

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, November 4 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: November 5, 2015

RE: Minutes from November 4, 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 M. Gump to dispense with the reading of the October 7, 2015 minutes and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

Chairperson Kight opened the public hearing on an area variance application for parcel no. 86.33-4-42 (Log 2015-7) submitted by Joshua Jensen. Mr. Jensen notified the Board that he was unable to secure the required survey information in time for the hearing and asked to adjourn the discussion until the next scheduled meeting. Motion by R. Blank, seconded by M. Gump to adjourn the public hearing until December 2, 2015. Ayes-5, Nays-0. Motion carried.

Chairperson Kight opened the public hearing on area variance applications for parcel nos. 93.00-1-24.1; 93.00-2-44; 93.00-1-28.3; 93.00-2-47.1; 93.00-1-38; 93.00-1-29.1; 103.00-1-17.22; 103.00-1-16; 93.00-1-32.2; and 93.00-2-47.2 to build an electrical transmission line outside of an existing right-of-way. No one spoke for or against the action. All persons desiring to be heard, having been heard, the public hearing was closed at 8:22pm.

The Board resumed their consideration of area variance applications submitted by OWN Energy to construct an electrical transmission line closer than 1,000' from residences as required by the T/Champion zoning law. J. Muscato, representing OWN Energy, reiterated his written request that the Board revote on the area variance applications for parcel nos. 93.00-1-29.1 and 93.00-2-47.2 upon which the Board took votes at their October 7, 2015 meeting. Only four (4) voting members were present at the October meeting, resulting in a non-affirmative vote and a tied vote, respectively. Chairperson Kight deferred the request until later in the meeting and proceeded with the balance of the area variance applications. T/Champion Deputy Supervisor Ferguson questioned whether OWN Energy had been sold. James Damon responded that the company was now a subsidiary of EDF Renewables.

Board members reviewed the applications and maps for parcel nos.:

- 93.00-1-28.3 – Murcrest Farms requested variance of 647'5" (Mangan residence).
- 93.00-1-32.2 – Murcrest Farms three requested variances of 128'10" (Kidder residence), 359'6" (Davis residence), and 176'2" (Micek residence).
- 93.00-1-38 – Murcrest Farms two requested variances of 82'6" (Murcrest residence) and 174' (P. Eddy residence).

Board members considered and responded to the factors applicable to each of the applications.

The following resolution was offered by M. Gump, who moved its approval, and seconded by R. Blank, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from OWN Energy, acting as agent for Murcrest Farms, parcel number 93.00-1-28.3 for a variance of Article 5; Section 535; §H1, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and

accepted the SEQR from T/Denmark, held a public hearing and received comments thereat; and

WHEREAS, after review, the 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 majority of the Board concludes that the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by burying or re-routing the proposed transmission lines.
- C. The Board concludes that the variance is substantial.
- D. The majority of the Board concludes that the variance would have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application OWN Energy, as agent for Murcrest Farms, parcel number 93.00-1-28.3, for a variance of Article 5; Section 535; §H1 of the T/Champion Zoning Law is hereby granted with conditions:

- 1. The transmission feeder line shall not be less than 352'7" from the residence on parcel no. 93.00-1-28.21.

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

- D. Austin.....nay
- R. Blank.....aye
- M. Gump.....aye
- L. Haverstock.....aye
- T. Kight.....nay

The following resolution was offered by M. Gump, who moved its approval, and seconded by L. Haverstock, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from OWN Energy, acting as agent for Murcrest Farms, parcel number 93.00-1-32.2 for a variance of Article 5; Section 535; §H1, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and accepted the SEQR from T/Denmark, held a public hearing and received comments thereat; and

WHEREAS, after review, the 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 majority of the Board concludes that the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by burying or re-routing the proposed transmission lines.
- C. The Board concludes that the variance is substantial.
- D. The majority of the Board concludes that the variance would have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application OWN Energy, as agent for Murcrest Farms, parcel number 93.00-1-32.2, for a variance of Article 5; Section 535; §H1 of the T/Champion Zoning Law is hereby granted with conditions:

- 1. The transmission feeder line shall not be less than 871'2" from the residence on parcel no. 93.00-1-34.
- 2. The transmission feeder line shall not be less than 640'6" from the residence on parcel no. 93.00-1-33.
- 3. The transmission feeder line shall not be less than 823'10" from the residence on parcel no. 93.00-1-36.

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

- D. Austin.....nay
- R. Blank.....aye
- M. Gump.....aye
- L. Haverstock.....aye
- T. Kight.....nay

The following resolution was offered by R. Blank, who moved its approval, and seconded by M. Gump, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from

OWN Energy, acting as agent for Murcrest Farms, parcel number 93.00-1-38 for a variance of Article 5; Section 535; §H1, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and accepted the SEQR from T/Denmark, held a public hearing and received comments thereat; and

WHEREAS, after review, the 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 majority of the Board concludes that the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by burying or re-routing the proposed transmission lines.
- C. The Board concludes that the variance is not substantial.
- D. The majority of the Board concludes that the variance would have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application OWN Energy, as agent for Murcrest Farms, parcel number 93.00-1-38, for a variance of Article 5; Section 535; §H1 of the T/Champion Zoning Law is hereby granted with conditions:

- 1. The transmission feeder line shall not be less than 917'6" from the residence on parcel no. 93.00-1-38.
- 2. The transmission feeder line shall not be less than 826'0" from the residence on parcel no. 93.00-1-37.

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

- D. Austin.....nay
- R. Blank.....aye
- M. Gump.....aye
- L. Haverstock.....aye
- T. Kight.....nay

The Board discussed the procedure, as per the Cooperative ZBA bylaws, in regards to negating the previous action taken on area variances for parcels nos. 93.00-2-47.2 and 93.00-1-29.1. Chairperson Kight asked that action be deferred so that she could consult with legal counsel. The Board agreed by consensus to schedule a special meeting on Wednesday, November 11, 2015 at 7:30pm.

Mr. Muscato asked the Board to acknowledge their agreement that the applications for an area variance to install the transmission feeder line above ground were unnecessary.. The Board, by consensus, acknowledged their agreement with the action to withdraw the applications.

Jasin Carroll spoke in favor the Copenhagen Wind Farm project.

Motion by R. Blank, seconded by L. Haverstock to adjourn. The meeting adjourned at 8:39pmpm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary