

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

**MEETING DATE:** August 25, 2021

**BOARD MEMBERS PRESENT:** Edward Downey, ZBA Chair  
William Silpoch  
David Leach  
Gerry Rightmyer  
Eric Collyer

**ATTORNEY:** Maureen Werner, Esq.

**CODE ENFORCEMENT OFFICER:** Kevin Moore

**APPLICANT PRESENT:** Matt Kerwin, Attorney - Barclay Damon  
Patrick Makubire – Design Eng. Verizon Wireless

**RE:** Continuation of July 6, 2021 Public Hearing  
Vertical Bridge REIT, LLC and Verizon Wireless  
Telecommunication Tower - Area Variances

**Others in attendance:** None

**Pledge of Allegiance**

**Mr. Silpoch made a motion to start the meeting; Seconded by Mr. Rightmyer. All “Ayes” motion approved.**

**Mr. Rightmyer made a motion to approve the minutes from August 11, 2021; Seconded by Mr. Leach. All “Ayes” motion approved.**

**Mr. Silpoch made a motion to re-open the public hearing for Vertical Bridge Tower; Seconded by Mr. Leach. All “Ayes” motion approved.**

**Legal Notice that was published in the Batavia Dailey News, July 1, 2021.**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the Town of Murray will hold a public hearing in conjunction with the Planning Board of the Town of Murray on Tuesday, July 6, 2021 at 7:00 P.M. at the Murray Town Hall, 3840 Fancher Road, Holley, New York for an Area Variance of the application of Vertical Bridge REIT, LLC and Verizon Wireless, (“Applicant”), 2820 Carton Road, Murray, New York tax map parcel 54-2-6.111. The proposed facility requires an Area Variance from the Local Law 3-1997, Section 8(5). All persons desiring to be heard in favor of or in opposition to this application will be heard at this public hearing. A copy of the application and supporting materials

**is on file and available for inspection at the Murray Town Clerk's office during regular business hours.**

Mr. Downey stated that this project is an **Unlisted Action** for purposes of SEQRA and no further action is required by this board. Since this application is a considered a public utility we are not governed by the usual 5 question criteria, but instead by those standards established for a public utility.

The provider of wireless services must show only that: *Answers in italics*

1. The requested relief is "required to render safe and adequate service".

*Verizon has demonstrated by substantial evidence in the form of a radio frequency justification report that significant capacity and coverage issues exist within the area surrounding the proposed new facility on Carton Road.*

**All members in agreement with the answer by a show of hands; "Yes".**

2. There are "compelling reasons, economic or otherwise," for the requested variance.

*The proposed tower facility is sited in an appropriate location within the Verizon's search area and once operational will enhance the area by providing reliable wireless service to individuals living, working, and traveling in the area, including emergency services providers.*

**All members in agreement with the answer by a show of hands; "Yes".**

**Mr. Downey made a motion to approve the Area Variance for the Vertical Bridge REIT, LLC and Verizon Wireless at 2820 Carton Road, Town of Murray New York. To permit the tower fall zone to be located approximately 502' from the nearest structure to the north (267' from the fall zone), 605' from the nearest structure to the southeast (370' from the fall zone), and 335' to Carton Road to the west (100' from the fall zone). In addition this decision is contingent upon receiving a signed Fall Zone easement agreement from the owner of the property immediately South of the proposed site and this easement must also be filed with Orleans County Clerks office. Seconded by Mr. Leach; All "Ayes" motion approved.**

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

**Meeting adjourned at 7:13 PM**

*Respectfully submitted*

*Diane Herzog*

*Clerk Zoning Board of Appeals*

*August 26, 2021*