

Town of Murray
Zoning Board of Appeals Meeting
Tuesday September 22, 2020
6:00 P.M.
Final

Present: Planning Board members Ed Downey, Ron Spychalski, William Silpoch, II, Eric Collyer, Code Enforcement/Zoning Officer Fred Case, Clerk Annette Curtis, Joe Sidonio, Lori Passarell, Roger Passarell, David Hansen

Absent: Zoning Board of Appeals Chairperson AJ Gifaldi

Pledge to the American flag.

Meeting opened at 6:00 p.m.

Motion by Collyer, Seconded by Silpoch approving the minutes of the October 2019 Zoning Board of Appeals meeting Motion Carried

Background of Head Over Heels Dance Studio was discussed. Ms. Passarell has been in business at the address of 16912 Ridge Road for eleven years. She informed the Board that she originally came before the Planning Board years ago and was told the Planning Board would work on making a 'category' for her as the dance studio is located in the rural agricultural zoning district. Ms. Passarell stated there are businesses up and down Ridge Road and feels it should be zoned business district. Her dance studio is an asset to the community and provides her students with physical exercise and a safe place to be.

David Hansen of 16929 Ridge Road was present and has no objections to the studio being there.

Long discussion by Joe Sidonio with the Zoning Board and Ms. Passarell regarding the steps that he believes Ms. Passarell should follow. He believes that when this is referred to the county, it will be denied.

Ed Downey read the specific criteria that must be met in order for a use variance to be approved by the Zoning Board of Appeals:

1) Explain how you will be deprived of economic use or benefit of your property unless it can be used for the purpose you request. You must provide competent financial evidence that the land in question, if used for each and every permitted use under the zoning regulation for the particular zoning district, it will not yield a reasonable return.

Ms. Passarell stated that if the studio is closed, financially she will not be earning money.

After being put to a vote on criteria #1, the vote was as follows:

| | | |
|--------|---|-------------------------------|
| Ayes | 3 | Collyer, Silpoch, Spsychalski |
| Nay | 1 | Downey |
| Absent | 1 | Gifaldi |

Motion Carried

2) Explain why the alleged hardship relating to the property is unique, and why the hardship does not apply to a substantial portion of the zoning district or neighborhood.

Ms. Passarell stated the building cannot be turned into anything else in a rural agricultural district. It cannot be lived in. She also stated that the studio's students come from five surrounding towns and would also be a hardship on the community.

After being put to a vote on criteria #2, the vote was as follows:

| | | |
|--------|---|---------------------------------------|
| Ayes | 4 | Downey, Collyer, Silpoch, Spsychalski |
| Nays | 0 | |
| Absent | 1 | Gifaldi |

Motion Carried

3) Explain why the use variance, if granted, will not alter the essential character of the neighborhood.

Ms. Passarell said the neighborhood will not be altered as there are many businesses on Ridge Road including one across the road.

After being put to a vote on criteria #3, the vote was as follows:

| | | |
|--------|---|---------------------------------------|
| Ayes | 4 | Downey, Collyer, Silpoch, Spsychalski |
| Nays | 0 | |
| Absent | 1 | Gifaldi |

Motion Carried

4) Explain why the alleged hardship is not self-created.

Ms. Passarell stated that in the beginning, she came in front of the planning board in order to be compliant and the board failed to follow through.

After being put to a vote on criteria #4, the vote was as follows:

| | | |
|------|---|---|
| Ayes | 4 | Downey (with reservation), Collyer, Silpoch, Spsychalski |
|------|---|---|

| | | |
|------|---|--|
| Nays | 0 | |
|------|---|--|

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|--------|---|---------|
| Absent | 1 | Gifaldi |
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Motion Carried

The area variance was approved to be sent to the County.

Motion by Collyer, Seconded by Silpoch to adjourn the meeting. Motion Carried

Respectfully Submitted,

Annette Curtis