

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

MEETING DATE: April 8, 2025

BOARD MEMBERS PRESENT: William Silpoch – Acting Chair
David Leach
Adam Moore
Eric Collyer

APPLICANT PRESENT: Darren Moak

OTHERS IN ATTENDANCE: Chad Fabry – Code Enforcement Officer
Kathy Buell

RE: Darren Moak
Area Variances – Side Setbacks
3629 Hulberton Road
Tax id# 76.-1-50.2

Pledge of Allegiance

Mr. Leach made a motion to start the meeting at 7:00 pm; Seconded by Mr. Moore. All “Ayes” motion approved.
Mr. Moore made a motion to approve the minutes from August 26, 2024; Seconded by Mr. Leach. All “Ayes” motion approved.

LEGAL NOTICE - TOWN OF MURRAY – ZONING BOARD OF APPEALS

Pursuant to the Zoning Local Law of the Town of Murray, notice is hereby given of a public hearing by the Zoning Board of Appeals of the Town, to be heard on Tuesday, April 8, 2025 at 7:00 P.M.at the Town Hall, 3840 Fancher Road, to consider the following:

Darren Moak “Applicant”: Application for area variances at 3629 Hulberton Road Holley NY, tax map parcel 76.-1-50.2 to allow a Side Setback of 17.5’ and a Side Setback of 14.1’. Pursuant to the Town of Murray Zoning Ordinance Section 410; Residential Agriculture (R/A) District Section 415(2) Minimum Specifications – Side Setback is: 20 feet.

Mr. Silpoch then asked the applicant why he has requested area variances for his property. Moak- *I didn’t realize the side setbacks were 20’ he thought they were 10’.*

Mr. Fabry – When Mr. Moak applied for his building permit, after his house fire he decided to add an additional garage onto the existing garage. The North Side of his home had an existing set back but when he added the additional footage to the site plan the South Side setback became non-compliant. Since, Mr. Moak had to come before the board for an

area variance for the South Side, I asked him to request the North Side variance as well so his property will be in compliance with our code if he ever wanted to sell his home.

Mr. Silpoch then asked the applicant the 5 required questions:

1. **Explain why the area variance, if granted, will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.**
Because the corner is still 17.5' away from the neighbor's property line and we have discussed this and she has no problem with it either.
2. **Explain why the benefit sought cannot be achieved by some feasible method other than an area variance.**
Over the years they have changed the codes and it use to be 10' from the property line, now it's 20'. My house is place at an angle on the lot therefore the corner of the garage is 17.5ft from property line.
3. **Explain why the magnitude of the area variance requested is not substantial.**
There is still 17.5' of nothing but grass from the garage to the property line.
4. **Explain why the area variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or zoning district.**
It is just the corner of my house that is less than 20' from the property line and it is not an eye soar, plus the neighbor is fine with it.
5. **Explain why the need for the area variance is not self-created.**
I thought it would be fine because it was 17.5' from property line and did not realize codes were changed I have lived there 36 years.

Mr. Leach made a motion to open the public hearing; Seconded by Mr. Moore.; All "Ayes" motion approved unanimously.

No comments from those in attendance.

Mr. Leach made a motion to close the public hearing: Seconded by Mr. Moore.; All "Ayes motion approved unanimously.

Mr. Silpoch then stated that this is a Type II SEQR and that a Negative Declaration has been determined.

Mr. Moore made a motion to approve the application, Mr. Silpoch read the approval; for area variances at 3629 Hulberton Road. To allow side setbacks of 2.5' to the South Side and 5.9' to the North Side, in violation of the 20' minimum side setback rule under code section 415 (2) . Based on no physical or environmental impact, and that the setbacks for the residential dwelling aren't substantial. ; Seconded by Mr. Leach.; All "Ayes" motion approved unanimously.

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

Respectfully submitted,
Diane Herzog Zoning Board of Appeals Secretary
Dated April 10, 2025