regarding subdivisions), the Town can require that a park or playground be incorporated into a site plan or subdivision, or that money in lieu of parkland be set aside for parkland purposes. Specifically, before the Planning Board may approve a site plan or subdivision containing residential dwelling units, the plan must also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park be situated there. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular site plan will contribute.</p> <p>In the event the Planning Board finds that the proposed development presents a proper case for requiring a park, but that a suitable park of adequate size to meet the requirement cannot be properly located on the site, the Planning Board may require a sum of money in lieu thereof, to be established by the Town Board. Any monies required in lieu of land for a park must be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property. The Town Board needs to establish a fee, and ensure that the Planning Board is making appropriate findings related to whether or not a fee should be assessed.</p>
CC1-4	<p><b>Examine the West Hurley Park to determine if additional passive and active facilities can be constructed on the site.</b> The Town maintains a Townwide park along Dug Hill Road. The facility has a ballfield, soccer field, playground, basketball courts and tennis courts, as well as a pavilion and trail system, on 53.3 acres of land. It adjoins the Hurley Highway Department facility, which is encroaching onto the park property. The Town should examine whether it is feasible to add additional recreational facilities at this location, or whether it would be appropriate to accommodate any future expansion at an alternative location.</p>
CC1-5	<p><b>Partner with the organizations such as the Open Space Institute, NYSDEC, NYCDEP, and land conservancies to acquire additional sensitive open space properties.</b></p>
CC1-6	<p><b>Work with the NYSDEC to provide access to Bluestone Wild Forest in the Town.</b> NYSDEC controls about 953 acres of land in the Town, all of which is located to the south of the reservoir. In the portion of the forest located in the Towns of Kingston and Woodstock, the Onteora Lake Trails and Jockey Hill Bicycle Trails hiking and biking opportunities, and the forest lands also support paddling, fishing, and other recreational activities. Similarly, there are several large complexes of state forest land in the Town which could be developed for recreational opportunities for the benefit of the residents. One large area is at the end of Shultis Lane, where there is a 260-acre forest complex</p>

## COMMUNITY CONNECTION: Goals and Recommendations

through which Praymaker Brook flows. Another DEC complex of land encompasses Englishman's Brook, and a 107.4 acre property along the Town's boundary with Marbletown contains a large lake. All of these can be used for passive recreational activities, such as hiking, birdwatching, and similar uses. The Town needs to collaborate with the NYSDEC to acquire full access rights to these properties, through easements or purchase of additional lands, develop small parking lots, and create trails that would allow the properties to provide recreational amenities to the Town. Ensure that Town residents and visitors adhere to "Leave No Trace" policies.

CC1-7 **Work with the NYCDEP to provide access to its management units within the Town.** Like the NYSDEC lands, NYCDEP controls several large properties, including the Boulevard Road, Green Eyes, and Yankeetown Management areas. Although each area allows hiking, there are no trails or pull-offs for those who would access the properties. The Town needs to collaborate with the NYCDEP to acquire access to these properties, develop small parking lots, and create trails that would afford recreational opportunities to Town residents. The Town seeks to ensure that Town residents know the locations of parking lots and access points to these facilities, and a Town resource map will be created to show these locations and post on the website. Given the excessive wear and tear on DEC properties by large crowds visiting the sites since the pandemic occurred, and crowds not complying with the DEC's policy of "Leave No Trace" (<https://lnt.org/>), the Town will remind Town residents of these policies on the map and Town's website.

### CC2. Provide access to the Town's water resources for non-motorized recreational activities.

CC2-1 **Provide access to the lower Esopus Creek for fishing and paddling.** This has long been a recommendation that the Town has wanted to implement. There are a number of potential locations, but easements would have to be acquired. Potential locations for launch sites would allow easy access (without a significant topographic difference between the land and water) for non-motorized boats. Potential easements on properties near the Wynkoop Bridge, off of Old Route 209 near Town Hall, would be optimal.

### CC3. Complete the reconstruction/relocation of the Town Highway garage.

CC3-1 **Fund and complete the highway garage feasibility study.** The Town is in the process of studying the feasibility of relocating the highway garage. The feasibility study will consider the following: the highway functions which need to be met, and what needs to be accommodated on any site, environmental sensitivity of portions of the site which would be considered as alternate locations for activities, permitting (e.g., a portion of the site is in the NYCDEP watershed), whether there is any potential groundwater contamination associated with the landfill which would limit access to potable water, and other factors. This is a short-term recommendation that needs to be implemented, as the highway garage is operating out of temporary space.

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CC3-2

**Reconfigure the highway garage parcel lot, as necessary, to ensure that all highway garage activities remain on the highway garage lot.** At this time, the highway functions, including storage of tree debris, etc., are actually occurring on the Town park site. Parkland alienation occurs when a municipality wishes to convey, sell, or lease municipal parkland or discontinue its use as a park. Parkland alienation applies to every municipal park in the State, whether owned by a city, county, town, or village. In order to convey parkland away, or to use parkland for another purpose, a municipality must receive prior authorization from the State in the form of legislation enacted by the New York State Legislature and approved by the Governor. The bill by which the Legislature grants its authorization is commonly referred to as a parkland alienation bill. Highway activities are not permitted to occur on the Town park site, absent approval by the State Legislature. Either these activities must cease and be relocated, a request for alienation made, or the lot lines reconfigured to relocate the highway functions off the parkland property, with a concomitant addition of parkland from the highway garage site transferred.



### CC4. Protect the Town's aquifers and groundwater so that it can continue to provide safe drinking water to the Town's residents and water users.

CC4-1

**Within the zoning regulations, create a wellhead and aquifer protection overlay** (consistent with prior studies). As per the NYRWA's findings, the Plan Update recommends that the Town of Hurley develop and implement an aquifer protection overlay district for the Old Hurley area. The aquifer in this area consists of sand and gravel and underlying karst (limestone/dolostone) bedrock. An aquifer overlay district would be difficult to implement for Glenford and West Hurley areas due to the nature of the groundwater resources here. It would be more practical to develop wellhead protection overlay zones around public water supply well sources. Adequate data would presumably exist from developing a new supply well to identify the recharge area of such supply well(s). The aquifer system needs to be mapped in order to create the overlay.

CC4-2

**Establish septic maintenance rules that ensure that protect the Town's groundwater resources and pursue funding sources to implement septic maintenance/repair/replacement.** As recommended in the 2006 Plan, the Town should create educational programming and brochures to ensure that all property owners are servicing their septic systems, in order to protect groundwater quality. Further, for property owners within the NYCDEP watershed, programs exist to fund the repair and replacement of these systems (see



<https://www.nyc.gov/site/dep/environment/assistance-for-homeowners-landowners.page>).

Program funds are used to repair or replace septic systems serving one- or two-family homes in

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	<p>priority areas of the West of Hudson Watershed. Eligible costs for septic program funding include septic inspections, one-time septic tank pump-outs, replacement or upgrades of failing systems, and education and outreach. Septic systems that are found to be failing or substandard and likely to fail are either repaired or replaced. The Catskill Watershed Corporation pays 100% of eligible costs for primary residence septic systems and 60% of eligible costs for second home systems. Other programs include construction of cluster septic systems, repair and replacement of septic systems serving small businesses, and general funding for septic system maintenance. Refer to the following link for additional information: <a href="https://cwconline.org/programs/septic-repair-and-replacement/">https://cwconline.org/programs/septic-repair-and-replacement/</a></p>
CC4-3	<p><b>Develop zoning or building regulations for proper oil tank enclosures to avoid spills.</b> Many communities implement additional requirements for fuel oil storage to mitigate against potential oils spills – smaller sized oil tanks are not regulated by the NYSDEC. At a minimum, the Town should require that secondary containment be placed around oil storage tanks, especially in areas defined as important aquifer areas or areas that are environmentally sensitive as they could convey pollutants quickly into the Town’s aquifers.</p>

### CC5. Protect public safety by reducing the potential impacts of severe climate-related events and adopt to climate change.

CC5-1	<p><b>Develop, adopt, update and inform local agencies regarding a Townwide Emergency Management Plan.</b> As documented within the County MJMM, Hurley is susceptible to 13 of the 14 profile hazards, including but not limited to extreme temperatures, tornados, dam failure, floods, and other hazard events, to a lesser or larger degree. In particular, the Town is highly susceptible to flooding, in part because of the presence of the Ashokan Reservoir within the community. An Emergency Plan needs to address the full cycle of any emergency, from preparedness, to response, to recovery, to mitigation, but in particular, Hurley can especially control preparedness and response, in the event of an emergency<sup>9</sup>. The Town could create an emergency response committee to develop the plan, working with key community leaders, emergency response providers, and those designated within the Town to lead a response.</p>	<p>The diagram, titled "The Cycle of Emergencies", illustrates a continuous loop of four stages:      <ul style="list-style-type: none"> <li><b>PREPAREDNESS</b> (green arrow): Planning how to respond to an emergency.</li> <li><b>RESPONSE</b> (blue arrow): Minimizing the damage created by a disaster.</li> <li><b>RECOVERY</b> (yellow arrow): Returning the community to normal.</li> <li><b>MITIGATION</b> (dark blue arrow): Minimizing the effects of a disaster.</li> </ul> </p>
CC5-2	<p><b>Conduct a Community Assessment and consider entering the Community Rating System.</b> As the Ulster County MJMM, 23 percent of the Town’s land area is contained in high flood risk areas. Specifically, the Town of Hurley has the highest proportion of its area within a high flood risk zone, of which a significant portion is accounted for by the Ashokan Reservoir. The NFIP’s Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community’s property owners. CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to communities. The discounts provide an incentive for communities to implement new flood protection activities that can save lives and reduce property damage from flooding events. The CRS provides credit under 19 public information and floodplain management activities described in the CRS Coordinator’s Manual see <a href="https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf">https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf</a>. The Town may already be conducting some of these activities. To get credit, community officials must provide documentation that verifies these efforts. The Town should explore the program, assess how many properties would benefit from the CRS program, and to what extent the CRS system would result in additional recovery assistance funding.</p>	

<sup>9</sup> Image taken from the COMMUNITY EMERGENCY PLANNING TOOLKIT FOR NYC COMMUNITY AND FAITH-BASED NETWORKS publication.

[https://www.nyc.gov/assets/em/downloads/pdf/community\\_toolkit/community\\_planning\\_toolkit\\_2019.pdf](https://www.nyc.gov/assets/em/downloads/pdf/community_toolkit/community_planning_toolkit_2019.pdf)

## COMMUNITY CONNECTION: Goals and Recommendations

CC5-3	<p><b>Coordinate with Ulster County on the federal mandates to update the Ulster County Multi-jurisdictional Mitigation Plan (MJMM) and implement the recommendations of the plan.</b> The Plan is required to be updated and re-approved by the Federal Emergency Management Agency on a 5-year cycle. Hurley's participation is important, as many of the planning and recovery grants, and funding assistance requires that the Town participate in the update process. The process is occurring in 2023, and another update will occur in 2028.</p>
<p><b>CC6. Develop a plan for the efficient use of Town-owned governmental buildings and seek grant funding for renovations.</b></p>	
CC6-1	<p><b>Repurpose the building at 44 Main Street for Town governmental purposes.</b> The current Town Hall building is slightly less than 5,000 square feet, and a good portion of Town Hall is dedicated to meeting space for the court and Town boards. Actual usable space for governmental functions, including the Supervisor's office, building department, planning and zoning department, Clerk's office, and other functions is limited. There is additional space being used for the adequate and safe storage of the Town's files. The 44 Main Street site is about one-third acre and includes a building which is 2 stories with 1,260 square feet in gross floor area. The building should be repurposed and renovated to house some of the Town's functions which are not required to be maintained in the current building. The Town should pursue funding to re-adapt the building for governmental purposes – any changes, expansions or extensions should be done in a manner which is complementary with the historic character of the Historic District – note that the building is not within the historic district itself, and the building's historic value is undetermined at this time. There is sufficient parking in the front yard; the curb cut should be reduced, and sidewalks reinstalled across the frontage to improve the property. Spaces should be marked to maximize parking efficiency.</p>
CC6-2	<p>Pursue acquisition of a community center complex in West Hurley. The former West Hurley Elementary School complex is situated on a large, 34.5-acre property with frontage on Rowe Lane and Van Dale Road in the Hurley hamlet. At this time, a development application was approved by the Planning Board to adaptively reuse the school buildings for multifamily housing. If the property has not yet been purchased, the Town should work with the school district to acquire the school site, should the proposed multifamily development not occur. The school could be used for a variety of purposes, including a senior citizen center, space for after school recreational and care programs, additional space for Town functions, and space could be leased to local agencies that support the Town's citizens.</p>
<p><b>CC7. Enhance communications between Town government, organizations and its citizens.</b></p>	
CC7-1	<p><b>Consider activating an emergency alert system.</b> The Town has experienced severe weather and other public safety risk events. By example, Hurricane Irene and Tropical Storm Lee in 2011 resulted in significant damage to Ulster County communities. Traditional methods of warning citizens of an imminent event, e.g., sirens, can be difficult to hear indoors and in remote locations in a rural community. These land-based systems can also be costly to install and maintain. A technology-based safety alert system can deliver rapid safety alerts and warning messages to the Town's population. Alerts can be sent any time, from any device, and messages can go out at a moment's notice. Advanced notice can save lives. Some systems can also alert citizens of important meetings and increase government transparency through effective communications. The Town could establish its own system or participate in the County's system.</p>
CC7-2	<p><b>Continue to support the role of Town communications staff.</b> This recommendation goes hand in hand with the recommendation above, i.e., to ensure transparency. The role of communicating important messages regarding Town happenings should not fall on one individual, a board or the supervisor, as these roles are often part-time or voluntary. A media or communications staff member can be responsible for gathering important information, and making sure the Town's transparency goal is being met, e.g., making sure agenda are posted in a timely manner,</p>



## COMMUNITY CONNECTION: Goals and Recommendations

	communicating important townwide activities, and disclosing important information, e.g., voting dates, locations and times, or local funding assistance.
CC7-3	<b>Continue to provide support to the Town's social organizations.</b> What makes Hurley such a great place to live and settle are the many organizations that add to the Town's quality of life including but not limited to Hurley Seniors, the Hurley Heritage Society, and emergency service organizations - these organizations offer places and programs that bring residents together – where they can commune and get to know one another. With a Town as large and rural as Hurley, social organizations help to unify the community, and offer services to those in need. The Town can support the mission of these organizations, by advertising events, posting information about the organizations on the Town's website, and collaborating with them when events are being planned and held. There should be a point person for these organizations to communicate with, to ensure their needs are met.

For Public Review

# D. PROTECT THE ENVIRONMENT

A healthy environment assures clean water, purifies the air, maintains soils for woodland and agriculture, and regulates our climate from natural disasters. Preservation of the environment and proximity to open space also enhances the value of properties which enhances property tax revenues for the Town. Protection of the environment can also fuel a sustainable economy, where compatible uses draw visitors to spend time and money locally. The Town of Hurley is within a regionally significant environment:

- Hurley is a central gateway into the Catskills. The Catskill's unique geology starts at the base of Hurley Mountain Road, where the escarpment to the west of the road meets Esopus Creek. The Catskill's are demarcated by the "Blue Line" as shown in the image on this page, which generally includes all of the Town north and west of Esopus Creek.
- The Ashokan Reservoir, although man-made, is a National Audubon Society Important Birding Area at the New York State level. This IBA supports a nesting pair of Bald Eagles and hosts up to six Bald Eagles during the winter. The reservoir also serves as a stopover site for waterfowl, including an estimated 325 American Black Ducks and 50 or more Common Loons. Surrounding woodlands support an estimated 20 pairs of breeding Red-shouldered Hawks, as well as other breeding at-risk birds, including American Black Ducks, American Woodcocks, Whip-poor-wills, Red-headed Woodpeckers, Willow Flycatchers, Wood Thrushes, Blue-winged Warblers, Prairie Warblers, and Worm-eating Warblers. Migrating at-risk species include Pied-billed Grebes (potential breeder), Ospreys, Sharp-shinned Hawks, Cooper's Hawks, and Peregrine Falcons. In the fall, when the reservoir is low, the site also supports shorebirds, including American Golden-Plovers, Pectoral Sandpipers, Whiterumped Sandpipers, and Baird's Sandpipers. Flocks of Snow Buntings and Lapland Longspurs also use the site during the fall.
- NYSDEC Bluestone Wild Forest – Approximately 920 acres of the Town are controlled by the NYSDEC as wild forest, mostly to the south of the Ashokan Reservoir.
- NYCDEP Watershed – the Town is the host to one of the oldest and largest of the state's drinking water supplies – Ashokan Reservoir. Approximately 8,363 acres of the Town are within the watershed area. Development in the watershed is regulated by the NYCDEP in order to protect the reservoir's drinking water supply.

## Fast Facts:

A Gateway community: The Town is a gateway to Catskill Preserve and Park

An IBA: Ashokan Reservoir is a National Audubon Society - Important Birding Area

Forestlands: Hurley is part of the NYSDEC Bluestone Wild Forest

Watersheds: 8,363 acres are within the NYCDEP Watershed Regulated Area (including the reservoir)

The Town's significant resources have been documented in the Town of Hurley 2018 Open Space Plan (adopted July 2018). The Vision for the Open Space Plan is as follows:

*The Open Space Plan creates a vision for Hurley, which encourages residents to act as partners in conservation and remain active and engaged in determining the future of our town. The purpose of this plan is to assist in protecting Hurley's most significant open space resources by providing information regarding the importance of those resources, offering a guide through the various voluntary land protection and financing options, and providing short term and long-term recommendations that will contribute to the protection of the environmental and economic health of our community.*

*The CAC operated with the following goal in mind: To preserve and protect the open space in Hurley through voluntary efforts in order to enhance the quality of life for its residents and preserve the rural*

*character of the community. When we speak of open space we are referring to land with minimum or no development, the protection of which would conserve important natural resources, farmland, cultural resources, wildlife habitat, and recreational uses, resulting in the creation of conservation development patterns that provide fiscal and economic benefits to our community.*

**The 2023 Comprehensive Plan Update incorporates the 2018 Open Space Plan by reference.** Since adoption of the Open Space Plan, the most significant environmental legislation that helps fund preservation was passed by New York State in 2019, allowing Ulster County communities to raise funds for preserving open space, unique ecological areas, agricultural lands, and historic sites. Ulster County was added to the 2007 Hudson Valley Community Preservation Act, giving Ulster County communities the option (already enabled for municipalities in Dutchess, Putnam, and Westchester counties) to establish a Community Preservation Fund through a real estate transfer tax-- a tool to help municipalities fund and protect resources important to the community, finance conservation and better manage development. In order to set up such a fund, local governments must first obtain the approval of voters through a public referendum. This is discussed below.


The recommendations below are intended to protect the quality of the Town’s environment and preserve open space. See **Map 2** for Open Space and Recreational Properties.

## ENVIRONMENT: Goals and Recommendations

### E1. Ensure that new development fits within, and is not imposed upon, the Town’s natural environment.

E1-1	<p><b>Protect the Town’s ridgelines from overdevelopment.</b> Consider the degree to which development of steep slopes and tree clearing should be regulated in the zoning code. Review the A4 visual assessment area to ensure it meets the goals of protecting sensitive viewsheds by limiting tree clearing and grading of steep slopes. As part of the regulations, allow the Planning Board to require terrain adaptive housing in order to limit the amount of disturbance resulting from new construction. Do not allow clearcutting the top of ridgelines and hilltops, or for woodland to be “notched”. New housing can be afforded scenic views, without having to move all vegetation which screens development from public vantage points. The Town should consider adopting a ridgeline overlay district which would regulate activities and present design standards for development proposed on the ridgelines and hilltops of the Town.</p>
E1-2	<p><b>Consider adopting net lot area provisions.</b> Many communities establish the intensity and density of commercial and residential development based on the net lot area of a parcel, after deducting for environmentally sensitive and constrained lands. This is to ensure that the amount of development allowed on a lot is directly related to the land’s capacity to absorb development without having an adverse impact on environmental resources. Typical environmentally sensitive resources that are excluded, or partially excluded, when establishing residential or nonresidential yield include but are not limited to:</p> <ul style="list-style-type: none"> <li>- Freshwater wetlands, including those regulated by the NYS Department of Environmental Conservation and the U.S. Army Corps of Engineers;</li> <li>- 100-year floodplain;</li> <li>- Steep slopes, which can be defined generally as a slope equal to or greater than 25 percent;</li> <li>- Waterbodies, streams, and man-made water bodies, including stormwater basins, whether existing or proposed.</li> </ul>

## ENVIRONMENT: Goals and Recommendations

	<ul style="list-style-type: none"> <li>- In addition, the regulations also are explicit in not allowing development to be located in these locations, unless waived by the Planning Board</li> </ul> <p>The Town can exclude environmentally constrained lands from lots throughout the Town, or could require the exclusion for zoning districts which allow a higher density of development, e.g. the R-1 and R-2 zones. This will be determining the zoning amendment process.</p>
E1-3	<p><b>Introduce lot design guidelines into the Zoning chapter and Subdivision regulations.</b> A review of the existing developments in the Town demonstrates that lots have been laid out to incorporate existing woodland and bedrock into the overall design of the parcel. Most lots have not been clearcut and fit into the landscape. Stone walls are retained and even rebuilt, to serve as a visual asset for the home site and the road. Wetlands remain undisturbed. Many dwellings are set back from the road and buffered by generous vegetative screening. Appropriate design guidance will be incorporated into the zoning and subdivision regulations to ensure this pattern of land development is maintained, in order to preserve the Town’s environment.</p> 
E1-4	<p><b>Review the cluster development provisions of the Zoning chapter.</b> In the Town of Hurley Zoning Chapter, cluster subdivisions are regulated by Section 210-38, open space development. Section 278 of the New York State Town Law defines cluster development as a subdivision in which the applicable zoning is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping <b>in order to preserve the natural and scenic qualities of open lands.</b> The open space development is mixing two general planning concepts – conservation subdivision design versus cluster subdivision design. As this type of development is authorized under Section 278, it should follow the requirement that a cluster development result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance or local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. This means that the applicant is required to submit a conventional plan and prove the yield for the subdivision – it is not formula based. This section of the zoning law needs to be updated to include a target amount of open space to be preserved (e.g., 50 percent), update the terminology which is making reference to “average density” and open space development interchangeably, establish a minimum lot size, consider the type of housing that would be allowed in each zoning district, authorize cluster development in any residential zoning district, and reduce the property size to which the cluster development procedures can be applied.</p>
E1-5	<p><b>Establish clearing regulations and update stormwater regulations.</b> There are known occurrences when properties have been clearcut in advance of a proposed development application. This is done for a variety of reasons, but primarily to limit the amount of</p>

## ENVIRONMENT: Goals and Recommendations

environmental review that may occur – if the site is cleared, a developer will argue there are no sensitive environmental features present. Stormwater measures are required to be implemented for land development activities including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, but this threshold may be too large for environmentally sensitive areas, such as the current A-4 and A-2.5 zoning districts. Further, it is noted that the Ashokan Reservoir, and upper Esopus Creek and its tributaries are 303(d) segments impaired by construction related pollutants, namely silt and sediments. Owners or operators of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and directly discharge to these segments must prepare a Stormwater Pollution Prevention Plan (SWPPP) that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015. The Town’s stormwater regulations, included as Chapter 168 of the Town Code, need to be updated to address these 303(d) segments, and to also consider lowering the thresholds for specific areas where clearcutting is resulting in significant impacts. Further, the Town consulting engineer should be involved in the review of all SWPPPs to support the designated Stormwater Management Officer in the Town. As a general practice, clearing regulations should be integrated into the land use regulations to ensure that the Town maintains its rural and woodland character. Clearcutting often occurs to open views from a homesite – however, this can still be accomplished by select cutting.

### E2. Protect and acquire additional open space land.

E2-1	<p><b>Work collaboratively with other state and not-for profit agencies to acquire important ecological, scenic, and natural lands.</b> As mentioned previously, there are several organizations involved in the protection of open space within the Town, including but not limited to the NYSDEC and NYCDEP. Other organizations can include the Open Space Institute, Trust for Public Land, and local conservancy groups. The Town should maintain regular communications with these outside organizations and monitor land that becomes available for purchase. Financial resources can be leveraged to acquire lands that meet the Town’s open space acquisition goal.</p>
E2-2	<p><b>Implement the recommendations of the Town Open Space Plan.</b> The Town Open Space Plan was adopted in 2018, and prioritizes lands for potential acquisition. The open space plan recommends acquisition of parcels for parkland (addressed in the Community Connections chapter). Some of the more significant environmental properties to acquire include lands owned by the Catskill Center (Grace Macaluso property). The Open Space Plan also identified special interest areas that include Southside, Hurley Mountain and Escarpment, Hurley Flats, Millbrook Woods and Binnewater Forest. Many of these sites are archaeologically rich. The Open Space Plan did not recommend acquisition of any lands on the north side of the reservoir, which should be reviewed.</p>
E2-3	<p><b>Study the feasibility of creating a Community Preservation Fund.</b> Ulster County was added to the list of counties authorized to impose a tax on real property transfers for the purpose of funding the acquisition of eligible properties to preserve community character. The Town Board is authorized to establish by local law a community preservation fund - deposits into the fund may include revenues of the local government from whatever source and shall include, at a minimum, all revenues from a tax imposed upon the transfer of real property interests in such designated community pursuant to article thirty-three-B of the NYS tax law. The fund shall also be authorized to</p>

## ENVIRONMENT: Goals and Recommendations

accept gifts of any such interests in land or of funds. Eligible lands/activities include but are not limited to the following:

- establishment of parks, nature preserves, or recreation areas;
- preservation of open space;
- preservation of lands of exceptional scenic value;
- preservation of wetlands, aquifer recharge areas;
- establishment of wildlife refuges;
- preservation of unique or threatened ecological areas;
- preservation of forested land;
- preservation of historic places and properties listed on the New York State register of historic places and/or protected under a local historic preservation law;
- preservation of agricultural land.

