



TOWN OF HURLEY PLANNING BOARD
PO BOX 569
Hurley, New York 12443
planning@townofhurley.org
(845)331-7474 Ext. 6

VIA EMAIL ONLY

Thursday 28, March 2024

To: Paul Economos, Town of Hurley Zoning Enforcement Officer & Code Enforcement Officer

Date: 2024-03-26

RE: File-2024-#03-NeverAlone-SBL-47.3-2-11.1-SP

Dear Paul,

As you may recall, pending before the Planning Board is an Application for amended Site Plan approval by the facility called 'Never Alone' located at 20 Croft's Road.

As you are aware, Never Alone was granted Site Plan Approval by the Hurley Planning Board by resolution on 1992-06-02 after a duly held Public Hearing, and a copy of said approval is annexed to this letter as Exhibit A. The Property, at the time, was owned by the Mauer family.

Site plan approval was granted after input and a written opinion from the then Town Attorney, Jack Darwak dated 1990-12-14, which advised the Planning Board that this was the best Use for the proposed application. A copy of Mr. Darwak's letter is annexed to this letter as Exhibit B.

Your referral to the Planning Board for file-2024-#03-NeverAlone-SBL-47.3-2-11.1-SP dated 2024-01-19, a copy of which is annexed to this letter as exhibit C, stated the Use is: "... As per Town of Hurley Zoning, the property is in the A2.5 district and the current use is pre-existing, nonconforming. Based on historical determinations for similar proposals in the past...".

In order to assist the Planning Board in deciding what standards should be properly applied in the review of this application, the Planning Board respectfully asks you to please expand on your determination. The Planning Board would appreciate it if you would please supplement your determination by addressing the following inquiries:

- Please characterize the nature of the 'pre-existing non-conforming use.'

A nonconforming use is defined as use which lawfully existed prior to the enactment of a zoning ordinance, and which is maintained after the effective date of such ordinance although it does not comply with use restrictions applicable to the area in which it is situated. The Use of the Never Alone site was determined in 1992 to be a conforming "school" use for which site plan approval was granted. The use



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has been continuous since then. In addition, “school” is an allowed use presently in the Town’s A25. Zoning District per the schedule of Use regulations (see below)

Private, academic or parochial school	S	S	S	S	S	S	S	—	S
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The Planning Board would appreciate it if you would please explain the reasoning which led to your determination that the facility is now a non-conforming use.

The Planning Board would appreciate it if your answers to the Board’s questions could be submitted to the Board in the form of a written supplement to your earlier determination so that the Board will have a document for the record.

The Board would appreciate your response by Thursday, April 11, 2024 if at all possible.

Thank you in advance for your kind assistance in this matter.

Town of Hurley Planning Board

By: 
Peter McKnight, Chairman

c via email: Bonnie Franson, AICP, Nelson Pope Voorhis
Grant & Lyons, LLP



Town of Hurley
National Historic Landmark
Hurley, New York

Office of the Planning Board

June 2, 1992
5 Zandhoeck Road
P. O. Box 358
Hurley, N. Y., 12443-0358

Hurley Building Department
P. O. Box 596
Hurley, New York, 12443

EXHIBIT
A-1 OF

SUBJECT: Site Development Plan for "Never Alone", Private School
located on 20 Crofts Road, West Hurley, New York.

Dear Mr. Bertone and Mr. Mauro:

The Hurley Planning Board at a Public Meeting on June 1, 1992 granted Final Approval to the Site Development Plan application by Never Alone, a private school. The Executive Director, Mr. James Grieves was present at this meeting.

The agreements between the Hurley Planning Board and Mr. Grieves, Executive Director for Never Alone, which support the granting of Final Approval include:

1. No more than 25 students can be accommodated in the site at any one time. The Never Alone school must come back to the Hurley Planning Board for Site Plan Review, if further growth is contemplated in the future.
2. Security of the site buildings where students reside will include closed-circuit T.V. monitored by the staff at night. A Security Service will be hired to patrol the lands of the Never Alone school at night.
3. Mr. Grieves has stated that he understands that the Morgan Hill Gun Club is a neighbor and that shooting on the pistol range may be up to 10:00 P.M. at night. The Gun Club has been in their site for many years.
4. The Never Alone school agreed that all requirements by the Hurley Building Department must be met as a condition of the Final Site Plan approval. The issuing of Certificates of Occupancy for the residence buildings are done as each building has met the Hurley Building Department requirements.



Town of Hurley

National Historic Landmark

Hurley, New York

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5. Access at any time is a right of Charles and Eleanor Williams to their lands located within the Never Alone land holdings. The access is listed in a deed describing the lands of the Never Alone school.
6. Never Alone School personnel will provide transportation to the Dug Hill Road site for parents and friends of the students living on the site.

Very truly yours,

Harry G. Anderson

Harry G. Anderson,

Chairman

cc: Hurley Town Clerk's File.
Hurley Planning Board File.
Hurley Planning Board Members.
Hurley Town Board Members.
Highway Superintendent's Office.
Town Attorney.

JOHN J. DARWAK

ATTORNEY AND COUNSELLOR AT LAW

KINGSTON OFFICE

280 WALL STREET
U. P. O. BOX 3087
KINGSTON, NEW YORK 12401
(914) 338-4500

SHOKAN OFFICE

ROUTE 28, P. O. BOX 240
SHOKAN, NEW YORK 12481
(914) 657-2000

PLEASE REPLY TO: Shokan Office

December 14, 1990

Town of Hurley Planning Board
Post Office Box 569
Hurley, New York 12443

Bpt EXHIBIT OF

Attn: Mr. Harry G. Anderson, Chairman

Re: "Never Alone" Application for a Community Residential
Facility to be located on the current Pinewood Lodge
Property on Dug Hill Road, Town of Hurley, New York

Dear Mr. Anderson:

I acknowledge receipt of your letter to me dated December 8,
1990 together with the enclosures referred to therein. My analysis
of the situation is as follows:

Article 41 of the Mental Hygiene Law authorizes operation of
"community residential facility for the mentally disabled." (Sec-
tion 41.33)

Section 1.03(3) defines "mental disability" so as to include
alcoholism or substance dependence. Section 41.34(f) of the Mental
Hygiene Law states that a community residence established pursuant
to this Section would be deemed a "family unit" for the purposes
of local laws and ordinances. Therefore, if the "Never Alone" ap-
plication was for a use of up to 14 persons, same would constitute
a community residence which would meet the one family per acre def-
inition for an "A" District set forth in Section 2A of the Zoning
Ordinance of the Town of Hurley.

However, the instant application is for use by up to 25 resi-
dents and, therefore, same does not meet the definition of a "com-
munity residential facility for the disabled" as set forth in Section
4134(a)(1). In other words, since the proposed use does not meet
the statutory definition of a community residential facility for
the disabled, Article 41 of the Mental Hygiene Law does not apply.

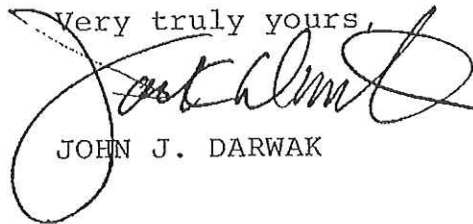
Town of Hurley Planning Board
Attn: Mr. Harry G. Anderson, Chairman
December 14, 1990
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bp2 EXHIBIT OF

As I understand the situation, the premises in question presently constitutes a pre-existing non-conforming use. It appears to me that the proposed use is at least an equal and in all probability, less non-conforming use. (See Section VI(D), Page 20-50 of Zoning Ordinance) I realize that it is the job of the Zoning Board of Appeals to interpret the Town of Hurley Zoning Ordinance. However, it seems to me that the intended use most closely approaches that of a "private, academic or parochial school" which is a use permitted as a right in an "A" Zone subject to site plan review. A case could be made that the intended use is closer to that of a "Hospital, Nursing Home, Convalescent Home, Sanitarium, Institution or Philanthropic Use" and, therefore, in addition to site plan approval a special use permit is also required. However, since I sincerely believe that the intended use is equal or less than the present non-conforming use, I feel that same is a permitted use pursuant to Section VI(D) and, therefore, site plan approval alone would be sufficient.

I hope and trust this letter answers the questions you have regarding this matter, but if such is not the case please feel free to contact me and I will attempt to clear up any remaining questions or doubts.

Very truly yours,



JOHN J. DARWAK

JJD:pab
Enclosures

P.S. - Enclosed is the original letter from Praetorius and Conrad to the Town of Hurley Planning Board dated November 26, 1990, which said letter was included with your aforementioned letter to me dated December 8, 1990.



Town of Hurley
National Historic Landmark
Hurley, New York

Office of the Planning Board

P.O. Box 569
Hurley, N.Y. 12443
October 25, 1993

Mr. Max Mauer
Never Alone
P.O. Box 1010
Kingston, N.Y. 12401

B p 3 EXHIBIT OF

RE: Never Alone, Inc. Site Plan Approval.

Dear Mr. Mauer:

The Hurley Planning Board acted on the Town Attorney, John Darwak's recommendations, which had determined that Site Plan Review was all that was required for subject's facility in accordance to the Hurley Zoning Ordinance. Attached is a copy of a letter from the Town Attorney to the Hurley Planning Board dated December 14, 1990. Included for your further information are copies of related correspondence including the minutes of the Public Hearing held on 4/30/92. The Hurley Planning Board granted Final Approval for Site Plan Review on June 1, 1992.

Very truly yours,


Thomas Harkin,
Acting Chairman

cc: Hurley Town Clerk file.
Hurley Planning Board file.
Hurley Planning Board members.

Attachments: Mr. Harry Anderson's letter, 12/8/90
Mr. John Darwak's letter, 12/14/90
Public Hearing Minutes, 4/30/92
Hurley Planning Board Meeting Minutes, 6/1/92



Town of Hurley
National Historic Landmark
Hurley, New York

Office of the Planning Board

December 8, 1990
P. O. Box 358
5 Zandhoeck Road
Hurley, N.Y., 12443

B 74 EXHIBIT OF

Mr. John J. Darwak, Esq.
Route 28, P. O. Box 240
Shokan, New York, 12481-0240

SUBJECT: "Never Alone" Application for a Community Residential Facility to be located on the current Pinewood Lodge Property on Dug Hill Road, Town of Hurley, New York.

Dear John:

Enclosed for your information are the Site Plan Application, a notarized authorization letter signed by Anna Mauer, a Project narrative by the Engineer, and a Narrative Summary signed by James Grieves, Executive Director. The letter from the Engineer, Mr. Praetorius, containing a copy of the Mental Hygiene Law, is enclosed.

The Zoning Code does not specify a Community Residence description in the allowed uses section on page ZO-6. The Hurley Planning Board has never had experience in this arena either. Since the application has specified Site Plan, we will continue to deal with this application on that basis.

The Town of Hurley Planning Board has received scattered information regarding this project for about 18 months. The Engineering Firm of Praetorius & Conrad has submitted an application of some fifty plus pages of exhibits. This package of paperwork includes a letter of authorization assigning agency to the Engineering Firm named above. A Contract For Sale has been enclosed in the exhibits mentioned. The Contract For Sale has not been executed as far as I know.

A Mrs. Anna Mauer from Cold Spring, New York, is listed as the potential owner of the 73 acre tract. The Town tax records show that a Mr. Ben Pumo, a resident of the State of Florida, is the owner of record. The Contract For Sale lists these parties.



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I asked Mr. Praetorius to list on the application if he is applying for a school, hospital, or other medical facility. I was told by Mr. Praetorius that this facility will be a Community Residential Facility. He has provided a copy of pages from the Mental Hygiene Law of New York State.

The Hurley Planning Board is familiar with the prospective site. An application for using this site as a trailer park was reviewed about two years ago. The trailer park application was denied by the Hurley Planning Board. The current owner applied for and received sub-division of some 23 acres about 18 months ago. We have been informed by Mr. Praetorius that the sub-division was never filed.

The Planning Board has invited Mr. Praetorius and the applicant to come to our next meeting on a Pre-application Hearing basis. The meeting will be on December 17, 1990 at 8:00 P.M. in the Dug Hill Road Meeting Room that we use. There are many issues associated with this site relative to water supply, distance to the Stonekill Creek and a new septic system has been designed for the site by Praetorius and Conrad. The condition of the buildings and proposed modifications proposed in drawings in the package will be handled by the Building Department of the Town of Hurley. We plan to invite the Building Inspectors to this meeting. The Hurley Planning Board has Site Plan Review responsibilities with a potential sub-division application coming.

The Hurley Planning Board reviewed some of the language in the document provided. We are confused as to whether or not the application must state what the planned use will be. There is other language detailing what the State of New York can do. We need some guidance as to how to proceed with this situation regarding how the New York State Health Laws state that zoning cannot be an impediment. The current use is a restaurant, banquet and lodging operation, which is a non-conforming use now. The maps and other drawings show that the buildings will be upgraded to support the proposed use.



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Office of the Planning Board

Please comment in writing what the Hurley Planning Board needs to be aware of relative to the Mental Health Law when dealing with this Site Plan Review.

Very truly yours,

Harry G. Anderson

Harry G. Anderson,

Chairman

Encls.

cc: Hurley Town Clerk's File
Hurley Planning Board File
Hurley Planning Board Members
Hurley Town Board Members
Building Inspector's Office

Town of Hurley
P.O. Box 569
Hurley, New York 12443
Phone: 845-331-7474
Fax: 845-331-5502



Paul Economos
Building Inspector
buildinginspector@townofhurley.org

EXHIBIT
OF

1/19/2024

Steve Drakulich, Architect
27 James Street
Greenfield, MA 01301


Re: Building permit application
Never Alone, 20 Croft Road
SBL #47.3-2-11.100

Dear Steve,

Thank you for your application for a new building and other alterations at the above referenced property.

As per Town of Hurley Zoning, the property is in the A2.5 district and the current use is pre-existing, nonconforming. Based on historical determinations for similar proposals in the past, the project is subject to site plan review as per §210-41 of the zoning. I have copied Maggie Colan, planning board secretary as submission to the Planning Board will go through her.

Warm regards,


Paul Economos, Building Inspector
Town of Hurley,
PO Box 569
Hurley, NY 12443

Cc: Peter McKnight, Chairman
Bonnie Franson, Planner
Maggie Colan, Planning Board Secretary