

Town of Murray
Zoning Board of Appeals
3840 Fancher Road, Holley, NY 14470

PUBLIC HEARING DATE: May 24, 2021

BOARD MEMBERS PRESENT: Edward Downey, Chair
William Silpoch
David Leach
Gerry Rightmyer

BOARD MEMBERS EXCUSED: Eric Collyer

TOWN BOARD: Paul Hendel

CODE ENFORCEMENT OFFICER: Kevin Moore

APPLICANT PRESENT: David Paul

RE: **Appeal No. 2021-5**
David Paul
Taryn Estates Subdivision– Gulf Road

Pledge of Allegiance

Mr. Downey call the hearing to order at 7:01 p.m. and noted that there would be a change in the agenda order due to the fact that our other hearing applicant will be a little late.

Legal Notice published in the Batavia Daily News dated May 11, 2021

David Paul (“Applicant”), 3823 County Line Road, Brockport, NY tax map parcels 77.2-14.112, 77.-2-49.2, 77.-2.-50, 77.-2-49.111 for Area Variances in the Residential/Agricultural (RA) zoning District for a front set back variance from 75’ to 65’.

Mr. Paul was then asked by the Chair to explain the reason he applied for a variance, and he said that he applied for a proposed a 65’ setback which did not meet the Town of Murray Code of 75’ setback rule. I’m asking for a 10’ variance.

There was discussion by board members about the size of the private road (Taryn Lane). Mr. Moore, Code Enforcement Officer said that the private road is wider due to the fact that the Fire Department’s Equipment will need the ability to turn around. The Fire Department has supplied a letter saying they are comfortable with the size of the private road. Mr. Fabry from the Planning Board said that they had a copy of the letter.

Mr. Paul was then asked questions by the board related to the requirements for the variances:

(Answers are in italics)

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;

No

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

No, it seems fairly consistent with the neighborhood.

Whether the requested area variance is substantial;

No

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

No

Whether the alleged difficulty was self-created;

No

Mr. Downey made a motion to approve the area variances requested by the applicant as follows: Lot 1, a 10' setback variance from Gulf Road whereas the Murray Zoning Code calls for a 75' setback, the proposed structure will have a 65' setback. For Lots 1, 2, 3 and 4, a 10' setback variance from the proposed private road to be known as Taryn Lane, whereas the Murray Zoning Code requires a 75' front-setback, the applicant proposes a 65' front setback. The final approval of this motion is contingent upon successful site plan approval substantively the same as was submitted to this Board for a variance request. Motion seconded by Mr. Rightmyer. Motion approved unanimously.

Mr. Silpoch made a motion to close the public hearing. Motion seconded by Mr. Rightmyer. Motion approved unanimously.