

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

**HEARING DATE:** November 10, 2021

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

**BOARD MEMBERS EXCUSED:** Gerry Rightmyer

**ATTORNEY:** Maureen Werner, Esq.

**APPLICANT PRESENT:** Dylan Phillips  
Representative Haight Family Farm

**RE:** Code Interpretation

**Pledge of Allegiance**

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

Mr. Silpoch made a motion to approve the minutes from September 15, 2021; Seconded by Mr. Leach. All “Ayes” motion approved.

**Code Interpretation- 16088 Ridge Road and the parcel on the North side of Ridge Road - Haight Family Farm has requested the Code Interpretation of the non-allowable use to house two dogs in an existing farm shed on the property.**

**Code Enforcement Officer’s Decision**

**Dog boarding is not an accessory use to agriculture. It changes the nature of the allowed accessory agricultural use for the shed. Dog boarding is not an agricultural use.**

Ms. Werner – under the Agriculture and Markets laws the Zoning Board of Appeals can’t restrict farming operations unreasonably under Zoning Laws. Under the Farm Operations Law its land, farm buildings, equipment etc. to production, prepare and marketing crops, livestock, livestock products as a commercial enterprise. Dogs are nowhere in the Ag and Market are as listed as livestock, so more or less the applicant is asking for a place to keep dogs it doesn’t pertain to Ag and Markets you’re not restricting farm operations.

Mr. Phillips – the intent is to house my two dogs, restore the shed to what it was and store equipment to maintain part of the farm property.

Ms. Werner – as long as it is part of the Haight farming operations we can't restrict their farming operations. It has nothing to do with the farming operations and yes the Zoning Officer was correct in his determination. The fence can be installed regardless of the use of the shed.

Mr. Collyer – my interpretation is that they are trying to make the shed back to normal and clean it up. The board needs to be careful about this, this board did the same thing a long time ago when my father was on the board, and dogs were used on the Hurd property.

Ms. Werner – that was for herding, I don't believe these dogs are going to be used in farm operations. If the dogs are used as farm animals in their farm operations that fine. They are more than welcome to fix up the shed if they are going to use it in farm operations.

Mr. Downey- so if they want to fix it up they can but what they can't do is house dogs in the shed.

Ms. Werner – Yes that is correct it is not allowed under the Zoning Ordinance, there are certain set- backs he would need to follow. If they use this shed for the farming operations and storing equipment in there for the farm they do not need a permit.

Mr. Downey- would the occasional use of it to house a dog overnight now and then be a problem?

Ms. Werner –now and then is fine.

Mr. Downey – occasional use if needed but no dog run.

**Mr. Leach made a motion that the Board is in agreement with the Code Enforcement Officer's decision and will not overturn it. Seconded by Mr. Silpoch; All "Ayes" motion approved.**

Mr. Phillips – If I was to purchase this property without a residence on it would it still fall within the same rules.

Ms. Werner – Yes, since you are not actively farming and that would be a non-conforming lot since there is no primary residence on it, so the shed would be pre-existing non-conforming. If you wanted to fix the shed you would have to bring it into current zoning codes.

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

*Respectfully submitted*  
*Diane Herzog, Clerk Zoning Board of Appeals*  
*November 18, 2021*