

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, January 6 2016 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: January 7, 2016

RE: Minutes from January 6, 2016

PRESENT: D. Austin, R. Blank, M. Gump, L. Haverstock(by telephone) and T. Kight

Chairperson Kight called the meeting to order at 7:30pm. The roll was called. Chairperson Kight questioned James Muscato, representing OWN Energy, as to whether he would consent to L. Haverstock joining the meeting by telephone since he could not attend in person. Mr. Muscato stated that he had no objection to Mr. Haverstock participating by telephone.

Motion by D. Austin, seconded by R. Blank to dispense with the reading of the December 2, 2015 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

Mr. Muscato summarized the application for an area variance application for parcel no. 93.00-2-47.2 (Log 2015-8) submitted by OWN Energy for Randy Elmer, as modified from the prior application.. J. Muscato explained that the distance between the Elmer residence and the transmission line has been increased to 583'.

Chairperson Kight opened the public hearing on area variance application for parcel no. 93.00-2-47.2 to build an electrical transmission line closer than 1,000' from residences as required by the T/Champion zoning law at 7:32pm. No one from the public spoke for or against the action. All persons desiring to be heard, having been heard, the public hearing was closed at 7:34pm.

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 Randy J. 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. A majority of the board members concluded that the proposed construction would not 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 OWN Energy, as agent for Randy J. 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 granted with conditions:

- 1. The transmission feeder line shall not be less than 583' from the residence on parcel no. 93.00-2-47.2.

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

Chairperson Kight asked if Mr. Joshua Jensen was present. He was not. Motion by T. Kight, seconded by M. Gum to dismiss Mr. Jensen's application for an area variance due to a failure to proceed with the application. Ayes-4, Nays-0. Motion carried.

K. Amyot reminded Board members that the Local Government Conference is scheduled for March 9, 2016. She also stated that other educational opportunities are available from the Commission. Motion by D. Austin, seconded by R. Blank to adjourn. The meeting adjourned at 7:45pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary