

**Organization River Area Council of Governments**

**Board Cooperative ZBA**

**Date and Time Wednesday, September 5 2012 at 7:30 PM**

**Place Town of Champion Offices Board Room (rear of building) 10 N Broad St, West Carthage NY**

**Contact [Chris Vargulick](#) Town Clerk Phone (315) 493-3240 Fax(315) 493-2900**

**Minutes**

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RACOG  
Cooperative Zoning Board of Appeals

TO: Members of the Co-op ZBA, T/Champion Board, T/Wilna Board, V/Carthage Board, Town/Village Clerks, Zoning Enforcement Officers, Timothy Farley, T/Champion Attorney, Mark Gebo, T/Wilna & V/Carthage Attorney and Planning Board Chairmen

FROM: Christina Vargulick, Cooperative ZBA Secretary

DATE: September 6, 2012

RE: Minutes from September 5, 2012

PRESENT: R. Blank, L. Haverstock, T. Kight and B. Shampine

EXCUSED: D. Austin

Chairperson Kight called the meeting to order at 7:30pm. The roll was called.

Motion by B. Shampine, seconded by L. Haverstock to dispense with the reading of the August 1, 2012 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

T. Kight reviewed an application (Log #2012-1) for a use variance for parcel no. 86.32-1-5 submitted by VFW Post 7227. The applicant requests variance to replace their current static signage with an electronic sign. The Board acknowledged that after further review it has determined that the parcel is located in an R-3 zone.

Proof of notice having been furnished, the public hearing on a use variance for parcel no. 86.32-1-5 was called to order at 7:32pm by Chairperson Kight. D. Brooks, representing VFW Post 7227, provided photographs of the area and the proposed sign improvements. Board members reviewed the V/Carthage regulations regarding signs in an R-3 zone (Article III; Section 146-6; B). The V/Carthage Zoning Officer denied the permit based on Sub-Section B5 ("mechanically moving and/or flashing signs shall not be permitted..."). Based on their review of the regulations, the Board also determined that the proposed signage violated Sub-Section B1("No sign shall exceed eight square feet in area..."); Sub-Section B7("...non-conforming..."); and Sub-Section B9("Only one permanent sign per lot or use may be erected.") The proposed sign is 9.77sq. ft. in violation of both Sub-Sections B1 and B7 and would be added in addition to an existing sign thus violating Sub-Section B9. Motion by R. Blank, seconded by B. Shampine to close the public hearing. Ayes-4, Nays-0. Motion carried.

The Board reviewed and responded to the environmental impact assessment regarding the proposed action. Motion by L. Haverstock, seconded by B. Shampine to make a declaration of negative environmental impact as a result of the action. Ayes-4, Nays-0. Motion carried.

The following resolution was offered by L. Haverstock, who moved its adoption, and seconded by B. Shampine, to wit:

WHEREAS, the Cooperative Zoning Board of Appeals has received an application from VFW Post 7227 for a variance of Article III; Section 146-6, to erect an electronic sign; and

WHEREAS, in connection with such application, the Cooperative Zoning Board of Appeals has reviewed the application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Cooperative Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The applicant can realize a reasonable return on the property without the variance.
- B. The hardship is not unique to this property since the laws/regulations apply to the entire district.
- C. No evidence was submitted that suggested any alteration to the essential character of the neighborhood.
- D. The applicant's alleged hardship is self-created.

NOW, THEREFORE BE IT RESOLVED, that the application by VFW Post 7227 for a variance of Article III; Section 146-6 of the V/Carthage Zoning Law is hereby approved with the following contingencies:

- A. The sign shall not exceed ten square feet.
- B. The sign shall not have flashing art or messages. A scrolling message is acceptable.

The question of the foregoing resolution was duly put to a vote as follows:

- D. Austin.....Absent
- R. Blank.....Aye
- L. Haverstock.....Aye
- T. Kight.....Nay
- B. Shampine.....Aye

Resolution adopted.

The Board reviewed the 2013 Preliminary Budget. Motion by L. Haverstock, seconded by R. Blank to approve the 2012 Preliminary Budget as presented. Ayes-4, Nays-0. Motion carried.

Motion by R. Blank, seconded by L. Haverstock to adjourn. The meeting adjourned at 8:25pm.

Christina Vargulick  
RACOG Cooperative ZBA, Secretary