



**TOWN OF HURLEY ZONING BOARD OF APPEALS**  
**PO BOX 569**  
**Hurley, New York 12443**  
[planning@townofhurley.org](mailto:planning@townofhurley.org)  
**(845)331-7474 Ext. 6**

FOR OFFICE USE ONLY:

\*\*\*\*\*

ZEO review Date: \_\_\_\_\_; ZEO review received: \_\_\_\_\_ Application # \_\_\_\_\_ Date Filed: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Area Variance: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

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**TOWN OF HURLEY ZONING BOARD OF APPEALS**

**ULSTER COUNTY, NEW YORK**

• Please review the information in this packet and Chapter 210 of the Town of Hurley Code thoroughly. The Zoning Law can be found here: <https://ecode360.com/7702462>

Forms and Submittals – Required with submission-No exceptions

- Code Review Form – Code Enforcement Officer/Zoning Enforcement Officer
- Application
- Fee
- SEQRA Environmental Assessment Form (Short EAF Part 1 only)  
<http://www.dec.ny.gov/eafmapper/> . You MUST use this site to complete the Short EAF

Hint: you must turn off your pop-up blockers to download the form. Some of the boxes will already be checked...that is OK, that is what is supposed to happen

- Written Narrative detailing planned uses and existing uses to be retained
- Letter Authorizing Representative Powers
- A sketch plan drawn to scale or site plan

Hint-the site/plot plan does not necessarily need to be prepared by a professional, but it must include all structures on the property, their current setbacks and their proposed setbacks. It also must show any easements that are in the deed

- Aerial Photos <https://ulstercountyny.gov/maps/parcel-viewer/>
- Deed and Easements

All Applications and supporting materials must be completed and dropped off to the Zoning Clerk 2 weeks before the meeting by 4:00PM to be placed on the following agenda. A hard copy of the entire packet must be submitted on a USB and emailed to [planning@townofhurley.org](mailto:planning@townofhurley.org) along with the hard copy and a check or money order payable to the Town of Hurley.



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-If any agent is representing an applicant and/or property owners, a signed and notarized letter by the applicant(s) and/or property owner(s) listed in the deed authorizing the named individual to act as their agent must accompany the application.

-If the applicant is not the property owner, a signed and notarized letter by property owners listed in the deed authorizing the named individual to act as their agent must accompany the application.

**APPLICATION DETAILS**

1. Name of Project: Deck Addition  
 2. All Property owners listed in the Deed: Clinton McClure; Michele McClure

Mailing Address: 37 Briffany Dr. West Hurley, NY 12491

Physical Address: 37 Briffany Dr. West Hurley, NY 12491

Primary Phone: ( ) 914-474-9576 Cell Phone: ( ) 914-474-9576

Email Address: clint@mcc-i.net

3. Applicant Name (if other than owner): N/A

Mailing Address: \_\_\_\_\_

Primary Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

4. Site Location: 37 Briffany Dr. West Hurley, NY 12491

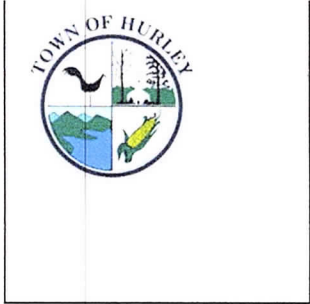
Tax Map Number: Section: 38.6 Block 5 Lot 62 Zoning District: R-1 Total Acreage of Parcel(s): .28 (under sized so B-1)

5. This project is (check one):  Expansion of Use ( ) Change of use ( ) New Construction

6. Description of current use and facilities (buildings, use, other facilities, vacant land, etc.): Single family residence

7. Describe current use(s) of all contiguous parcels (Include all types, Vacant Land, Residential, Commercial, Agricultural, Industrial, etc.): N/A

8. Description of proposed use and facilities of parcel (If more space is needed please use a separate piece of paper): Single family residence



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9. Will this project require permits or approval from any Federal, State or County agencies?  
 yes  no

If yes, please list the names: Town of Hurley - Building Dept.

10. Is the project contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places:  yes;  no.

If yes, name: \_\_\_\_\_

11. Surveyor/Engineer/Attorney/Architect Name, if Applicable: N/A

Mailing Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Applicant states that they are the owner or authorized agent of the owner for which the foregoing work is proposed to be done, and that they are duly authorized to perform such work, and that all work will be performed in accordance with all applicable State, County, and Local Ordinances.

Signature of all Owners in the Deed:

Chris J. McCauley ; Michelle C. McClure

Date: 2/28/2024

**NOTARIZATION:**

Acknowledgement Form State of NY )ss.: County of Ulster )

On the 28 day of Feb in the year 2024, before me, the undersigned notary public, personally appeared Michelle McClure personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. Michelle C - 381 659 489  
Clint D - 602 521 551

Notary Public [Signature] Expiration: April 25, 2027

12. List all structures on the property, the use, size and their setback to the front, rear, left and right property lines (the left and right is as if you were standing on the road facing the house); also include a sketch or site plan prepared by a licensed professional depicting the existing and proposed location of each structure:

**LORILEE MILLER KURZ**  
 Notary Public, State of New York  
 Reg. No. 01M16239971  
 Qualified in Ulster County  
 Commission Expires April 25, 2027



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(845)331-7474 Ext. 6

A. Structure House; Use Single Family  
Size: Length 57 ft.; Width 42 ft.; Height 14 ft.  
Front S/B 49 ft.; Rear S/B 13 ft.; Left S/B 26 ft.; Right 21 ft.

A. Structure Shed; Use Lawn Equipment  
Size: Length 10 ft.; Width 10 ft.; Height 9 ft.  
Front S/B 95 ft.; Rear S/B 1 ft.; Left S/B 1 ft.; Right S/B 124 ft.

C. Structure \_\_\_\_\_; Use \_\_\_\_\_  
Size: Length \_\_\_\_\_ ft.; Width \_\_\_\_\_ ft.; Height \_\_\_\_\_ ft.  
Front S/B \_\_\_\_\_ ft.; Rear S/B \_\_\_\_\_ ft.; Left \_\_\_\_\_ ft.; Right \_\_\_\_\_ ft.

13. Answer in detail, the criteria for a variance listed in Section 210-61

### 210-61-Variances.

- Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- All applications for variances shall be filed with the Clerk of the Board of Appeals in writing, shall be made in a form required by the Board of Appeals and shall be accompanied by payment of a filing fee in accord with a fee schedule, as adopted and amended from time to time by resolution of the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.
- Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals
- Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- The Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety and welfare of the community.

Instructions: You must answer **EACH** criteria with a narrative explaining how you believe your request will not have a negative effect on the criteria being answered. Yes or No is not an acceptable answer.

Hint: the ZBA must balance your request against the laws, the public impact and your justification for the request. The answers you give to these criteria matter a lot. Pretend you are a neighbor and don't want the request you are making.



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**Area Variance Criteria: 210-61**

In making its determination regarding a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

Area variance. Prior to granting an area variance, as defined in this chapter, the Zoning Board of Appeals shall consider the following:

**(a)** Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the area variance;

**No undesirable change, the deck addition will be modest around an above ground pool. From the affected neighbor's yard it will look like it simply belongs. As stated in the narrative, we would be happy to extend and enhance the existing landscape screening at the side yard.**

**(b)** Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

**The property is too small to accomplish it another way and maintain required egress from the house. Choosing another location would require a variance at the rear property line and would impractical because of the equipment location for the pool.**

**(c)** Whether the requested area variance is substantial;

**It is a small addition to an existing larger deck of 3 levels, so no it is not substantial, it is really modest and minor to the yard and overall property.**

**(d)** Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

**No adverse effects in any way.**

**(e)** Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

**It was only self-created by purchasing a small property 25 years ago. The conditions of the small property and garage in back greatly limit the options. So no, not self created but a result of small lots in the original development.**

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



Paul Economos  
Building Inspector  
Code Enforcement Officer  
buildinginspector@townofhurley.org

1/25/2024

Clint McClure  
37 Brittany Drive  
West Hurley, NY 12491

Re: Building permit application for a pool deck extension  
SBL #38.6-5-62

Dear Clint,

Thank you for your application referenced above. Your submission is substantive and well prepared but the permit cannot be issued at this time due to the plot plan indicating that the proposed deck will not meet the applicable setbacks. To wit:

- 37 Brittany Drive is zoned R-1
- the lot is 0.28 acres
- as an undersized lot, it is subject to the setbacks in the next least restrictive district which is B-1
- the side yard setback for the B-1 district is 15'
- your proposed side yard setback is 10'

It is slightly unclear if the rear corner of the deck is proposed at 10', or at the location illustrated on the plot plan which would make it slightly closer to the boundary. Please contact Erin at the Building Department at your earliest convenience to schedule a site visit.

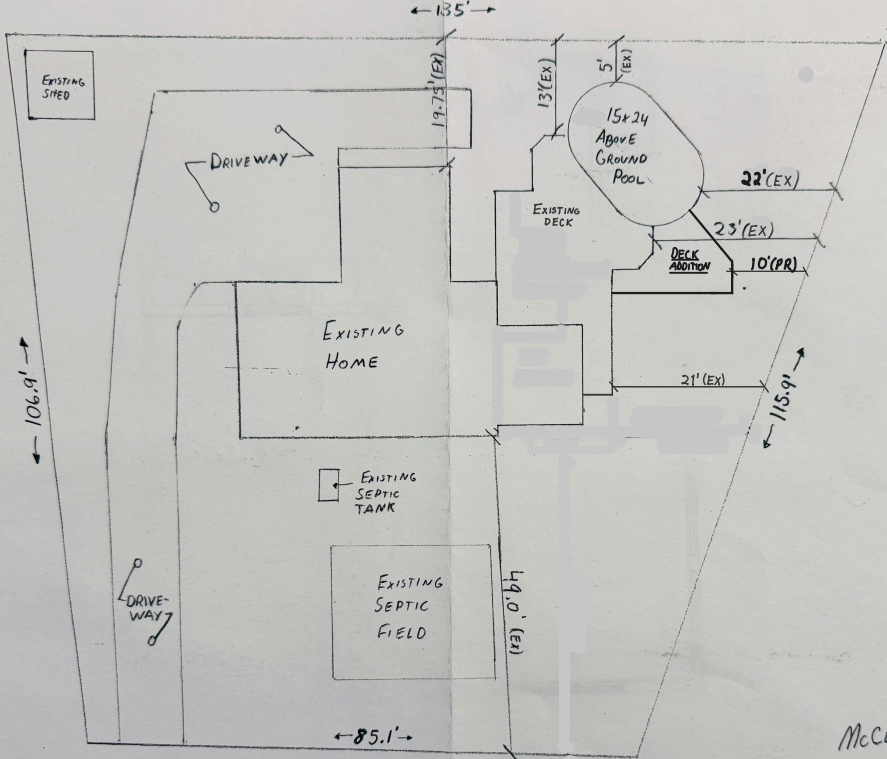
As we discussed, the option you have chosen is to pursue an area variance with the Zoning Board of Appeals. The variance request will be for a 5' side yard setback. I have copied Maggie Colan whom you will need to contact to begin the application process and to get on the agenda.

Regards,

A handwritten signature in black ink, appearing to read 'Paul Economos', with a long, sweeping flourish extending to the right.

Paul Economos, Building Inspector  
Town of Hurley  
10 Wamsley Place  
Hurley, NY 12443

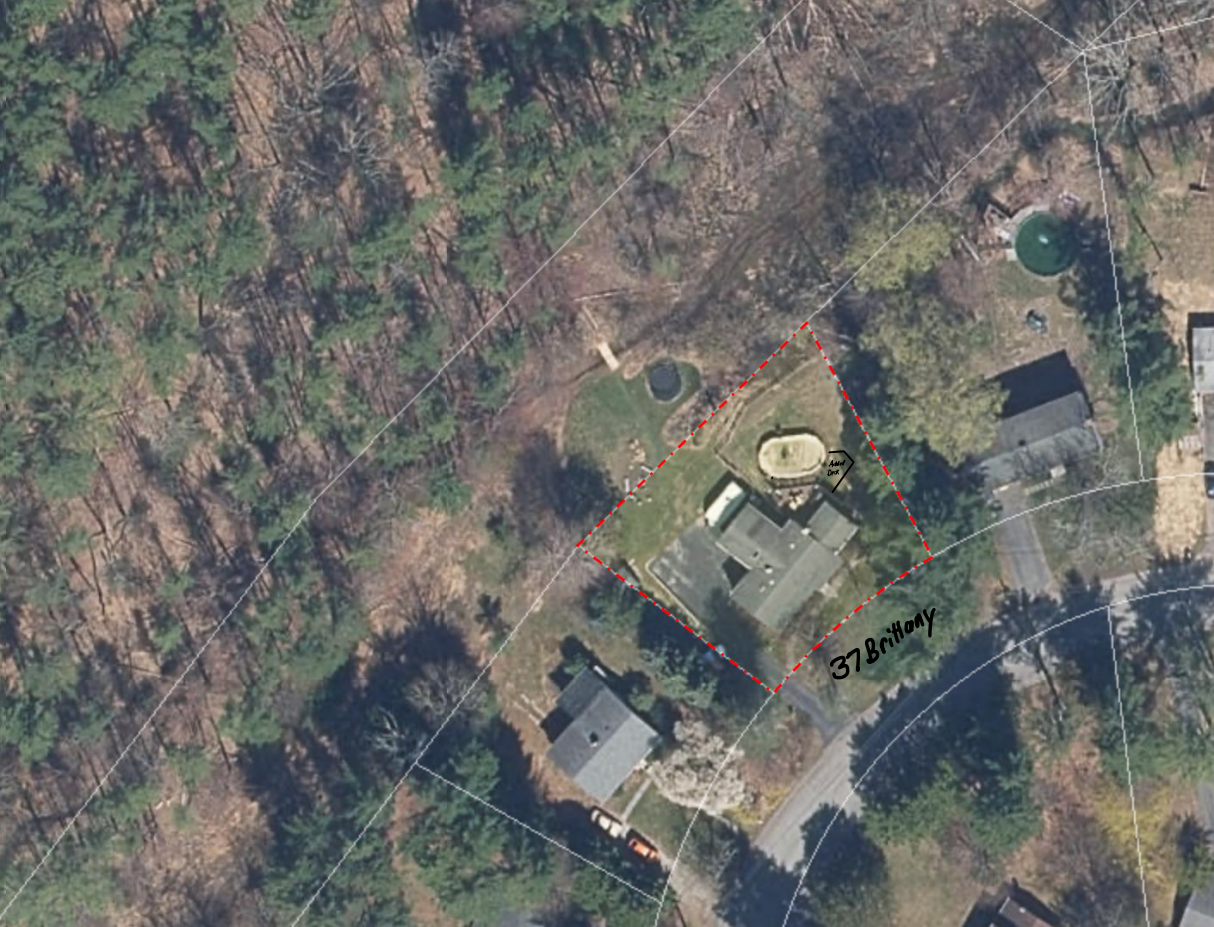
Cc: Maggie Colan, Zoning Board of Appeals Secretary



(PR) - PROPOSED  
 (EX) - EXISTING

McCLURE RESIDENCE  
 37 BRITTANY DRIVE  
PLOT PLAN

DATE: 1/22/2024



37 Brittany

Asst Driv





Area of Deck

Facing Rear



Area of Deck

Facing Front



Area of Deck

Facing Right