



**TOWN OF HURLEY  
ZONING BOARD of APPEALS  
PO BOX 569/10 WAMSLEY PLACE  
Hurley, New York 12443  
[planning@townofhurley.org](mailto:planning@townofhurley.org)  
(845)331-7474 Ext. 6  
Draft Minutes for 2023-12-14**

**Present:** Josh Vogt, Chair; Member Deb Dougherty; Member Alex Marra; Member Orin Shands; Member Andrew Shapiro

**Absent:** Member Kara Snyder

Also Present: Paul Economos, Zoning Enforcement Officer

- I. Chair Josh Vogt called for a motion to open the meeting at 7:00PM and asked everyone to stand for the Pledge of Allegiance and acknowledged a quorum of Members was present.
- II. 7:02PM-Chair Josh Vogt motioned to open the meeting; Member Alex Marra seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

**III. 7:03PM-Public Comment**

Chair Josh Vogt motioned to open public comment; Member Deb Dougherty seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

Chair Josh Vogt called 3 times for public comment. There being none at 7:05PM- Chair Josh Vogt motioned to close public comment; Member Deb Dougherty seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:



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Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

IV. 7:06PM-PM-Old Business-None

V. 7:07PM-New Business: None

VI. 7:08PM-Public Hearing: None

VII. 7:09PM-Decisions:

1. 7:40PM-2023-#6-Iovieno-SBL-37.4-3-1-AV

Property Owner: Pasquale & Ashley Iovieno

Applicant Solar Generation

Location: 106 Bristol Hill Road Glenford/Zoning Dist.: R1/1.8 acres

Summary: Appeal of ZEO's denial of the construction of and 18kW ground mount solar array requesting an area Variance of 6kW above allowable maximum of 12kW

Applicable code section: §210-71D

Application received on 6/29/2023

ZEO review dated 2023-05-22; received 2023-06-15

Need: SEQRA Classification

No one was present to represent the file

Chair Josh Vogt stated the Applicant submitted a letter withdrawing his application for a ground-mount solar array and subsequent request for an Area variance.

**Official Actions:**

Chair Josh Vogt motioned to accept the withdrawal letter for 2023-#6-Iovieno-SBL-37.4-3-1-AV and consider the application for an Area variance withdrawn; Member Alex Marra seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye



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Kara Snyder	Absent
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Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

**VIII. 7:45PM-Minutes**

Member Deb Dougherty motioned to approve the 2023-10-12 minutes; Chair Josh Vogt seconded the motion.

There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

**IX. 7:50PM-Action items: None**

**X. 7:51-ZTF Report-No report-**

**XI. 7:52PM-Correspondence: None**

**7:53PM-Other Business: 2024 Staffing and Consultants; Member terms; 2024 Schedule of meetings**

**1. Staffing:**

- a. Clerk-Chair Josh Vogt and Board members discussed the merits of choosing their Staff. They all agreed the current Clerk, Margaret M. Colan is doing a good job and discussed the resolution below before calling for a vote

To: Supervisor McKnight and Supervisor-Elect Michael Boms and Town Board Members

Date: 2023-12-14

From: Josh Vogt, ZBA Chair

**WHEREAS:**

1. The Town of Hurley is required to have a Zoning Board of Appeals since it has Zoning Laws;
2. Section 267(2) of New York State Town Law authorizes the Zoning Board of Appeals to hire a Clerk and/or Secretary within the budget appropriated for by the Town Board: "The town board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the town board for such purpose;"
3. Ms. Margaret M. Colan was hired by the Board in February 2022 after being interviewed by Chair Josh Vogt and his discussion with the rest of the Zoning Board members;
4. Ms. Colan was subsequently re-appointed as the Clerk and Secretary to the Zoning Board of Appeals in 2023;
5. Ms. Colan continues to do her job well. She is on-time with the requirements, she is responsive to requests by Board members; she has brought the Board into the electronic age and continues to



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improve that whenever possible; she is knowledgeable of the laws and requirements that the Board need;

6. Ms. Colan has 19 years of experience in land use.

At a regular meeting of the Zoning Board of Appeals, it was motioned by Member Andy Shapiro and seconded by Member Deb Dougherty to re-appoint Ms. Margaret M. Colan as the Clerk and Secretary to the Zoning Board of Appeals for the year 2024 within the budget appropriation allotted by the Town Board. This appointment will be reviewed annually in December for the upcoming year.

The foregoing motion was brought to a roll call by the Chair:

Chair Josh Vogt AYE

Vice-Chair Orin Shands AYE

Member Deb Dougherty AYE

Member Kara Snyder ABSENT

Member Alex Marra AYE

Member Andrew Shapiro AYE

The motion passed/failed by a vote of Five (5) Ayes; Zero (0) Nays; One (1) Absent, Member Kara Snyder; Zero (0) Abstentions

- b. Attorney-Chair Josh Vogt stated that it is his opinion that if the Town Board has a General Attorney that the ZBA does not in theory have an issue with utilizing them. However, he feels it is important to have access to a specialized Land-Use Attorney should the Board determine it is necessary. They used Grant & Lyons for the Appeals earlier in the year and believe they would be a good choice.

To: Supervisor McKnight and Supervisor-Elect Michael Boms and Town Board Members

Date: 2023-12-14

From: Josh Vogt, ZBA Chair

WHEREAS:

1. The Town of Hurley is required to have a Zoning Board of Appeals since it has Zoning Laws;
2. Section 267(2) of New York State Town Law authorizes the Zoning Board of Appeals to hire experts within the budget appropriated for by the Town Board: "The town board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the town board for such purpose;"
3. Attorneys John Lyons, ESQ. and Kim Garrison, ESQ. of Grant & Lyons, LLP located in Rhinecliff, NY have assisted the Zoning Board of Appeals in a few cases throughout the 2023 calendar year;
4. Grant & Lyons, LLP also represents the Town of Woodstock as well as several other local Municipalities;
5. The Zoning Board of Appeals needs the option of having an Attorney that specializes in Land-Use;



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6. The Zoning Board of Appeals is requesting that the Town Board include Grant & Lyons, LLP as an allowable Attorney for the Zoning Board of Appeals to use, should the majority of the ZBA determine an Attorney is necessary to assist in the review of a particular file.

At a regular meeting of the Zoning Board of Appeals, it was motioned by Member Andy Shapiro and seconded by Member Deb Dougherty to re-appoint the firm Grant & Lyons, LLP as Attorneys available for the Zoning Board of Appeals to use for the year 2024 within the budget appropriation allotted by the Town Board should they determine by a majority vote it is necessary.

The foregoing motion was brought to a roll call by the Clerk:

Chair Josh Vogt AYE

Vice-Chair Orin Shands AYE

Member Deb Dougherty AYE

Member Kara Snyder ABSENT

Member Alex Marra AYE

Member Andrew Shapiro AYE

The motion passed/failed by a vote of Five (5) Ayes; Zero (0) Nays; One (1) Absent, member Kara Snyder; Zero (0) Abstentions

- c. Member- Chair Josh Vogt stated that the previous Supervisor (John Perry) told him that the ZBA was grandfathered in the number of members (7) and the length of terms (5). He believes that the ZBA should stay as a 7-member Board. It gives a more diverse amount of people and makes sure there are enough members should there be an absence.

To: Supervisor McKnight and Supervisor-Elect Michael Boms and Town Board Members

Date: 2023-12-14

From: Josh Vogt, ZBA Chair

WHEREAS:

7. The Town of Hurley is required to have a Zoning Board of Appeals since it has Zoning Laws;
8. Section 210-58 of the Town of Hurley Code states: "Pursuant to § 267 of the Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of seven members, shall designate its Chairperson and also provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper";
9. It further states: "A. Term of appointment.  
(1) Of the members of the Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years from and after his or her appointment.  
(2) Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term";
10. Mr. Orin Shand's Term is set to expire on December 31, 2023. Mr. Shands is a thoughtful, diligent Member of the ZBA. His attendance is good and he contributes to each Application. Mr. Shands has expressed a desire to be re-appointed to the ZBA;
11. As Chair and with discussion amongst the entire Board, it is recommended that the Town Board take the following actions:
- A. In regard to terms:
- Re-appoint Mr. Shands to a five-year term ending on 12/31/2028;



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- Fix the inconsistency in the language in §210-58 by Local law as is required whenever there is a change to the Zoning Law. The current language states the ZBA is a seven-member Board, but with 5-year terms. The terms should be 7 years to match the number of Members;
  - Modify the Terms of Mr. Shands and any other ZBA that has an inconsistent expiration date as a result of the incorrect language in the Zoning Law which has existed for an unknown time;
- B. In regard to the required compensation to be made to Members identified in item 2 above, take the following actions:
  - Give each ZBA Member a free Transfer Station pass each year they are a member of the Board;
  - Hold a Holiday party for the ZBA Members each year

At a regular meeting of the Zoning Board of Appeals, it was motioned by Member Andy Shapiro and seconded by Member Deb Dougherty to re-appoint Orin Shands to another five-year (5) term; fix the inconsistent language in §210-58 and give compensation as stated above.

The foregoing motion was brought to a roll call by the Chair:

Chair Josh Vogt AYE

Vice-Chair Orin Shands AYE

Member Deb Dougherty AYE

Member Kara Snyder ABSENT

Member Alex Marra AYE

Member Andrew Shapiro AYE

The motion passed/failed by a vote of Five (5) Ayes; Zero (0) Nays; One (1) Absent, Member Kara Snyder; Zero (0) Abstentions

d. 2024 meeting schedule  
**2024 Meeting Calendar**

Date	Deadline
Thursday, January 11, 2024	Thursday, December 28, 2024
Thursday, February 8, 2024	Thursday, January 25, 2024
Thursday, March 14, 2024	Thursday, February 29, 2024
Thursday, April 11, 2024	Thursday, March 28, 2024
Thursday, May 9, 2024	Thursday, April 25, 2024
Thursday, June 13, 2024	Thursday, May 30, 2024
Thursday, July 11, 2024	Thursday, June 27, 2024
<b>NO AUGUST MEETING</b>	<b>NO AUGUST MEETING</b>
Thursday, September 12, 2024	Thursday, August 29, 2024
Thursday, October 10, 2024	Thursday, September 26, 2024
Thursday, November 14, 2024	Thursday, October 24, 2024
Thursday, December 12, 2024	*** <b>WEDNESDAY</b> , November 27, 2024

**All Zoning Board meetings are held on the 2<sup>nd</sup> Thursday @7:00PM at Town Hall**

Official Actions: Member Deb Dougherty motioned to accept the meeting schedule for 2024; Chair Josh Vogt seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:



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Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Member Kara Snyder; and 0 Abstention

XII. 8:15PM-Next ZBA meeting: Thursday, January 11, 2024/ Submission deadline: Thursday, December 28, 2023

XIII. 8:20PM Adjourn

Official Actions:

Chair Josh Vogt motioned to adjourn the meeting; Member Andy Shapiro seconded the motion. There being no discussion and the motion having been made and seconded, the motion was thereupon called to a vote, which passed with the following record of votes:

Member	Vote
Joshua Vogt, Chairman	Aye
Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Absent

Motion was carried by 5 AYES 0 Nays, 1 Absent, Kara Snyder; and 0 Abstention

**Adjourn at 8:19PM**

Respectfully submitted,

Maggie Colan, Clerk

Dated: 2023-12-28

Approved: