

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

MEETING DATE:

August 28, 2023

BOARD MEMBERS PRESENT:

**Eric Collyer - Chair
William Silpoch
David Leach
Adam Moore**

CODE ENFORCEMENT OFFICER:

Chad Fabry

APPLICANT PRESENT:

Theodore Spada

OTHERS IN ATTENDANCE:

**Corey Auerbach, Esq. – Barclay Damon
Ericka Elliott, Esq. – Murray Town Attorney**

Michelle Stoll, Elaine Berg, David Knapp, Joe Sidonio, Jeanne Spada, Dirk Lammes, Melissa Ierlan, Dave Griggs

RE:

**Code Interpretation No. 2023-01
16067 Telegraph Road
Tax Id# 64.-2-26
Continuation from July 10, 2023**

Pledge of Allegiance

Mr. Silpoch made a motion to start the meeting; Seconded by Mr. Collyer. All "Ayes" motion approved.

Mr. Leach made a motion to approve the minutes from July 10, 2023; Seconded by Mr. Silpoch. All "Ayes" motion approved.

Mr. Collyer welcomed all in attendance and proceeded to tell everyone that at this meeting there will be no speaking allowed except from board members. He then said that he will be reading a Resolution and then board members will be voting. Mr. Collyer then read the Resolution – SEE ATTACHED

TOWN OF MURRAY ZONING BOARD OF APPEALS
ZONING BOARD OF APPEALS RESOLUTION NO. 1 OF 2023

WHEREAS, an Application for interpretation has been made to the Town of Murray Zoning Board of Appeals (the “Board”) by Theodore Spada (the “Applicant”) to appeals the decision by the Code Enforcement Officer to issue a building permit for construction of a pole barn at 16067 Telegraph Road, Holley, New York **Parcel ID# 64.-2-26** (the “Subject Property”), pursuant to the Town of Murray Zoning Ordinance Section 510 (Residential-Agricultural District (RA)) and Section 512 (Permitted Uses); and

WHEREAS, a duly advertised public hearing on the application was held on July 10, 2023, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on July 10, 2023; and

WHEREAS, the Board duly provided notice of a meeting on August 28, 2023, for issuance of a determination on the Application for Interpretation; and

WHEREAS, the Board, from the Application for Interpretation, after viewing the premises and neighborhood concerned, and upon considering Section 510 and Section 512 of the Town of Murray Zoning Code, finds with respect to the Application for Interpretation that:

- (1) Section 510 is a headings section upon which no determination by the Board shall made; and that
- (2) With respect to Section 512, the Subject Property does qualify as a permitted agriculture (farm operations) use withing the meaning of said section.

NOW, THEREFORE, BE IT RESOLVED, that said Application for Interpretation is hereby granted and the building permit issued for the Subject Property is hereby affirmed in its entirety.

Upon being put to a roll call vote, the vote was as follows:

Ayes:	4	Eric Collyer, William Silpoch, David Leach, Adam Moore
Nays:	0	
Abstain:	0	
Excused:	0	
Recused:	0	

The resolution was thereupon duly adopted.

CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF MURRAY:

I, CYNTHIA OLIVER, the duly elected Town Clerk of the Town of Murray, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing

resolution duly adopted by the Zoning Board of Appeals of the Town of Murray at a meeting held on August 28, 2023 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: August 28, 2023



Cynthia Oliver, Town Clerk

(SEAL)

Mr. Silpoch made a motion to start the voting process; Seconded by Mr. Leach. All "Ayes" motion approved.

Mr. Collyer then called the roll and all members voted individually when their name was called and all voted unanimously "Ayes" to:

1. Section 512 the Subject Property (does / does not) qualify as a permitted agricultural (farm operations) use within the meaning of said section.
2. Application for Interpretation is hereby (granted/ denied) and the building permit issued for the Subject Property is hereby (affirmed / revoked) in its entirety.

Mr. Silpoch made a motion to accept affirmation. Seconded by Mr. Collyer; All "Ayes" motion approved.

Mr. Silpoch made a motion to close the voting. Seconded by Mr. Leach; All "Ayes" motion approved.

Mr. Silpoch made a motion to adjourn the meeting. Seconded by Mr. Leach; All "Ayes" motion approved.

Respectfully submitted
Diane Herzog, Clerk Zoning Board of Appeals
August 29, 2023

DRAFT