



**TOWN OF HURLEY ZONING BOARD of APPEALS**  
**PO BOX 569/10 WAMSLEY PLACE**  
**Hurley, New York 12443**  
[planning@townofhurley.org](mailto:planning@townofhurley.org)

In the matter of Area variance request by:

Jeff Wilkinson, R.A

35 Muse Road

West Hurley, NY 12491

For a side-yard setback variance of three feet (3') setback for an addition at the Southern end of the addition a proposed twelve (12) foot wide carport will connect to a proposed fourteen (14) foot width woodshop.

WHEREAS, the Applicants, Jeff Wilkinson, R.A (hereafter "Applicants"), applied to the Town of Hurley Building Department to replace the 1980's addition and replace it with bedrooms, bathrooms and an Entry hall and Mudroom. The proposed project also includes a substantial renovation of the original Dining and Kitchen area. At the Southern end of the addition a proposed 12-foot-wide carport will connect to a proposed 14 foot width woodshop. Mr. McCraw, one of the owners, plans to use this outbuilding for building of green wood furniture using mostly hand tools. tax map number 38.1-2-48 on 2024-01-22 . The subject property is located in the R-1 zoning district and consists of 1.88 acres; and

**I. Process**

Upon receipt of a building permit to construct a carport and workshed the Zoning Enforcement Officer, Paul Economos (hereafter "ZEO") completed a Determination on 2024-04-08 that in order to construct the proposed addition, a side-setback area variance of three-feet (3') would be required because of the following reasons: "the lot is 1.88 acres; -as an undersized lot, it is subject to the setbacks in the next least restrictive district which is R-1; -the side yard setback for the r-1 district is 25';

your proposed side yard setback is 3'" A copy of the ZEO's Determination is annexed to this Determination as exhibit A; and

- The Determination stated that the lot is pre-existing non-conforming for the Density of the R-1 zoning district, as identified in §210 Attachment 2: Density Control Schedule in the Town of Hurley Code; and
- The Determination stated that the proposed use: "accessory and permitted by right" per Attachment 2: Density Control Schedule in §210 of the Town of Hurley Code
- Since the Applicant's proposal did not comply with the side setback requirements in §210-Attachment 2: Density Control Schedule, the ZEO went to the next restrictive setback, which is the R-1 and requires Twenty five feet (25'), the ZEO notified the Applicant on 2024-04-04 that they would need to apply to the Hurley Zoning Board of Appeals (hereafter "ZBA") for an Area Variance.

**II. ZBA Process**

- The Applicant upon receiving the ZEO's Determination submitted an Application requesting an Area Variance to the Clerk for the ZBA on 2024-04-04 with the appropriate associated fees; and
- With the Application requirements being submitted by the deadline for the 2024-03-14 ZBA meeting, the Clerk placed the Application on the 2024-03-14 ZBA Agenda as New Business; and
- At the 2024-03-14 meeting, the ZBA made a Determination that under §617.5(16) granting of individual setback and lot line variances and adjustments of the State Environmental Quality Review Act (hereafter "SEQRA"), the Application met the Type II criteria and by motion, second and an affirmative vote of four (4) AYES; Zero (0) Nays, one (1) Absent, Members Andy Shapiro; and 0 Abstention, the motion passed and, as such, thereby requiring no further action under SEQRA and no Environmental Impact Statement will be necessary; and
- At the 2024-03-14 meeting, the ZBA reviewed the material in the Application requesting an Area Variance and determined the Application was complete and by motion, second and an affirmative vote four (4) AYES; Zero (0) Nays, one (1) Absent, Members Andy Shapiro; and 0 Abstention a public hearing was to be held at the 2024-05-11 meeting at 7:11PM and the Clerk was directed to run the appropriate legal notice and notify the



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- 1 two-hundred and fifty feet (250') from the perimeter of the property by certified mail, which totaled thirteen (13) properties; and
- Each of the letters were tracked via the USPS.com website and ten (10) were delivered, three (3) were not; and
  - At the regular meeting on 2024-04-11 the Public Hearing was opened by motion and second with a XXXXX vote at 7:11PM and the ZBA members present reviewed the materials presented by the Applicant; and
  - The ZBA reviewed a site plan presented and prepared by the Applicant; and Prior to receiving public comment, the Board reviewed the Applicant's reasons for needing a Variance: " will be to demolish the 1980's addition and replace it with a carefully designed and better integrated addition which will house bedrooms, bathrooms and a much-needed Entry hall and Mudroom. The proposed project also includes a substantial renovation of the original Dining and Kitchen area. The original structure will be restored with wood shakes to match the original siding. A standing seam metal roof is proposed as well as well as upgraded HVAC, electrical and plumbing services. The proposed Addition will be set back similar to the current addition and will be sided with horizontal shiplap boards in an effort to delineate the original structure and to blend in with the local vernacular. At the Southern end of the addition a proposed 12-foot-wide carport will connect to a proposed 14 foot width woodshop. Mr. McCraw, one of the owners, plans to use this outbuilding for building of green wood furniture using mostly hand tools."
  - *During the public hearing, the Board did not hear any comments from any member of the public and the Clerk had received no emails for or against the **request (TBD)**; and*
  - *Having held a duly noticed Public Hearing at which no members of the public were present or sent written or electronic correspondence, the Board felt they could close the public hearing; **(TBD)and***
  - At XXXXPM, it was motioned by XXXXXX and seconded by XXXXX to close the Public Hearing. Said motion XXXXX; and
  - The Board informed the Applicant that the Board has sixty-two (62) days from the close of the public hearing on 2024-04-11 to make their determination regarding the Variance request to be allowed to construct a one-hundred-twenty-five square-foot (125) addition to his existing four-hundred-ninety square-foot (490) deck. That made the Determination due by 2024-06-10.

III. Zoning Board review of the request against the criteria for an Area Variance:

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:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Board Discussion:

Determination:

[2] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Board Discussion:

Determination:

[3] Whether the requested area variance is substantial.

Board Discussion:

Determination:

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Board Discussion:

Determination:

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance. (b) The Board, when granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate to alleviate the difficulty



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...ent and that also will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Board Discussion:

Determination:

Determination: Having weighed all the factors in the Variances request against the laws in the Town of Hurley Code and the possible positive and potentially negative physical and environmental factors, XXXX motioned to approve/deny the side-setback variance request for an addition at the Southern end of the addition a proposed twelve (12) foot wide carport will connect to a proposed fourteen (14) foot width woodshop. XXXX seconded the motion.

With the motion having been made and seconded, there was a call for a vote.

The Clerk conducted the following is a Roll Call of the members present:

Member	Vote
Joshua Vogt, Chairman	
Alex Marra	
Andrew Shapiro	
Orin Shands	
Kara Snyder	
Liston Freeman	

Motion was carried/failed by a vote of XXXX Ayes, XXXX Nays, XXX Absent; and XXX Abstentions and the Variance request was **approved/denied with/without** conditions.

**Conditions:**

**1. Screening????**

Dated this XX day of XXX

\_\_\_\_\_  
Samantha Mort, Secretary

Filed with the Town Clerk on the XXX day of XXXX

\_\_\_\_\_  
Tracy Kellogg Town Clerk