If a community preservation fund is established, the Town must adopt a community preservation project plan that lists every project which the designated community plans to undertake pursuant to the community preservation fund. It shall include every parcel which is necessary to be acquired in the designated community in order to protect community character. The plan must provide a detailed evaluation of all available land use alternatives to protect community character, including but not limited to: fee simple acquisition, zoning regulations, cluster development, and site plan and design requirements, and other techniques. The plan must establish the priorities for preservation. Funds from the community preservation fund may only be expended for projects which have been included in the plan, which is required to be updated every five years.

The Town should explore whether it wants to establish a community preservation fund. If it decides to establish a fund, the Open Space Plan should be adapted to become the Town's community preservation project plan.

E2-4

**Work collaboratively with the Town of Rosendale to conserve the Binnewater Forest area.** Twin Lakes is located in the Binnewater Forest Area, as per the Open Space Plan. This forest straddles the Town boundary with the Town of Rosendale. Hudsonia Ltd identified significant habitat in the Binnewater Forest Area (2014). The Hudsonia habitat assessment report concluded that most of this Binnewater Forest area consists of a contiguous upland forest composed of patches of hardwood, some of conifer and some mixed. More detailed environmental reviews were recommended to determine any presence of rare or endangered animals and plants. The Groundwater Protection Plan for Old Hurley also noted that the underlying aquifer farther to the southeast contains several limestone formations that form caves and other karst features in the region. The Groundwater Protection Plan states that in this area, groundwater "has the potential to flow rapidly through large, interconnected void spaces." Karst formations can transmit contaminants long distances over relatively short time periods with little or no inactivation or removal of the contaminants. To protect sensitive habitat and groundwater supplies, the Town should coordinate with the Town of Rosendale to acquire conservation easements or property to protect the resources of the Binnewater Forest area.

E2-5

**Integrate the CAC into the Planning Board review process.** The Town presently has a Conservation Advisory Council which has been tasked over the years with the preparation of various studies and inventories, notably those related to open space and groundwater protection. Throughout NYS, CACs can serve as important advisory bodies to local governing boards and planning boards. By providing an environmental

## ENVIRONMENT: Goals and Recommendations

perspective on land use applications and other issues, CACs contribute to local land use decision-making, conservation, and quality of life for residents in the community. CACs are established by a municipality under Article 12-F Section 239-x of NYS General Municipal Law and are also called “environmental commissions.” This Plan Update recommends that the zoning be amended to include reference to the CAC, and include them, in an advisory capacity, in the development review process. It is unclear if the CAC was formed by resolution of by local law; depending on how the CAC was formed, the Town Board could act to establish the role of the CAC in a more formal manner. The Planning Board, when it deems necessary, could send an application to the CAC for its input.

### E3. Protect the Town’s surface water resources.

**E3-1 Restrict future development from the 100-year floodplain.** As per the Federal Emergency Management Agency (FEMA) website, natural floodplains provide flood risk reduction benefits by slowing runoff and storing flood water. They also provide other benefits of considerable economic, social, and environmental value. Floodplains provide excess water storage; slow the flow rate of streams and river and reduce erosion potential. Slowing runoff across the floodplain allows additional time for the runoff to infiltrate and recharge available groundwater aquifers when there is unused storage capacity. With climate change, rainfall intensity will increase, causing more flooding. Flooding can result in the loss of human life, damage to property, destruction of crops, loss of livestock, non-functioning of infrastructure facilities and deterioration of health condition owing to waterborne diseases. In order to protect both property owners, as well as the emergency service providers that must respond to a flooding event, the Plan Update recommends that future development be prohibited from floodplains and that appropriate regulations be added to the zoning regarding this prohibition. Where development within the floodplain cannot be avoided, Chapter 100, Flood damage prevention, would regulate.

**E3-2 Preserve existing wetlands and stream corridors from encroachment.** As general subdivision and site plan design standards, these regulations should be updated to require that wetlands and stream corridors, and disturbances within at least 50 feet of a stream channel, be avoided, in order to protect water quality, including groundwater quality. Any encroachments into wetlands or a stream and its buffer would require Planning Board review, who could require certain design features to minimize impacts to these resources.

### E4. Protect the Town’s biodiversity and critical environmental areas.

**E4-1 Seek funding for, and commission a biodiversity study for the Town.** Hudson Ltd. mapped ecological habitats within the Binnewater Forest Area – this was a useful tool in understanding the potential effects of proposed development on the Town’s ecological resources. Habitat assessments are useful in prioritizing where development can be located and where it should not be located. Hudsonia has prepared a Townwide habitat assessment report for the neighboring Town of Woodstock – funding was provided by the NYSDEC, the Ashokan Watershed Stream Management program, and the Catskill Watershed Corporation. In Hurley, the effort could be overseen by the CAC, and the CAC could be educated in, and participate in the mapping of, Town ecological habitats. This would be beneficial, especially when the Planning Board refers land development applications to the CAC – it can provide its advisory comments based on knowledge of these resources within the Town.

**E4-2 Designate important environmental features as Critical Environmental Areas (CEA).** As per the regulations implementing the New York State Environmental Quality Review Act (SEQRA), a CEA is a geographic area with exceptional or unique character with respect to one or more of the following: a benefit or threat to human health; a natural setting

## ENVIRONMENT: Goals and Recommendations

such as fish and wildlife habitat, forest and vegetation, open space, and areas of important aesthetic or scenic quality; agricultural, social, cultural, historic, archeological, recreational, or educational values; or an inherent ecological, geological, or hydrological sensitivity that may be adversely affected by any change. When evaluating potential project impacts under SEQR, a lead agency (e.g., the Planning Board) must specifically consider how a proposed application may affect the qualities of the designated CEA. The designation assures that these features are not overlooked during SEQR, and that any potentially harmful impacts to them are evaluated.

For Public Review



# E. PRESERVE COMMUNITY CHARACTER

This Plan Update advocates sustainable placemaking – this framework is intended to preserve those aspects of the Town’s scenic beauty and history that are unique to the Town and region. It is a fundamental purpose of this Plan Update to educate the community of the Town’s place in Hudson River Valley and Catskills regional history.

The Plan Update protects, preserves, and promotes Hurley’s scenic and historic resources for this and future generations. From an economic perspective, maintaining and enhancing the Town’s community character is also integral to preserving property values. The methods to accomplish the various objectives related to community character are set forth below. **Map 3** illustrates maps key recommendations.

## PRESERVE COMMUNITY CHARACTER: Goals and Recommendations

### PC1. Protect and improve the Town of Hurley’s visual landscape.

PC1-1	<p><b>Become a member of the Catskill Mountain Scenic Byway for the portion of Route 28 which runs through the Town of Hurley.</b> This designation will apply the Catskill Mountain Scenic Byway Corridor Management Plan to Route 28 and strengthen the purpose and intent of design guidelines and best practices for siting development along the corridor.</p>
PC1-2	<p><b>Utilize the Shawangunk Scenic Byway Design Standards.</b> At this time, the Catskill Mountain Scenic Byway does not provide design guidance as to how to site buildings on the landscape. Within the west of Hudson River Valley region, another scenic byway passes through comparable landscapes, i.e., the Shawangunk Scenic Mountain Byway. The Regional Partnership supported and adopted the Shawangunk Mountains Scenic Byway Planning Board Guide, which is an easy reference guide to assist planning boards in the review of development applications and methods by which to facilitate “good” design. In particular, the Guide provides useful design recommendations based on particular landscape patterns, including linear developed highway corridors, whether residential or commercial. Sign design recommendations are also included. Issues that arise from linear corridors include but are not limited to: roadside character and scenic qualities can be compromised by sprawling development; excess number of curb cuts, roadside parking and extensive paved areas can undermine function of street and visual quality and increase stormwater runoff; traffic and pedestrian safety can be compromised; loss of street trees and visual impact of utilities. The Guide provides planning and design practices which can be pursued to overcome these design challenges. Refer to: <a href="https://www.mtnscenicbyway.org/wp-content/uploads/2018/10/SMSB-Planning-Board-Guide.pdf">https://www.mtnscenicbyway.org/wp-content/uploads/2018/10/SMSB-Planning-Board-Guide.pdf</a></p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p><b>Recommended Practice:</b> Commercial buildings should borrow from the existing architectural context. In this example a commercial building that borrows from the existing agricultural architecture of the region would suit the rural landscape.</p> </div> <div style="text-align: center;">  <p><b>Recommended Practice:</b> Infill buildings should be designed with the same proportions of scale and massing to what currently exists on the village street. They can be contemporary in design but need to be contextually connected in some manner.</p> </div> </div> <div style="display: flex; justify-content: space-around; align-items: flex-start; margin-top: 20px;"> <div style="text-align: center;">  <p><b>Practice to Avoid:</b> Commercial, box type architecture, often found lining highways, lacks character and detracts from the aesthetic that exists in the Region.</p> </div> <div style="text-align: center;">  <p><b>Practice to Avoid:</b> Buildings that infill vacant lots in villages, yet do not match the massing, scale or design pattern of what exists, detract from the streetscape and create gaps and incompatible design patterns.</p> </div> </div> <div style="text-align: center; margin-top: 20px;">  <p>Commercial shopping center in Waitsfield, Vermont – follows rural village architectural precedent of the region, has shared parking, pedestrian features and appropriate architectural scale and massing.</p> </div>

**Adopt design guidelines.** As part of the rezoning that will follow adoption of the Comprehensive Plan Update, develop and adopt design guidelines that will guide the appropriate development of new housing, and along the Route 28 corridor. The design guidelines should be based on visual preference survey outcomes which were part of the public survey and public workshops.



PC1-3

**Planning Board architectural review.** For the Route 28 corridor, and for particular uses, provide the Planning Board with architectural review authority. At this time, the Planning Board is guided by design guidelines within the Route 28 Overlay district only. For those applications that require site plan or special use permit review, the zoning could be updated to provide the Planning Board with the explicit authority to conduct architectural review for all properties that front to Route 28, as well as all nonresidential and multifamily uses within the mixed use and nonresidential zoning districts along the corridor. Enabling the Planning Board to be the architectural review “board” is efficient in that it would not require an applicant to appear before another outside board for multiple approvals.

PC1-4

**Create scenic gateways into the Town along Route 28 and Route 209.** Many communities proudly announce that a traveler has entered into the community by setting up special signs, landscaping, or art installations. Visitors and residents enter the Town via Routes 28 and Route 209. An opportunity exists to create strong points of entry and instill pride by installing signage and landscaping which set the stage and define the Town. A tag line or logo could be added to an entry sign. A common design could be used for all signs. Signs could be used to identify hamlets or centers where the overall sign design remains the same, but the sign face is different as it identifies each unique area. The design should take precedent and be consistent with the community character. Materials should be used that are representative of the Town’s history or culture, e.g., incorporating bluestone into the base of a monument sign.



PC1-5

**Work with NYSDOT to upgrade the Route 28 turnoff sign to Woodstock.** This directional sign could be upgraded to acknowledge the West Hurley hamlet within which it is located. For the Town, it would be acknowledging that Route 375 serves the West Hurley hamlet. An alternative design for these interstate-style signs should be pursued.



**Encourage art installations to add visual interest and create a unique sense of place.** Along the Town’s major corridors as part of land development projects, there is an opportunity to beautify these areas by installing sculptures, murals and other visually interesting artistic media to add visual interest throughout the Town. The zoning regulations could be amended to indicate art installations should be



incorporated into the overall design of projects of a certain size, at the discretion of the Planning Board. These installations can also become focal points and gathering spaces within these projects and developments. These can be bronze sculptures to rock stacks (e.g, cairns).

PC1-6

**Develop a coordinated system of directional wayfinding signs for the Town.**

One of the ways that the Town can convey an effective and cohesive sense of community is to implement a system of directional signs which link the various areas of the Town. Signs could be used to direct residents and visitors to trails, parks, and neighborhoods within the Town. If the same design is used, it will reinforce to the viewer that they are still wayfinding within the same community. Directional signs could also be used to direct people to businesses, governmental facilities, and other locations.



PC1-7

**Retain stone walls, barns, root cellars, bluestone piles, and other structures as integral elements of the Town’s landscape.** During site or subdivision plan review, these landscape features should be protected to the maximum extent. As part of the process, they should be included on site plans, and protected within a site’s design. This objective should be added to the zoning chapter.

PC1-8

**Protect scenic vistas from over- and inappropriate development.** This subject is addressed previously, but protecting the Town’s scenic views is integral to protecting its community character. The Town’s ridgetops, escarpments, and hillsides, especially those visible from public places and roads within the Town, are the scenic backdrop for the Town. To that end, design guidelines need to be introduced which ensure that new development – buildings and infrastructure, fit within, and do not dominate the landscape. The zoning chapter needs to be updated to incorporate specific guidance, including the use of terrain adaptive buildings. Terrain adaptive construction results in a design where buildings step down steeply sloping sites and hillsides to create the least amount of visual impact from lower lying vantage points. Buildings should be built on the less visible portions of a site, use earthtone colors, and retain existing woodlands and vegetation to screen full views of building construction. Excessive use of retaining walls and retaining wall systems is to be avoided.

**PC2. Update the zoning chapter to incorporate design standards which protect the Town’s rural and scenic character.**

PC2-1

**Add dark-sky lighting standards.**

Light pollution comes in many forms, including sky glow, light trespass, glare, and overillumination. Sky glow is the bright halo that appears over urban areas at night, a product of light being scattered by water droplets



or particles in the air. Light trespass occurs when unwanted artificial light from, for instance, a floodlight or streetlight, spills onto an adjacent property, lighting an area that would otherwise be dark. Glare is created by light that shines horizontally. Overillumination refers to the use of artificial light well beyond what is required for a specific activity, such as keeping the lights on all night in an empty office building. Light

	<p>pollution causes increase energy consumption and is not sustainable. It is harmful to human health by disrupting circadian rhythm. Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants. Dark-sky standards should be added to the zoning chapter to address the following: eliminate light trespass by requiring fully shielded lights that are cast downward and establishing maximum footcandle levels at a property line; ensuring that the color temperature is no more than 3000 Kelvin; minimizing light intensity; establishing a maximum height for light fixtures; controlling the introduction of inappropriate lighting after a site plan has been approved, among other potential standards.</p>
PC2-2	<p><b>Add landscaping standards that encourage native plantings.</b> The Town’s zoning chapter at this time includes a “minimum green space” in the Density Control Schedule. Green space is defined as “that area of a lot, expressed as a percentage, which is to be kept in a vegetative or landscaped state, including gardens, ponds, floodways, wetlands, streams, shrub beds, lawns, woods or fields, in order to enhance the lot visually and environmentally.” Native plants are those which occur naturally in the particular region, ecosystem, or habitat without human introduction. “Exotic” plants that evolved in other parts of the world or were cultivated by humans into forms that don't exist in nature do not support wildlife as well as native plants. The benefits of native plants are many. They are more likely to establish quickly and will naturally be hardy and healthy. Native plants have evolved over thousands of years, learning to thrive in particular areas—they grow in harmony with the environment, the soil, the water supply, the varying weather throughout all the seasons, and other native companions. Native plants thrive create a natural habitat for wildlife including pollinators, like bees, birds, and butterflies, small animals, warm and cold-blooded, and microscopic organisms in the soil, as part of natural symbiotic relationships. Native plants also require much less watering, fertilizer, and pesticides, prevent water run-off and improve air quality. Native plants can help decrease pollution because they eliminate the need for mowers and other equipment. They also can store excess carbon. Further, landscaping improves property values in comparison to those without landscaping. Landscaping standards would guide the amount of area which should be retained in its natural state.</p>
PC2-3	<p><b>Educate local homeowners and property owners on the benefits of retaining and promoting natural and native landscapes, including programs offered by the National Wildlife Federation, Audubon Society, and Ulster County Cornell Cooperative Extension.</b> The Master Gardeners Project teaches neighbors about landscapes, vegetables, fruits, herbs, houseplants, beneficial and harmful insects, plant diseases, integrated pest management (IPM), wildlife management, soils, birds, composting, water conservation, and more. Master Gardeners have been trained by Cornell Cooperative Extension in the science and art of gardening. The Gardener Program a volunteer program that enables participants to serve their communities through horticultural education. Within Hurley, the Hurley Historical Society requested the program’s recommendations for planting xeriscape annuals at Ribbon Park, and recommendations for historical type plantings. The program is an excellent resource to train and work with local collaborators to establish native plantings and gardens. Other programs include National Wildlife Federation’s Wildlife Habitat certification, and National Audubon Society’s Bird-Friendly Communities program.</p>
PC2-4	<p><b>Add utility locational standards.</b> Electrical utilities should be undergrounded throughout the Town. This is better for protection of utility service, but also a benefit to the visual environment. The zoning should require that all utilities be installed underground, or screened whenever possible.</p>
PC2-5	<p><b>Consider the degree to which development of steep slopes and tree clearing should be regulated in the zoning chapter.</b> Concern exists with the potential impact of clearcutting on the Town’s visual environment. As set forth previously, protections are</p>

	needed to control the removal of trees. Where tree removal occurs, it will be regulated to ensure minimum impact will occur to the immediate and surrounding environment.
PC2-6	<b>Review the A4 visual assessment area to ensure it meets the goals of protecting sensitive viewsheds by limiting tree clearing and grading of steep slopes.</b> As part of the zoning chapter update, the regulations applicable to the A-4 visual assessment will be reviewed, to determine whether the thresholds for review are adequate, and whether the assessment would be appropriate to other zones, particularly the A-2.5 zoning district. In addition, if a new lower density zoning district is created, the visual assessment review procedures would apply to this new zone as well.
<b>PC3. Protect the Town’s unique historic buildings, places and structures that make the Town uniquely Hurley.</b>	
PC3-1	<b>Create a comprehensive historic inventory.</b> At this time, there is not a comprehensive inventory of the Town’s historic resources. Inventories have been prepared for portions of the Town, e.g., the Route 28 corridor. However, one comprehensive database of all potential historic properties is needed. The Hurley Heritage Society and the Town Historian are excellent sources of information on historic resources in the community. The information needs to be compiled into a comprehensive report and inventory, in order for the Town to pursue designation and protection of these historic resources.
PC3-2	<b>Pursue local landmark designations.</b> The Town enacted Chapter 109, in 2018, to protect the Town’s historic resources. The regulations establish a Historic Preservation Commission, who are advisory members and who recommend properties for listing as a local landmark or historic district, and who also review activities occurring to a property that is either a local landmark or historic district or is otherwise listed on the National Register. Requests affecting a landmark property or any property within an historic district or a structure <u>or</u> premises listed in the National Register of Historic Places shall be referred to the Commission for its recommendations in order to facilitate the review process and a certificate of appropriateness, if necessary. The issue is that not all historic properties are listed on the National Register. A property is prohibited from being listed on the National Register when property owners object – then, the property is considered National Register eligible, not listed, and it is thus not subject to the Chapter 109 regulations. The most significant protection that can be afforded to historic properties is to locally list them on a Town-maintained list of properties. Alternatively, the regulations could be expanded to designate National Register and State Register properties as local landmarks and historic districts.
PC3-3	<b>Update Chapter 109, Historic Preservation, to obtain CLG status.</b> Established by a 1980 amendment to the National Historic Preservation Act of 1966, the Certified Local Government (CLG) program is a nationwide initiative that directly links a community’s preservation goals to state and federal preservation programs. Each State Historic Preservation Office (SHPO) administers the program through a variety of services designed to help communities protect, preserve, and celebrate their historic resources. The Town can be a CLG community, once the NYSHPO determines that it meets state and federal standards. Importantly, the Town has to enact appropriate preservation legislation and appoint a qualified preservation review commission (which would be the Historic Preservation Commission, subject to additional standards). After being approved at the state level, applications are forwarded to the National Park Service for certification. The benefits of being a CLG include: ongoing, focused support from NYSHPO; technical preservation assistance and legal advice; direct involvement in SHPO programs, such as identifying properties that may be eligible for listing in the State and National Registers of Historic Places; training opportunities that increase the ability of communities to protect their historic resources and integrate them into short- and long-term planning initiatives; and, grants designated exclusively for CLG projects. The Town would have to adapt the CLG model legislation and adopt it to receive CLG status.

PC3-4

**Encourage the adaptive reuse of historic buildings.** Opportunities exist to incentivize historic building preservation, by allowing alternative uses to those allowed within a particular zoning district within which a historic building is located, which would make it more economical to preserve the building. For example, historic buildings within residential neighborhoods have been used for restaurants and professional offices to allow for an alternative use of the building. The property owner would have to commit to listing the site as a local landmark, in exchange for flexibility in the use allowed for the building. The building would still be subject to Planning Board review and approval to ensure that the proposed use does not impact the neighborhood within which it may be located. Hours of operation, noise, traffic generation, and other operational characteristics would be reviewed.

PC3-5

**Promote education and visitor interest in the Town by installing interpretative signage that provide information regarding historic and scenic resources.** The Town should seek funding and install interpretive signage along trails, recreational and historic sites to provide the background and history of important places in the Town. The Planning Board and Historic Preservation Commission should work with applicants and encourage the installation of historic/educational signage on their sites where appropriate.



For Public

# F. PROMOTE MOBILITY

This section of the Plan Update addresses mobility in the Town – the ability to move from one point to another safely, whether as a motorist, cyclist, or pedestrian. The Town seeks to connect not only neighbors within neighborhoods, but also the various hamlets and areas of the Town. Sustainable mobility will have a low impact on the environment and will include walking, cycling, transit, carpooling, car sharing, and green vehicles. **Map 4** illustrates key recommendations.

## Fast Facts:

Three state highways: Route 28, 375, and 209

Major trails: Ashokan (U&D) Rail Trail, O&W Rail Trail

Railroad: Catskill Mountain Railroad

Formal Hiking Trails: None

Designated Bike Trails: Route 28



Figure 9. Different Modes of Transportation. Credit - Ohm Advisors.


## MOBILITY: Goals and Recommendations

### M1. Promote a safe, interconnected, multimodal system of transportation with the Town of Hurley.

M1-1

**Introduce, improve and expand sidewalks within the Hurley hamlet.** The Hurley hamlet has a very limited sidewalk system along Main Street, extending generally from its intersection with Zandhoek Avenue westward to the Hurley Reformed Church. The sidewalk is more continuous on the north side of the road; the south side has segments of sidewalk, but in places, utility poles are centered along the narrow sidewalk. A community desire exists to link the elementary school with the library along Schoolhouse Lane. There appears to be space on the west side of the lane to accommodate a pedestrian way which would link to the school's southerly entrance drive. The easterly side of Schoolhouse Lane is more constrained by the presence of utility poles along the road. During the planning process, participants also requested that pedestrian connections through the Hurley Cemetery be considered to connect the residential neighborhoods to the west, in the vicinity of Lucas Ave Extension, to the old Hurley hamlet. There is also a desire to connect Joys Lane to the central portion of the hamlet. A large vacant tract 35.6-acre tract is located between the cemetery, and at the



