

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, May 6 2015 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

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: May 7, 2015

RE: Minutes from May 6, 2015

PRESENT: D. Austin, R. Blank, M. Gump, L. Haverstock, and T. Kight

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

Motion by D. Austin, seconded by R. Blank to dispense with the reading of the June 4, 2014 minutes and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

T. Kight reviewed the application (Log #2015-1) for an area variance for parcel nos. 93.00-1-38, 93.00-1-37, 93.00-1-36, 93.00-1-33, 93.00-1-34, 93.00-1-25.51, 93.00-1-28.21, 93.00-1-28.4, 93.00-1-29.2, 93.00-2-48.32, 103.00-1-17.22, and 103.00-1-16 located in a corridor between County Route 163 and NYS Route 12 in the Town of Champion submitted by Own Energy and represented by James Muscato II. The application requests an area variance for the purpose of a variance from the 1,000' setback from residences; acceptance of setback waivers as compliance with the setback standard; and a variance from the maximum height of utility poles.

Mr. Muscato stated that the wind turbine project known as the Copenhagen Wind Farm is located in the Town of Denmark. Four point seven miles (4.7m) of transmission lines would be constructed in the Town of Champion and continue into the Town of Rutland where they will feed into a sub-station located in Burrville. Mr. Muscato stated that the location of the transmission line has been modified from the original design to address property owner's concerns. OWN Energy submitted option agreements signed by two (2) property owners and transmission and access agreements signed by two (2) other property owners. Mr. Muscato questioned the T/Champion Planning Board's decision to consider the project under the definition for "essential facilities" rather than the definition for "public utilities".

M. Gump questioned why all property owners had not been contacted. J. Wichelns, speaking for applicant, said that one owner, Kendal O'Leary, and his wife are both in the military and not currently living in the house.

T. Kight questioned if the project had considered utilizing a closer sub-station. J. Muscato answered that the Burrville sub-station is the one that had been identified. T. Kight questioned if the transmission line is located in a new transmission corridor or utilizing an existing corridor noting that Section 535H.1 of the Town zoning law requires that all electrical transmission line shall use existing right-of-ways. J. Muscato responded that the route is a new corridor that minimizes the impact on visibility and wetlands.

M. Gump questioned permitting by the NYS Department of Environmental Conservation. Mr. Muscato stated that the permitting process has begun.

L. Haverstock reviewed and compared the definitions for "essential facilities" and "public utilities" as defined in the T/Champion zoning law. He questioned the statement under "essential facilities" that reads "The definition of essential services shall not include minor or major wind power generating facilities.". Chairperson Kight questioned T/Champion Planning Board Chairman Peter LaBarge in regards to the intent of the statement. Mr. LaBarge responded that the statement was included to acknowledge those portions of the zoning law regarding minor and major wind towers. He stated that the Planning Board considers the transmission lines to be essential facilities as defined in the law.

T. Kight questioned whether the original application that was submitted by OWN Energy should have been for

an interpretation of the definition that should apply to the proposed action rather than an area variance. Board members concurred.

Chairperson Kight informed the applicant that no action would be taken at this time to allow for the Board to speak to the Town's legal counsel to determine whether an application for an interpretation should be submitted for the Board's consideration and action.

Motion by L. Haverstock, seconded by D. Austin to adjourn. The meeting adjourned at 8:07pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary