

**Organization River Area Council of Governments**

**Board Cooperative ZBA**

**Date and Time Wednesday, June 3 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**

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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: June 4, 2015

RE: Minutes from June 3, 2015

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

ABSENT: M. Gump

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 May 6, 2015 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

T. Kight reviewed the application for an area variance from OWN Energy (Log #2015-1) and advised the applicant that if they want to proceed with an interpretation of the law in regards to the Planning Board's determination that the project shall be reviewed under Section 405 of the Town Zoning Law as an Essential Facility that they must revise their application. James Muscato, attorney for OWN Energy, stated that the applicant wants to proceed with the interpretation. Mr. Muscato also requested that the Board consider a variance for the height of the transmission line poles.

The Board reviewed mapping and advised OWN Energy that a separate application will be required for each parcel that a variance is being sought for and shall include an authorization from the property owner for OWN Energy to act on the property owner's behalf. Mr. Muscato stated that the transmission and access easement agreement executed with each property owner authorizes OWN Energy to act on the property owners behalf.

Motion by D. Austin, seconded by L. Haverstock to schedule a public hearing on July 15, 2015 at 7:30pm, on an application for an interpretation of Article 4; Section 405 of the T/Champion Zoning Law and a public hearing for an area variance on the transmission line pole height for OWN Energy pending the submittal of the necessary applications. Ayes-4, Nays-0. Motion carried.

T. Kight presented an application from Galen Gockley (Log #2015-2) for an area variance for a proposed minor wind tower on parcel #76.00-1-25.1 located at 23899 Pennock Road. The proposed tower would have a maximum height of 153.5'. The maximum allowed under Article 6; Section 692C of the T/Champion Zoning Law is 100' including the rotor radius. Ryan Stewart, representing Mr. Gockley, advised the Board that the 10kw tower is built in sections and that a reduction in the height of the tower would result in a significant decrease in the energy produced. Chairperson Kight informed the Board that the proposed tower would be located on an active farm. She asked if the wind tower would be for the sole use of the farming operation. Mr. Stewart stated that it would be. R. Blank asked if the tower would be lit. Mr. Stewart stated that a decision from the FAA is pending but that ordinarily towers under 200' in height are not required to be lit. The Secretary submitted an email response from the Franz Phillippe, Fort Drum Planner, stating that Fort Drum has no encroachment issues with the construction of the tower. Motion by L. Haverstock, seconded by R. Blank to accept the application and to schedule a public hearing on the proposed area variance for July 15, 2015 at 7:30pm. Ayes-4, Nays-0. Motion carried. Mr. Stewart was advised to submit a letter from Mr. Gockley authorizing the representative to act on his behalf.

T. Kight presented an application from St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless for an area variance for a proposed cell tower on parcel #93.00-1-10.1 located at 19212-340 Bach Road. The proposed tower would be 199' in height including the antenna. The minimum allowed setback under Article 8; Section 820J;§2b is the height of the tower, including any antennae, plus thirty feet. The setback on the north side is

insufficient by 24'. The applicant is also seeking a variance from the requirement that the setback be measured from the lease lines (Article 8; Section 820J;§2d and 2e). Jessica Vigars, an attorney with Young/Sommer LLC representing Verizon Wireless, identified the gap in cell phone service currently existing. She distributed rationale for the location of the site and explained the use of the leased area. D. Austin questioned the proposed height of the tower. J. Vigars responded that the tower must be capable of communicating with neighboring towers without interference from the canopy of surrounding trees and provide opportunities for co-locating additional dishes. T. Kight asked if there was a tower that Verizon Wireless could co-locate on. J. Vigars responded negatively but was reminded that there is a tower on Line School Road. Ms. Vigars then distributed information comparing the coverage area for the new tower to the coverage area if Verizon Wireless co-located on the Line School Road tower. D. Austin asked if the towers would be comparable in height. Ms. Vigars answered that they would be. Fort Drum has responded that they have no encroachment issues with the proposed tower. Motion by D. Austin, seconded by R. Blank to accept the application and to schedule a public hearing for July 15, 2015 at 7:30pm. Ayes-4, Nays-0. Motion carried. The Secretary was directed to forward the matter to County Planning.

Motion by R. Blank, seconded by D. Austin to adjourn. The meeting adjourned at 8:43pm.

Christina Vargulick  
RACOG Cooperative ZBA, Secretary