

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: Marie Loewke

RE: **Appeal No. 2021-4
Marie Loewke
Big Guys Campground
Continuation**

Pledge of Allegiance

Motion by Mr. Downey, Seconded by Mr. Silpoch to open the public hearing.

Mr. Downey stated that this is a continuation from the April 12, 2021 meeting that was tabled.

Legal Notice published in the Batavia Daily News dated March 31, 2021

Big Guys Campground: to consider the application of Big Guys Campground LLC (“Applicant”) 3739 Monroe Orleans County Line Road. Brockport NY, tax map parcel 77.-2-12 for Area Variances in the Residential/Agricultural (RA) zoning District for a campground.

Mr. Downey read the applicants request for variances: Request for alternative layouts for campsites whereby setbacks are reduced, and other variations from the code. Including the following:

- 0.5 rear setback to vehicle where 20’ is required (for all campsites)
- 12.7 front setback to vehicle where 20’ is required for all campsites)
- 3.2’ side setback to vehicle where 20’ is required (for all campsites)

900 SF tent site area where 3000' is required
12' driveway width where 20' is required (for all campsites)
0' driveway separation between curbs where 70' is required (for all campsites)
No 20 gallon garbage receptacle at each site
50' lot frontage where 60' is required (RV sites)
30' lot frontage where 60' is required (tent sites)

Mr. Downey then referenced the Zoning Board of Appeals takes 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. (Town Law Section 267-b, subsection 3. (b)). (Referencing the five question answers from previous meeting, April 12, 2021).

APPLICATION FOR AREA VARIANCES ASSOCIATED WITH PROPOSED CAMPGROUND AND CAMPSITES

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. (Town Law Section 267, subsection 1. (b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes 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. (Town Law Section 267-b, subsection 3. (b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each.

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.

No, the proposed variances are largely with respect to geometric layout of the proposed campsites. The density of campsites as well as campsite area (for RV sites) will meet the requirements of the zoning ordinances campground section. A buffer is provided between the proposed campground and neighboring properties.

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.

No, it is our understanding that the zoning ordinances campground section essentially outlines requirements for non-engineered campgrounds. Campsites have been engineered with density of sites and safety associated with ingress & egress kept in mind.

3. Whether the requested area variance is substantial.

No, it is our understanding that the zoning ordinances campground section essentially outlines requirements for non-engineered campgrounds. Campsites have been engineered with density of sites and safety associated with ingress & egress kept in mind.

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

No, the proposed variances are largely with respect to geometric layout of the proposed campsites. The density of campsites as well as campsite area (for RV sites) will meet the requirements of the zoning ordinances campground section. A buffer is provided between the proposed campground and neighboring properties. Additional drainage generated from the development of the site will be handled appropriately in accordance with NYS DEC Storm water Design Manual guidelines.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

No, it is our understanding that the zoning ordinances campground section essentially outlines requirements for non-engineered campgrounds. Campsites have been engineered with density of sites and safety associated with ingress & egress kept in mind.

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

Mr. Downey made a motion to approve the area variances and this motion is contingent upon a successful approval by the Planning Board and any other agency involved; Seconded by Mr. Silpoch. Motion approved unanimously.

Mr. Downey – we have run into some conflicts with scheduled monthly meetings dates so I'm proposing another day of the week to hold the meetings, will the second Wednesday of the month work for all members.
Yes

Mr. Downey made a motion to have the Zoning Board meetings be scheduled for the second Wednesday of each month as needed at 7:00 P.M. Seconded by Mr. Silpoch. Motion approved unanimously.

Mr. Downey made a motion to adjourn the meeting. Motion seconded by Mr. Silpoch. Motion approved unanimously.

Meeting was adjourned at 7:14 pm.

Respectfully submitted,
Diane Herzog
Secretary, Zoning Board of Appeals
May 27, 2021