

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, November 11 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 12, 2015

RE: Minutes from November 11, 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 November 4, 2015 minutes and to approve the minutes as amended. Ayes-5, Nays-0. Motion carried.

Chairperson Kight acknowledged a request by OWN Energy to reconsider area variances for parcel nos. 93.00-1-29.1 and 93.00-2-47.21 that were acted on with one member absent.

Motion by R. Blank, seconded by L. Haverstock to reconsider action on an area variance for parcel no. 93.00-1-29.1 owned by Murcrest Farms.

- 93.00-1-29.1 – Murcrest Farms two requested variance of 754’10” (Dealing residence) and 215’8” (O’Leary residence).

The following resolution was offered by L. Haverstock, 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 93.00-1-29.1 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. Board members that responded concluded that the proposed construction would produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. Board members that responded were divided on whether 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. Board members that responded were divided on whether 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 from OWN Energy, as agent for Murcrest Farms, parcel number 93.00-1-29.1, 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 245'2" from the residence on parcel no. 93.00-1-29.2.

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 R. Blank, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from OWN Energy, acting as agent for Murcrest Farms, parcel number 93.00-1-29.1 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:

- F. Board members that responded concluded that the proposed construction would produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- G. Board members that responded were divided on whether the benefit sought by the applicant could be achieved by burying or re-routing the proposed transmission lines.
- H. The Board concludes that the variance is substantial.
- I. Board members that responded were divided on whether the variance would have an adverse visual impact on the physical conditions of the neighborhood.
- J. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from OWN Energy, as agent for Murcrest Farms, parcel number 93.00-1-29.1, 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 784'4" from the residence on parcel no. 93.00-1-28.4.

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

Motion by R. Blank, seconded by L. Haverstock to reconsider action on an area variance for parcel no. 93.00-2-47.2 owned by Randy Elmer.

- 93.00-2-47.2 - Randy Elmer requested variance of 836'6" (Elmer residence).

The following resolution was offered by L. Haverstock, 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 Randy Elmer, parcel number 93.00-2-47.2 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. Board members that responded concluded that the proposed construction would produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The majority of the Board responded that the benefit sought by the applicant could be achieved by re-routing the proposed transmission line.
- C. The Board concludes that the variance is substantial.

- D. Board members that responded were divided on whether 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 from OWN Energy, as agent for Randy Elmer, parcel number 93.00-2-47.2, for a variance of Article 5; Section 535; §H1 of the T/Champion Zoning Law is hereby denied:

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

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

James Muscato, representative for OWN Energy, responded to the decision stating that Mr. Elmer is a participant in the project and relocation is not feasible. Mr. Gump pointed out an alternative route along a tree line on the opposite side of the road.

The Board began deliberation on an area variance application from OWN Energy to construct an electrical transmission line outside the existing right-of-way on 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.

The following resolution was offered by R. Blank, 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 multiple owners of parcel numbers 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 for a variance of Article 5; Section 535; §H1 in regards to construction outside of the existing right of way, 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 Board majority 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 not be achieved by a reasonable alternative.
- C. The Board concludes that the variance is substantial.
- D. 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 from OWN Energy, as agent for multiple owners of parcel numbers 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, for a variance of Article 5; Section 535; §H1 of the T/Champion Zoning Law is hereby approved:

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

James Muscato stated that the Randy Elmer property will need a variance even if the line is relocated and questioned if the Board members would rehear the variance. M. Gump answered that the line should be relocated to reduce the variance required.

Motion by D. Austin, seconded by L. Haverstock to adjourn. The meeting adjourned at 8:03pm.

Christina Vargulick
 RACOG Cooperative ZBA, Secretary