



**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 2022-01-11**

**Present:** Josh Vogt, Chair; Member Alex Marra; Member Orin Shands; Member Kara Snyder

**Absent:** Member Andrew Shapiro

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-Member Kara Snyder 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	Absent
Orin Shands	Aye
Kara Snyder	Aye

Motion was carried by four (4) AYES; Zero (0) Nays, One (1) Absent, Member Andrew Shapiro; and 0 Abstention

**III. 7:04PM-Public Comment**

With no public present, Chair Josh Vogt motioned to open and close public comment; 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	Absent
Orin Shands	Aye
Kara Snyder	Aye

Motion was carried by four (4) AYES; Zero (0) Nays, One (1) Absent, Member Andrew Shapiro; and 0 Abstention

IV. 7:05PM-Public Hearing: None

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

VI. 7:07PM-New Business:

1. File 2024-#01-Derby-SBL-27.18-1-7

10 Broad St

R-2 District/0.35 acres

Date of ZEO Determination 2023-12-20; date received-2023-12-28

Need: SEQRA classification; set public hearing

Matt Derby, Property Owner and Harmony Water, Contractor were present to represent the file

**Applicant Statement**



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The Property Owner stated he wishes to build an outdoor space for an office. He is unable to meet the setbacks as his lot is considered a corner lot under the Town of Hurley Zoning Law. He further stated he may have some wiggle room, but not much.

**ZEO Statements**

ZEO Paul Economos stated that he did a site visit and determined if the proposed building were moved forward, it would substantially prohibit the use of the property.

**Board Statements/Questions**

- Member Alex Mara asked what is the size of the proposed building? Answer-12' x 20'
- Member Alex Marra asked if the building would be heated? Answer-Yes, but there will be no water

**Official Actions**

7:13PM-Chair Josh Vogt motioned to classify the appeal requesting an area variance by Matt Derby as a Type II action under SEQRA: "617.5 (16) granting of individual setback and lot line variances and adjustments;" thereby requiring no further action and that an environmental impact statement would not be required and to schedule a public hearing for 2024-02-08 at 7:11PM and the Clerk is hereby directed to conduct the proper noticing; 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	Absent
Orin Shands	Aye
Kara Snyder	Aye

Motion was carried by four (4) AYES; Zero (0) Nays, One (1) Absent, Member Andrew Shapiro; and 0 Abstention

VII. 7:14PM-Decisions: None

VIII. 7:15PM-Minutes

Chair Josh Vogt motioned to approve the 2023-12-14 minutes; 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
Alex Marra	Aye
Andrew Shapiro	Absent
Orin Shands	Aye
Kara Snyder	Aye

Motion was carried by four (4) AYES; Zero

(0) Nays, One (1) Absent, Member Andrew Shapiro; and 0 Abstention

IX. 7:20PM-Action items: None



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- X. 7:21-ZTF Report-No report-  
XI. 7:22PM-Correspondence: None  
XII. 7:23PM-Other Business: 2024 Staffing and Consultants; Member terms; 2024 Schedule of meetings
- Staffing:

Clerk-Chair Josh Vogt stated that Supervisor Boms informed him that a potential situation may exist that would effect the Resolution the Board passed unanimously at the 2023-12-14 meeting regarding re-hiring Clerk Maggie Colan. It seems there may be an issue with her potentially holding 2 titles (Planning Board Clerk and ZBA Clerk) under Civil Service. Chair Vogt told Supervisor Boms it is the ZBA's request that, if possible, to merge the 2 titles into 1 position.

Clerk Maggie Colan stated that this is customary as both titles are exempt under Civil Service and since the duties are basically the same regardless of which Board they are being done for, they can be merged into one title. This is the way it is set- up in most of the neighboring Towns (Marbletown, Rochester, Olive, Ulster)

Chair Vogt stated that he told Supervisor Boms that doing this in Hurley makes sense and this is how it has been done for years: "if it isn't broke, don't fix it." Chair Vogt asked the Board if they agree he should write a letter to the Supervisor and Town Board requesting they merge the 2 titles of Planning Board Clerk and Zoning Board of Appeals Clerk into one position and reiterate again it is their desire to continue to have Maggie Colan as the Clerk for both. The rest of the Members present agreed this should be done and no Members present opposed.

2. Member Alex Marra asked if there is a minimum number of meetings a Member is required to attend. Both the Clerk and the Chair stated they don't believe there is. The Clerk stated she believes the ZBA can create by-laws that get adopted that have requirements that aren't fully addressed in either the Town Code or NYS Town Law. She further stated she just saw this issue talked about by an Attorney from the Association of Towns during a webinar on 2023-12-02. The Attorney stated that in order to remove a Member there must be cause and it would be done by Public Hearing.

ZEO Paul Economos questioned whether there needs to be a public hearing. The statute was brought up and a public hearing is in fact required. The statute reads: "§267 (d) 9 Removal of members. The town board shall have the power to remove, after public hearing, any member of the zoning board of appeals for cause. Any zoning board of appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the town board by local law or ordinance."

So, the minimum referred to would have to be established.

3. The topic of the mandatory 4 hour training was discussed. The general question was, what is acceptable? The Clerk stated she forwards any opportunity that she becomes aware of. Chair Josh Vogt stated he believes any Member that attended the 2 4-hour meetings regarding the 2 Appeals last January as well as the Atty-Client meetings regarding them should get training credit. He stated he learned more during those sessions than at almost any other time. The Clerk stated she will work up a document to give credit for those.
4. The Clerk told the Members that there is an Appeal of ZEO Economos starting next month and it is already on the G drive if anyone wants to start reading it.

XIII. 7:35PM-Next ZBA meeting: Thursday, February 8, 2024/ Submission deadline: Thursday, January 25, 2024

XIV. 7:40PM Adjourn

**Official Actions:**

Member Orin Shands motioned to adjourn 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



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Alex Marra	Aye
Andrew Shapiro	Absent
Orin Shands	Aye
Kara Snyder	Aye

Motion was carried by four (4) AYES; Zero (0) Nays, One (1) Absent, Member Andrew Shapiro; and 0 Abstention

**Adjourn at 7:40PM**

Respectfully submitted,

Maggie Colan, Clerk

Dated: 2024-01-19

Approved: