



**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**

**2023-09-14 DRAFT ZBA MINUTES**

- I. **Present:** Josh Vogt, Chair; Member Orin Shands; Member Deb Dougherty, Member Andrew Shapiro, Member Kara Snyder, Member Alex Marra

**Absent:** Tom Tryon, Zoning Enforcement Officer

- II. Chair Josh Vogt called for a motion to open the meeting at 7:01PM and asked everyone to stand for the Pledge of Allegiance and acknowledged a quorum of Members was present
- III. 7:02PM-Chair Josh Vogt motioned to open the meeting; 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention

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

Member Kara Snyder 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention

- Terri Stringer-315 Overlook Dr. The property next to her (Lang-319 overlook Dr) is a junkyard. She has been complaining for 12 years with no resolution



**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**

**2023-09-14 DRAFT ZBA MINUTES**

Chair Josh Vogt called 3 times for further public comment. There being none at

7:06PM- 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:

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

Motion was carried by 6 AYES 0 Nays, 0 Absent, Member; and 0 Abstention

V. 7:08PM-PM-Old Business-None

VI. 7:09PM-New Business: None

VII. Public hearing

VIII. Chair Josh Vogt stated since the public hearings were advertised to not start until 7:11PM, he would wait. Member Kara Snyder suggested reviewing the minutes; Chair Josh Vogt amended the order of the Agenda:

7:10PM member Kara Snyder motioned to approve the 2023-07-13 minutes with the correction of 1 spelling error; 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention



**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**

**2023-09-14 DRAFT ZBA MINUTES**

**IX. Public Hearing**

Chair Josh Vogt motioned to open the Public Hearing for file 2023-#05-Trott-SBL-55.12-3-6 at 7:11PM which request is to increase the size of a proposed fence by two (2ft.) feet higher than the allowed six (6FT.) feet; 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention

**1. 7:11PM-2023-#05-Trott-SBL-55.12-3-6-AV**

Applicant: John & Lorraine Trott

Location: 30 Overlook Drive/Zoning Dist.: R-2 w/central water/1.0- acre

Summary of Request; Appeal of ZEO's denial of allowing the Applicant's to construct and eight-foot (8') fence requesting and Area variance of two-feet (2')

Applicable code section: §210-26

Application received on June 1, 2023

ZEO review dated 2023-05-24; received 2023-06-01

Need: SEQRA Classification

John and Lorraine Trott were present to represent the file

**Applicant Statement:**

Mr. and Mrs. Trott stated they are requesting an Area variance to be allowed to construct a new fence between them and their neighbor 2ft higher than 6ft maximum as stated in the code. Their next-door neighbor gets 20ft-25ft logs dropped on their property then cuts them up. There is always large equipment on the property. They sell the logs from their property. They submitted a number of photos depicting other fences taller than 6ft. (Mtn. View Ave); a pole on the property that is approximately 15 ft high. They believe being able to see the disarray on the neighbor's property will turn away buyers and lower the value of their property when they sell. They also want to use the fence to define their property line

**7:14PM-Public Comment**

- Terri Stringer-315 Overlook Dr. stated she completely understands the request the Trott's are making as there are a number of properties that are in massive disarray or conducting what she believes are illegal activities on Overlook Dr. As she previously stated, she has been complaining for 12 years about some of them and the Town has done nothing. She doesn't oppose it because she may want to do the same thing for similar reasons.



**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**

**2023-09-14 DRAFT ZBA MINUTES**

- The Chair asked if there were further comments from the public. No person present had comments.
- The Clerk stated that there were 2 emails received:  
-

Thu, Sep 14,  
5:36 PM

**Dave Trocchio**

to me

Hi Maggie,

Per our conversation, I don't mind the Trott's putting the 8ft fence up at all. However, my concern is all of let's call it stuff coming to my side of the house and becoming an issue for me.

Which has already started some what. With that being said I thing the town needs to step in and regulate what the real issue is here.

Hopefully the town does the right thing.

Let me know if you need anything else from end

Thanks

Dave

-The Clerk stated that she received a phone call from neighbor Helen Scroi who was unavle to make the public hearing. The Clerk ranscribed Ms. Scroi's comments, read them back to her and she concurred they are her words. It was as follows:

From: Helen Scroi

333 Overlook Dr

RE: Trott Public hearing

2023-09-14

Ms. Scroi developed sciatica and can't attend meeting. Tried to send email, but it didn't go. She asked that these words (repeated back to her and agreed by her that these are her words).



**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**

**2023-09-14 DRAFT ZBA MINUTES**

“lives across the street, kiddie corner to the lot next to the Trotts. She knows what they are trying to block. She can’t see the chickens, but she hears them and sometimes they are in her yard because they wander the neighborhood. She has seen and heard wood being cut with a large wood-cutting machine and has seen large logs being delivered.”

Transcribed by Maggie Colan, Clerk to Planning and Zoning

**Board Questions/Statements**

- Member Deb Dougherty asked the Applicant if it was correct that adding 2ft would not fully block the view of the neighbor’s property? Answer-Applicants stated that was true, but it was all they could afford
- Member Deb Dougherty asked if they considered planting trees? Applicants stated they don’t want the maintenance. Plus, they used to have trees there and they got unmanageable and died. They also don’t want additional leaves to deal with in the fall.
- Chair Josh Vogt asked if the activities on the neighboring parcel weren’t occurring, would you still need the additional 2 ft or would the 6ft allowed by right in the code suffice? Answer-The Applicants stated it was never their intention to put up a fence, but they are so bothered by the activities, they needed to do something

Chair Josh Vogt stated he feels uncomfortable about this discussion taking place without the ZEO present to hear the statements.

**Official Actions**

Chair Josh Vogt motioned to close the public hearing in 2 weeks (2023-09-28) so there could be written comment allowed to come in; Member Orin Shands 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention



**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**

**2023-09-14 DRAFT ZBA MINUTES**

Chair Josh Vogt stated that he feels it is difficult and pre-mature to discuss a possible decision without the Building Department determining if there are actions they might take.

Mrs. Trott asked where does that leave us and why are we being put off on our request because of activities on the street?

Chair Josh Vogt stated in his 7 years on the Board, he has learned not to make rushed decisions. The Building Department has to weigh in on the situation. He further stated to the Applicants, you can put up a 6 ft fence tomorrow, but the additional 2 ft must be decided by us.

Regardless of that situation, by law the ZBA has 62 days from the close of the public hearing (which is 2023-09-28) to make a decision. That means a decision has to be made by 2023-12-27. That fact doesn't change regardless of any action by the Building Department.

Member Andy Shapiro asked if we can officially refer it.

Chair Josh Vogt stated no, we must remain neutral. Whoever the new ZEO is will read the minutes and make his or her own conclusion or determination.

Member Deb Dougherty agreed and further stated that anything they say to the ZEO is only hearsay. It would be best if the Applicant and/or any other neighbors go to the new ZEO and file a complaint so that the ZBA isn't making assumptions, but instead staying neutral.

Ms. Terri Stringer-115 Overlook Dr-stated she has been complaining for 12 years.

Chair Josh Vogt stated that he would suggest trying again once a new ZEO is hired

**2. 8:00PM-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

Zachary Schrine from Solar generation and Pasquale Iovieno were present to represent the file

**Applicant Statements:**

This proposed array is a higher, more efficient type of panel which allows more energy from a smaller size array. This array will generate 100% of the Applicant's electricity.

Official Actions: at 8:01PM, Chair Josh Vogt motioned to open the public hearing on the request by Pasquale and Ashley Iovieno for and Area Variance to be allowed to install an 18kW ground mount solar array thereby needing a 6 kW variance at their property located at 106 Bristol Hill Rd; 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



**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**

**2023-09-14 DRAFT ZBA MINUTES**

Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention

**Public Comment**

Chair Josh Vogt allowed the Applicant's representative to answer technical questions

- Michael Wentland-101 Bristol Hill Rd-How many panels does it take for the additional 6kW? Answer-15 additional
- Cynthia ? asked who makes the panels? Answer Sofat
- Michael Wentland-106 Bristol Hill Rd- can't 6kW be fit somewhere else: on the roof, on another structure? Answer, no because Mr. Iovieno has a hip roof and they don't install on a hip roof.
- Michael Wentland-106 Bristol Hill Rd-would like to see a solar model
- Dan Winn-104 Bristol Hill Rd. has no problem with solar energy, but he knows for a fact that Mr. Iovieno has done hundreds of thousands of dollars of work without oversight or permits. He looked at his building file. When the original sub-division was done, there were covenants everyone had to follow and he isn't following them.
- Dan Winn-104 Bristol Hill Rd asked if any of the ZBA members did a site visit? Member Deb Dougherty said yes, she did and she took pictures
- Michael Wentland-106 Bristol Hill Rd believes the ZBA should adjourn review of the application since the Applicant did not supply a full scaled site plan. Answer-Chair Josh Vogt stated a site plan is not required for a variance. The Clerk stated if the Applicant is granted a variance, he still needs to go through Site Plan approval from the Planning Board. He will be required to have a full, accurate site plan for that.
- Dr. Raymond Kenny stated 18 years ago, he had to abide by an HOA, why isn't the Applicant required to? His house is the only house not screened in the front. Everyone will see the panels when they drive by. He finds it hard to believe they can't fit 6kW somewhere else.
- Michael Wentland-106 Bristol Hill Rd stated he wants to install a 20kW system, but if he can't get it he needs to plan on where he can make up the difference. The Applicant cleared all the trees on his property so he has plenty of sun now.
- Dr Raymond Kenny stated he believes he doesn't meet the criteria of having no other means feasible to him. It seems impossible that he can't fit 6kW somewhere else.
- Dan Winn-104 Bristol Hill Rd-people don't want to look at a solar farm
- Heidi Lamonda-how tall will it be? Zach from Solar Generation stated 12ft.

**Applicant Response**

The Applicant stated there were many trees dying on the property so he had them taken down as he felt they were a safety hazard.

**Board Questions/Statements**





**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**

**2023-09-14 DRAFT ZBA MINUTES**

- Member Deb Dougherty asked can some panels be put on the pool house? Solar Generation representative stated no.
- Member Deb Dougherty asked when she did her site visit, there was a pool, pool house, playset and shed why can't the 6kW go on one of them? Answer, it isn't possible.
- Member Andy Shapiro asked how can the Board assure itself that the Applicant's representative is accurate in his calculation that only an 18kW system will work. Can the Board get a second opinion? Chair Josh Vogt stated no, it is up to the Applicant to prove his case, not the ZBA to do his work for him.

**Official Actions:**

Chair Josh Vogt motioned to leave the public hearing open until 2023-09-28 for written comments then close it and for the Applicant to put in writing specifically to the Board why the Applicant has no other options; 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	Aye

Motion was carried by 6 AYES 0 Nays, 0 Absent; and 0 Abstention

- X. 7:29PM-Decisions: None Due-
- XI. 7:32PM-Minutes: done earlier in the meeting
- XII. 8:42PM-Action items: None
- XIII. 8:43-ZTF Report-No report-
- XIV. 8:44PM-Correspondence: None
- XV. 8:45PM-Other Business: None
- XVI. Next ZBA meeting: Thursday, October 12, 2023/ Submission deadline: Thursday, September 28, 2023
- XVII. 8:47PM Adjourn

**Official Actions:**

Member Deb Dougherty motioned to adjourn the meeting; Member Kara Snyder 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





**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**

**2023-09-14 DRAFT ZBA MINUTES**

Alex Marra	Aye
Andrew Shapiro	Aye
Orin Shands	Aye
Debbie Dougherty	Aye
Kara Snyder	Aye

Motion was carried by 6AYES 0 Nays, 0 Absent; and 0 Abstention

**Adjourn at 8:48PM**

Respectfully submitted,

Maggie Colan, Clerk

Dated: 2023-09-28

Approved: