



TOWN OF HURLEY PLANNING BOARD

PO BOX 569

Hurley, New York 12443

planning@townofhurley.org

(845)331-7474 Ext. 6

File 2023-#10-Beesmer-Nekos-SBLs-46.2-2-22.3&46.2-2-25-SD&LLA

In the matter of Final Plat Approval request by:

Michael & Carol Beesmer
246 Stone Road
West Hurley, NY

Peter and Nadine Nekos
187 Spillway Road
West Hurley, NY

For a Two (2) lot subdivision and a Lot Line Adjustment

WHEREAS:

1. The Applicants are Michael and Carol Beesmer, who currently own 9.266 acres on Spillway Road (SBL 46.2-2-22.3) (hereinafter referred to as the "Beesmer Property"), and Peter and Nadine Nekos, who currently own 1.002 acres located at 187 Spillway Road (SBL 46.2-2-25) (hereinafter referred to as the "Nekos Property"). This application consists of both a subdivision of the Beesmer Property, as well as a lot line adjustment between the Beesmer and Nekos Properties. In addition, there is another lot line adjustment between Beesmer and their adjoining land, which is located at 197 Spillway Road (SBL 47.1-2-1.400) which currently has 77.974 acres (hereinafter referred to as "Other Lands of Beesmer").
2. As proposed, the Beesmer Property is proposed to be subdivided into 2 lots. Lot #1 will initially be 3.074 acres, and Lot #2 is proposed to be 5.653 acres. At the same time as this subdivision, 0.296 acres of the proposed Lot #1 will be transferred to the Nekos Property. This is to allow a 10 foot x 15 foot carport structure owned by Nekos to be located wholly on the Nekos Property. After this conveyance, Lot #1 will be 2.778 acres. In addition, 0.539 acres will be conveyed to Other Lands of Beesmer, such that Other Lands of Beesmer will become 78.513 acres.
3. Thus, for clarity purposes, it is proposed that Lot #1 will be 2.778 acres, Lot #2 will be 5.653 acres, Nekos Property will be 1.298 acres following the lot line adjustment with Beesmer, and Other Land of Beesmer will be 78.513 acres following the lot line adjustment with Beesmer.



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4. On September 28, 2023, this application was placed on the Town of Hurley Planning Board agenda under “New Business.” An initial question was raised by the Planning Board’s attorney and its Planning Consultant as to whether Lot #1, initially proposed as gaining access from Spillway Road via a Right of Way or common driveway. Discussion was then had with the Applicant as to whether an Open Development Area (ODA) would be required, or an area variance for Lot #1. Discussion was also had with the Applicant as to alternative designs of the two-lot subdivision to allow for direct access of both lots to Spillway Road.
5. Upon the advice and review of its Attorney and Planning Consultant, the Town of Hurley Planning Board classified the proposed subdivision as a minor subdivision. The subdivision portion of this proposal includes two lots, each of at least the minimum size of the A-2.5 Zoning District, and, upon revision of the Applicant, each fronting Spillway Road.
6. On September 28, 2023, the Planning Board also classified the action as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). As an Unlisted Action, the Planning Board will continue its environmental review of this project as an uncoordinated review.
7. On October 26, 2023, the Planning Board held a duly noticed public hearing at the Town of Hurley Town Hall, 10 Wamsley Place, and notified the neighbors via certified mail within 250feet of the properties as identified using the Ulster County Parcel Viewer. There were 12 neighbors including both Applicants. No comments were received during the public hearing. There was continued discussion about the proposed layout of the lots. The public hearing was continued to the November 30, 2023, meeting.
8. At the November 30, 2023, Public Hearing, the Applicant submitted a revised Plat delineating a twenty-five-foot (25’) driveway to proposed Lot #1 and a fifty-foot (50’) strip to be connected to the Other Lands of Beesmer, which had been granted approval by Ulster County Highway on XXXX. Lot#2 would have its own driveway off Spillway Road which also had approval from Ulster County Highway on XXX. The Final Plat of the Subdivision and Lot Line Adjustment was



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submitted to the Planning Board on December 7, 2023. The Final Plat, which is dated May 23, 2023, revised November 7, 2023, and revised to reflect the conditions within this Determination.

9. On December 21, 2023, the Planning Board discussed and concluded its review of Part 2 of the Environmental Assessment Form (EAF). The Planning Board, finding that there will be little to no adverse environmental impacts, prepared a Negative Declaration as its Determination of Significance to be considered for this action, a copy of which is annexed to this Determination as Exhibit #1
10. Having reviewed all the requirements for a minor sub-division in Chapter 170 of the Town of Hurley Town Code, Subdivision Regulations, finds that all required standards have been met or a condition has been placed herein to mitigate.
11. As regards the proposed lot line adjustment between Beesmer Property and Nekos Property, the area of the proposed land exchange is 0.296 acres, which does not exceed the minimum required lot area of the A-2.5 Zoning District. No additional lots will be created, as the additional acreage will be conveyed to the Nekos Lot, an already existing lot. Such exchange of land will not preclude the proper future development of the Properties, as the additional acreage added to the Nekos Property is added to the rear of the Property, and Lot #1 is still a conforming lot. It is noted that the proposed Final Plat identifies that the Lot Line Adjustment portion of the Application between the Beesmers and the Nekos will allow the existing 10'x15' tent structure owned by the Nekos to be wholly on their property. It is not known if this structure meets the rear setback, or other applicable bulk requirements of the Town of Hurley Zoning Law. A condition will be placed on the approval of this plat which will require that the structure be brought into compliance (See Section D of this Resolution).
12. As regards the proposed lot line adjustment between Beesmer Property and Other Lands of Beesmer, the area of the proposed land exchange is 0.539 acres, which does not exceed the minimum required lot area of the A-2.5 Zoning District. No additional lots will be created, as the additional acreage will be conveyed to Other Lands of Beesmer is for the purpose of allowing



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Other Lands of Beesmer to have direct access and frontage to Spillway Road. Such exchange will not preclude the proper future development of the Properties, as the additional acreage added to the Other Lands of Beesmer is to provide frontage to Spillway Road, in case Other Lands of Beesmer is subdivided in the future. There are no nonconformities created by this transfer, as it does not affect the conformity of the two lots created by the Subdivision, nor create any nonconformity with Other Lands of Beesmer.

13. As regards the creation of Lot #1 and Lot #2, the land to be subdivided is intended to be for residential purposes for a single-family home within a residential district. Proper provisions have been made for drainage, water supply, sewage and access to Spillway Road. Such lots shall be laid out and of such size as to be in harmony with the development pattern of the neighboring properties. The lot sizes meet the minimum lot size of the A-2.5 Zoning District and surrounded by similarly sized lots. Both lots will be designed to have frontage to Spillway Road, so no additional approvals for an ODA from the Town Board or area variance from the Zoning Board are Appeals are required for the creation of Lot #1 and Lot #2.

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

Section A. The Town of Hurley Planning Board, in its role as duly established Lead Agency under SEQRA and upon review and completion of the Short EAF and associated information, hereby issues and adopts the annexed Negative Declaration as its Determination of Significance pursuant to SEQRA.

Section B. The Planning Board grants Final Plat Approval for the Minor Subdivision of lands of Michael and Carol Beesmer (SBL 46.2-2-22.3) and lands of Peter and Nadine Nekos for a Lot Line Adjustment (SBL 46.2-2-25) as delineated on Final Plat of Subdivision of Lands of Michael and Carol Beesmer and lands of Peter and Nadine Nekos dated May 23, 2023 revised November 7, 2023 and revised to reflect the conditions within this Determination.



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- Section C. BEFORE the Final Plat can be signed by the Planning Board Chairman, the following conditions shall be met:
- C.1. The final plat maps shall be revised in the following ways:
 - C.1.1. the 'zoning block' must show that each of the lots meet the requirements of the A2.5 zoning district; and
 - C.1.2. a note must be added stating that the 3 new accesses were approved by UCHWY, and indicate such date received approvals.
- Section D. AFTER the Final Plat has been signed by the Planning Board Chairman, the following condition shall be met:
- D.1. Within a period of six (6) months beginning on the date that the final plat map is signed by the Planning Board Chairman, the structure, listed as “carport” on the lands N/F owned by Peter and Nadine Nekos as shown on Final Plat of Subdivision of Lands of Michael F. Beesmer & Carol A Beesmer and Resubdivision of Lands Between Michael F. Beesmer & Carol A. Beesmer and Lands of Peter J. Nekos & Nadine M. Nekos, and as depicted on the approved and signed final plat map, shall be brought into compliance in all respects with the Town of Hurley Zoning Law and any other applicable provisions of the Town of Hurley Town Code. The Applicant is aware that achieving compliance may require that the carport may need to be moved to another location on the property which location meets the required rear yard setback requirement of seventy five (75) feet and any other applicable bulk regulation set forth in the Zoning Law, or in the alternative, may require the Applicant to obtain an area variance from the Town of Hurley Zoning Board of Appeals.
 - D.2. If the carport is moved to another location on the property that complies with the setback and other bulk regulation requirements of the Zoning Law, after relocation of the carport the Applicant shall contact the Town of Hurley Zoning Enforcement Officer and request an inspection of the property to verify that the relocated carport complies with the Zoning Law. The Zoning Enforcement



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Officer shall write a report of the inspection and shall submit a copy of that written report to both the Town of Hurley Planning Board and to the Applicant. The inspection shall take place prior to the expiration of the six (6) month period specified herein for compliance in order to satisfy this condition.

- D.3. If the Applicant chooses to achieve compliance by obtaining a area variance, the Applicant shall apply for and obtain a resolution of the Zoning Board of Appeals granting the area variance prior to the expiration of the six (6) month period specified herein for compliance in order to satisfy this condition. The vote of the Zoning Board of Appeals granting the variance shall take place prior to the expiration of the six (6) month period in order to satisfy this condition. The Applicant shall furnish a copy of the ZBA's written resolution granting the area variance to the Planning Board and to the Town Zoning Enforcement Officer in order to achieve full compliance with this condition.
- D.4. Failure by the Applicant to satisfy this condition may result in enforcement action, which action could include the revocation of the subdivision approval granted by this resolution.

Section E. The granting of this Final Plat Approval, and the signing of the final plat map by the Planning Board Chairman, shall be expressly contingent upon the Applicant and Property Owner's full payment to the Town of Hurley of any and all fees and escrow deposits due in connection with this application and in full compliance with Chapter 19 "Escrows and Consultants Fees" of the Town of Hurley Zoning Code.

Section F. The granting of this approval does not absolve the Applicant and the Property Owner from having to secure any other required permits and/or approvals.

Section G: Upon completion and satisfaction of the above-stated conditions, except for the satisfaction of the condition set forth in Section 4 which must be satisfied later, the Applicant shall bring the Clerk two (2) Mylars and a minimum of nine (9) paper copies of the final plat with the 'consent to file' signed by all owners. The Board will sign the Plat



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when the Escrow is fully paid. The Applicant shall deliver one (1) Mylar and nine (9) paper copies to the Clerk after filing with Ulster County Real Property.

The motion being made to approve was by XXXXXXXXXXXX and seconded by XXXX was brought to the following vote:

The Clerk conducted the following roll call:

Roll Call

| | |
|----------------------------|---|
| Peter McKnight, Chair | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Kathryn Kiewel, Vice-Chair | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Karl Brueckner | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Griff Liewa | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Debbie Kossar | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Dennis O'Clair | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Diana Cline | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |
| Mitch Cohen, Alternate 1 | ___ Aye; ___ Nay; ___ Absent; ___ Abstain |

The motion having been made and seconded passed/failed by a roll call of XXX Ayes; XXX Nays; XXX Absent; XXX Abstentions

Dated this 21st day of December, 2023

Maggie Colan, Planning Board Clerk

Filed with the Town Clerk on the 22nd day of December, 2023.

Annie Reed Town Clerk