	<p>ends of Rosa Lane, Ridgewood Avenue and Thomas Street. Should this property be developed in the future, consideration should be made for providing pedestrian connections through the property which would create this linkage. In general, sidewalks need to be repaired, improved and maintained on an ongoing basis.</p>
<p>M1-2</p>	<p><b>Introduce and expand sidewalks or sidewalk shoulders within the West Hurley hamlet.</b> Sidewalks have not been installed within the West Hurley hamlet. The older part of the hamlet, centered around Cedar and John streets when the original hamlet was relocated, was not constructed with sidewalks, yet this portion of the village has had community destinations, such as the firehouse, the former elementary school, and the library. The roads are narrow. Installation of sidewalks along these town roads may result in significant taking of what persons perceive as their front yards, and removal of older street trees. Here, in may be more appropriate to introduce pedestrian shoulders along those roads which may exhibit pedestrian and/or bicycle activity. Where the right-of-way exists along NYS Route 28 and NYS Route 375, sidewalks should be installed to link the residential neighborhoods to the hamlet commercial center. Also, where feasible, trails connections should be considered to link neighborhoods. For example, properties along and to the west of Maverick Road could be interconnected to streets that lead to the hamlet commercial center, through the use of unused rights-of-way and easements or purchase of properties to accomplish the connection. Future subdivisions should consider and integrate connections to adjoining neighborhoods wherever possible.</p> 
<p>M1-3</p>	<p><b>Implement sidewalk standards in the site plan and subdivision regulations.</b> Wherever sidewalks are provided, they should be maintained by both the Town and the adjoining property owner. Typically, the adjoining property owner can be held responsible for ensuring that sidewalks are kept free of hazards, specifically snow and ice. Standards need to be implemented which prohibit cars from parking on sidewalks – the weight of vehicles will break up the sidewalks, resulting in costly repairs. Also, wherever possible, concrete sidewalks that comply with ADA standards should be installed, and sidewalk aprons should extend across a driveway curb cut, to signal drivers of the pedestrian way. In the historic district, blue stone sidewalks should be considered for installation to be consistent with the historic district’s existing character. Sidewalks should be setback from a roadway by a grassy verge, which provides a setback between pedestrians and vehicles.</p>
<p>M1-4</p>	<p><b>Implement traffic calming measures along County and Town roads as necessary.</b> Concerns have been expressed with regard to certain roads that are fairly long and relatively straight, and without interruption, e.g., Lucas Avenue Extension, Hurley Avenue and Maverick Road – all are county roads. Joys Lane also experiences issues and is a Town road. In some communities, additional stop signs are installed along long stretches of road, especially where they traverse residential neighborhoods, because the signs function as traffic calming devices. For example, a stop sign could be installed where Lucas Avenue Extension meets Edgewood Avenue. The Town should define the roads where excessive speeding occurs, and either introduce stop signs, or work with the County to determine how to calm traffic speeds along county roads. Other calming measures could be considered, e.g., traffic tables, curb extensions, lane narrowing, speed humps, etc., but these measures require discussion with the applicable highway departments that generally seek to limit any introduction of barriers within the traveled lanes. Stop signs, lane narrowing and “neck-downs” are more likely to be considered options.</p>



M1-5

**Promote bikeways.** Along with the establishment of pedestrian walkways within a protected shoulder, bikeways can also be installed. In particular, bike shoulders should be considered for Maverick Road, Route 375, Route 28, Zandhoek Avenue and Joys Lane, Lucas Avenue Extension, Hurley Avenue and Extension, Van Dale Road, Basin Road, Route 28A, Dug Hill Road, and Old Route 209.



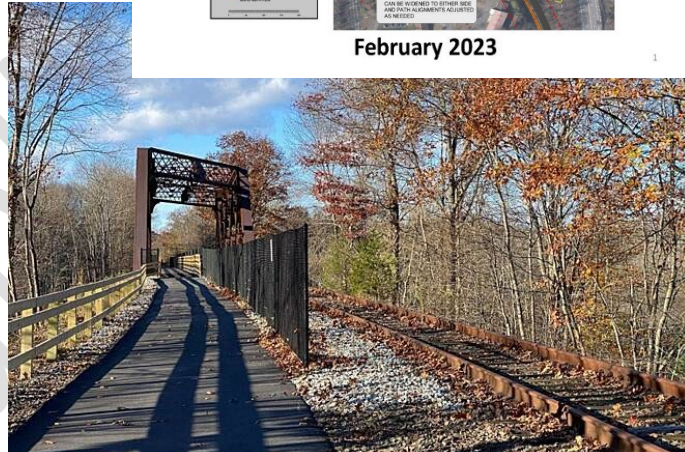
Route 28 is a state designated bike route. The Plan Update recommends that the highway be appropriately signed, and shoulders and pavement markings be clearly identified for safety.

M1-6

**Support extension of the Catskill Mountain Railroad as part of a rail with trail path.** The Town of Hurley supports the extension of the Catskill Mountain Railroad to Basin Road, to link to the Ashokan Rail Trail. The Town broadly supports shared use of the former Ulster and Delaware Railroad right-of-way to the extent possible to points farther west. Close by examples of where this is accomplished is the Maybrook Trailway which parallels the Metro North North Maybrook Line, and which is a segment of the Empire State Trail, which now connects New York City to Kingston. Elimination of any tracks along the U&D path is short-sighted, and not consistent with the Town's multimodal policy.



### CATSKILL MOUNTAIN RR Extension to Basin Road



M1-7

**Provide safe and well-designed bus stops.** Ulster County Area Transit (UCAT) provides public transportation to the residents of Ulster County. It operates a number of routes which travel through Hurley,



including the Z Route between Kingston and Wodostock, which travels along Route 28, and the EU Route, which travels between Kingston and SUNY Ulster to Ellenville along Route 209. The bus stop for the Z Route is located at the intersection of Route 28 and Route

375, and the stop on Route 209 is at the Wynkoop intersection. Along Route 375, the bus sign is small and the stop is unsheltered; on Route 208, a bus stop sign and the location of the stop was not evident. Given the bus stop



locations on scenic highways, the Town desires to seek funding and install bus shelters in these locations. In Tuxedo, a bus stop was designed to complement the historic building adjoining it. In Beacon, bus stops were design as art installations. Solar panels could be

installed atop the shelter, and a taller sign would provide better wayfinding.

**M2. Provide safe connections to the Town’s trails and expand the trail system.**

**M2-1 Support expansion of the rail trail system in Ulster County.** The Town of Hurley is criss-crossed by a system of existing and planned rail trail corridors. The Ashokan Rail Trail and O&W Rail Trail are part of a larger network of County trails, both existing and planned. In the future, Hurley residents will be able to access trails where they can travel to Ellenville in Wawarsing, Shawangunk and the Wallkill hamlet (through New Paltz), Poughkeepsie via the Empire State Trail, Shandaken, and beyond as part of an interconnected trail system. Access to parks and trails increases residents’ physical activity, supports mental health and fosters community and social interactions. Trails also boost the local economy<sup>10</sup>. Opportunities exist to connect the rail trail to the Town’s local assets. For example, from Beesmer or Basin Road, cyclists could gain access to the West Hurley town park via Dug Hill Road, which would be approximately 2 miles from these connections. West Hurley could be connected to old Hurley hamlet via the extension of the rail trail south along Roue 28 to Route 209.

**M2-2 Encourage safe bike and pedestrian crossings at major signalized intersections, pedestrian systems, and rail trail crossings along Route 28.** The Ashokan Rail Trail (formerly the Ulster and Delaware Railroad right-of-way) is an 11.5-mile recreational trail located along Ashokan Reservoir between West Hurley and Boiceville. The ART trail surface is 12 feet in width and surfaced with highly compacted fine crushed stone (and ADA compliant). It presently ends at Basin and Zena Road Just outside West Hurley. A parking area and access is located across from the West Hurley Post Office. The trail runs parallel to Route 28 through the entire length of the highway in Hurley. No pedestrian crossings or access is provided from the West Hurley hamlet on the north side of Route 28, to the rail trail. Appropriate pedestrian crossings need to be installed along Route 28, and access provided to the trail, so that the West Hurley hamlet can safely access the corridor without having to drive to the Ashokan trailhead. Given the

<sup>10</sup><https://ulstercountyny.gov/sites/default/files/documents/planning/Ulster%20County%20State%20of%20the%20Trails%20%5B2020%5D.pdf> . The publication includes a statement from the owner of Hotel Dylan who notes: ““We expanded the Hotel Dylan before the Ashokan Rail Trail’s opening, taking a bet on its future arrival. We thought that exploring the Catskills on a safe trail with the backdrop of mountains and the reservoir was not to be missed. Now others seem to agree. Our occupancy has been up 15-20% while the Rail Trail has become the most sought-after attraction for guests.”

	<p>limited amount of parking for this major trail destination, bicycle access would decrease the demand for parking here. Additional access should also be considered in the vicinity of Maverick Road and Route 28. The feasibility of these connections should be explored with the NYSDOT, and as part of the Town’s inclusion in the Catskill Scenic Byway. Additional connections from the Town’s smaller mixed-use areas, where tourism and visitor activities are encouraged, would also benefit from these connections. Travelers along the rail trail could also stop at restaurants, overnight accommodations, and retail shops along the trails. Use of the trail will only continue to grow with the extension of the rail trail to Kingston and westward. In general, crossings need to be considered at Zena Road, which would connect both sides of the West Hurley hamlet, which is split by Route 28. Any improvements here would need to be performed with the consent of, and collaboration with, the Town of Woodstock.</p>
M2-3	<p><b>Discourage any road or driveway connections that would cross the trails.</b> The O&amp;W Rail Trail is located within the right-of-way for Route 209. At the south end of Town, generally across from Kent Court, the rail trail ends up within a separate right-of-way, separating properties to the east from Route 209. Several large undeveloped tracts of land are located either adjoining or just east of the rail trail, between the trail and Lucas Avenue Extension. Should these properties be developed in the future, there may be pressure to create points of access from these properties to Route 209. Every effort must be made to avoid any connection which would result in a road crossing over the trail. This includes requiring access to other roads, developing properties where a limited number of new residences may access existing dead ends, constructing an elevated or under trail road connection where topography permits, and other means of avoiding trail segmentation.</p>
<p><b>M3. Implement a “road diet” for Route 28.</b></p>	
M3-1	<p><b>Petition the Ulster County Transportation Council and NYSDOT to support a corridor study for Route 28 to study or recommend safety improvements.</b> The segment of Route 28 within the Town of Hurley commences as a four-lane undivided highway to the west, and then transitions to a two-lane undivided highway to the west of its intersection with Route 375. The Town seeks to have the NYSDOT determine the need for four travel lanes within the Town to either two lanes, or two lanes with a center turning median. Especially between Zena Road and Route 375, a reduction in traffic lanes would calm traffic, provide a safer environment for West Hurley, and could allow for the introduction of sidewalks on the north side of the highway.</p>
M3-2	<p><b>Request that NYSDOT study the traffic volume and speed on Route 28 from Zena Road to Route 375.</b> Related to the above, the NYSDOT should specifically examine traffic volumes and speed along Route 28, to determine whether the existing capacity is necessary, and whether traffic calming measures are needed.</p>
M3-3	<p><b>Improve safety at the Route 28 /375 intersection.</b> This a 3-way intersection consists of the westbound and eastbound approach along Route 28, and Route 375. Westbound, there is a dedicated right-turn lane to travel toward Woodstock. Eastbound, Route 28 has a through lane and a through/left turn lane. Route 375 maintains two lanes, one for southbound and one for northbound travel. Potential options for the intersection would be to explore a roundabout, which could serve as a traffic calming measure, serve as an attractive gateway into the Catskills, and allow removal of the signalized intersection. It could also integrate safe and shorter pedestrian access across the road. Roundabouts improve traffic flow – they result in less idling which reduces vehicle emissions and fuel consumption. They are also safer for pedestrians.</p>
M3-4	<p><b>Improve safety of businesses and residential access along Route 28.</b> Integral to any corridor management study should be consideration of access management to the local residences and businesses that front to Route 28, especially along the four-lane road segment east of Route 375. As the Town receives development applications along the</p>

corridor, site and subdivision standards will require consideration of the use of shared driveways to minimize curb cuts, larger minimum frontage requirements to provide adequate distances between access points, and where possible, requiring driveway access from the minor roads.

**M4. Protect Route 209 as a well-functioning, regional arterial.**

M4-1	<b>Discourage new curb cuts and driveways from directly accessing Route 209.</b> As mentioned previously, access onto Route 209 is largely via existing intersections. Various parcels maintain double frontage along the highway as well as another road, e.g., old Route 209. When reviewing development applications, direct access to Route 209 is to be avoided.
M4-2	<b>Control excess speeding.</b> The Town would like the NYSDOT to conduct a speed study along Route 209. While the Town benefits from the limited number of direct access points onto the highway, the length of the highway and lack of traffic control devices (stops signs, lights) on the highway result in some motorists excessively speeding along the highway, which has a posted speed limit of 55 mph. While caution signs are posted before the intersections of Wynkoop and Russell Roads to decrease speed to 45 mph, this does not occur for motorists traveling through the intersection. The NYSDOT needs to explore whether additional pavement markings, warning signs, flashing signs, or traffic signals are needed to slow vehicles down through these intersections.

**M5. Develop road standards for public and private roads.**

M5-1	<b>Review private rural roads standards and consistency with NYS Town Law 280-a requirements.</b> Especially for minor subdivisions, private roads reduce the burden and cost of public highway maintenance and ownership while ensuring safe access is provided to remote parcels. The Town does not have standards for private rural roads. It is recommended that standards be developed for subdivisions of more than three parcels – for subdivisions of three parcels or less, a private driveway would be allowed. The Town could establish an upper limit to the number of lots along a private road, e.g, more than ten lots with frontage along a road shall be designed in accordance with public road standards.
M5-2	<b>Allow shared driveway access.</b> For subdivisions with no more than three (3) parcels, the Town should allow shared private driveway access. The access and maintenance of same would be shared among the property owners, and further access to additional lots would not be allowed, unless they are brought up to private road standards, at a minimum. The Town Engineer can assist in the development of appropriate standards.
M5-3	<b>Develop a standard road maintenance agreement.</b> For shared driveways and public roads, the Town should develop a standard private road/driveway maintenance agreement that would apply to the upkeep of any new private road or shared driveways. The intent is to ensure that safe access is maintained in the event of an emergency.

**M6. Support green technologies in the design of parking lots.**

M6-1	<b>Encourage or require electric vehicle charging stations.</b> Consumer demand for electric vehicles has risen significantly in the past decade. Several factors are expected to continue to drive consumer demand for EVs over the 2021–31 decade: environmental concerns, greater vehicle choice, improved battery capacity, and cost savings <sup>11</sup> . New York State offers several charging station programs that provide incentives and discounts to install charging stations at places of work, businesses, municipal centers, institutions, and other community sites. As overview of the programs can be found on the NYSERDA website – see <a href="https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Charging-Station-Programs">https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Charging-Station-Programs</a> . At this time, the Town
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<sup>11</sup> <https://www.bls.gov/opub/btn/volume-12/charging-into-the-future-the-transition-to-electric-vehicles.htm>

has installed a charging station at Town Hall in Hurley. In the next 5 years, the Town supports installing electric charging stations in West Hurley. The Town can encourage or mandate electric charging stations as part of new developments.

M6-2

**Allow canopied parking lots for solar use.**

Placing large-scale solar facilities on undeveloped land is often not much better than developing the land for a conventional development<sup>12</sup> - solar sites are frequently bulldozed removing significant vegetation. Parking lots are abundant, close to customers, largely untapped for solar power generation, and on land that's already been stripped of much of its biological value. In addition to providing power to the business and the neighboring community, or the cars sheltered underneath, a canopy also shades customers and vehicles.



<sup>12</sup> <https://e360.yale.edu/features/putting-solar-panels-atop-parking-lots-a-green-energy-solution>

# G. THE FUTURE

In looking to the future, the Town understands that the success of this Plan Update relies on the continued efforts of its elected officials, staff, volunteers and other community stakeholders to implement the goals and recommendations. A changing economy, demographics, and physical conditions within the Town and region may render these policies less effective or obsolete with time. By integrating this plan into government processes and continually looking to implement, update and supplement the recommendations and policies herein, the Town will increase the odds of achieving its Vision and Goals.

## G.1 ANNUAL REVIEW

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The best chance of success is to ensure the Plan Update is periodically and regularly reviewed. In recognition of the time and effort that has been expended in the preparation of this Comprehensive Plan, and in acknowledgment of the fact that no plan can account for all possible eventualities and outcomes, it is the desire of the Town of Hurley that this Plan Update become an integral part of the operation of local government. To this end, the Plan Update should be reviewed annually, just prior to the annual budget process, to review and determine what recommendations must still be implemented.

The Town Board could assemble a small committee to review the Plan Update and the implementation table below and identify which recommendations have been achieved and prioritize those recommendations which have not yet been implemented. The Committee should also make recommendations as to what issues may have arisen over the preceding year that may require a partial or comprehensive reexamination of the Plan Update.

It is suggested that instituting such a process will make it more likely that the Vision for the Town will become reality, and that this Plan will become an intrinsic element of Town local government, thereby unifying the efforts of its Town Board, Planning Board, Zoning Board and other development review boards, as well as the local business community and residents.

In addition, as part of the annual review, the links provided in this Plan Update should be checked, and updated as necessary. Agency websites undergo change and reorganization, and the links should be checked to ensure that they still benefit the reader.

## G.2 PLANNING HORIZON

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This Comprehensive Plan Update was developed to promote strategies for the Town over the next 10-20 years. It is the intent that the Town commence a comprehensive update of this plan sometime between 2033-2043, preferably at the 10-year mark.

## G.3 IMPLEMENTATION TABLE

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The goals and recommendations are summarized below. **(to be added after initial review of the recommendations and goals).**

