

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

**HEARING DATE:** September 15, 2021

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

**ATTORNEY:** Maureen Werner, Esq.

**SUPERVISOR:** Joseph Sidonio

**APPLICANT PRESENT:** Tony Tintera – Meagher Engineering  
Representing Big Guys Campground, LLC

**RE:** Big Guys Campground, LLC - Area Variances

**Others in attendance:** Jim Loewke, Bill Bosley, Marie Loewke, Klein  
Lowell, Paul DeGraff, Norman and Mary Isler  
Dorothy Morgan

**Pledge of Allegiance**

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

Mr. Silpoch made a motion to approve the minutes from August 25, 2021; Seconded by Mr. Collyer. All “Ayes” motion approved.

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Murray will hold a public hearing on Wednesday September 15, 2021 at 7:00 P.M. at the Murray Town Hall, 3840 Fancher Road, Holley, New York for Area Variances application of Big Guys Campground LLC (“Applicant”) 3739 Monroe Orleans County Line Road, Brockport, NY, tax map parcel 77.-2-12 in the Residential/ Agricultural (RA), Flood Hazard overlay (F) zoning districts. 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 asked Mr. Tintera to do a small presentation to all in attendance.

Mr. Tintera – project engineer representing Big Guys Campground located at 3739 Monroe Orleans County Line Road. Our application is requesting Area Variances for alternate layouts for campsites whereby setbacks are reduced and other variations from the Town Code. Reference 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)***

The Area Variance application was previously approved at the May 24, 2021 public hearing. The project is a phased campground with phase 1 having approximately 125 campsites. Mr. Tintera asked any board members that were not present at the previous May 24, 2021 hearing if they had any concerns or questions. Mr. Rightmyer and Mr. Leach were the only members not present at that hearing and did not have any additional questions.

**Mr. Silpoch made a motion to open the public hearing for Big Guys Campground; Seconded by Mr. Leach. All "Ayes" motion approved**

Mr. Downey stated some rules for the hearing.

- You may only speak for 2 minutes
- Please address the board with your concerns not the applicant

Mr. Isler stood up and was in favor of getting this project approved.

Mr. Lowell also asked the board to get this project moving forward for the applicants.

No other comments from the people in attendance.

**Mr. Silpoch made a motion to close the public hearing; Seconded by Mr. Rightmyer. All "Ayes" motion approved.**

Mr. Downey- then read aloud the five justification questions. Mr. Leach read the answers to board members and all were in agreement with the justification answers from the applicant. Reference the following:

#### APPLICATION FOR AREA VARIANCES ASSOCIATED WITH PROPOSED CAMPGROUND AND CAMPSITES

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. Leach read the reply's from the applicant and the all the board members agreed with the reasons for granting the Area Variances.

**Mr. Silpoch made a motion to approve the Area Variances for the Big Guys Campground, LLC at 3739 Monroe Orleans County Line Road. Seconded by Mr. Rightmyer; All "Ayes" motion approved.**

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

*Respectfully submitted*  
*Diane Herzog, Clerk Zoning Board of Appeals*  
*September 16, 2021*