

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, November 6, 2024 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Heagle, M. Roberts, M. Shettleton, M. Stephens and M. Vaerewyck..

Chairman Heagle called the meeting to order at 7:00pm. Motion by M. Roberts, seconded by M. Vaerewyck to dispense with the reading and to approve the minutes of October 2, 2024 as presented. Ayes-5, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing a proposed public use variance for parcel no. 85.00-2-44.1 owned by Paul Hutton and located at 33745 Whitaker Road, Carthage was called to order at 7:01pm. Michelle Wojcikowski, Lonny Harper, Janessa Moser, Josue Cruz, Elena Golovina, and Thomas Wojcikowski spoke against the construction of the telecommunication tower citing health concerns, possible alternative locations, tree removal, effect on property values, proposed inspection schedule and proximity to residences.

H. Clarke, representing the applicant, stated that only zoning law waivers were being sought and that a decision on the tower would be made by the Town Planning Board. He shared the application document which included the FCC approval and coverage maps.

Chairman Heagle thanked the members of the public for attending and sharing their concerns. He reiterated that the Zoning Board of Appeals was only considering the term of the zoning permit, vegetation, and inspection schedule. The Town Planning Board will make the final decision. Chairman Heagle advised the public that the Planning Board meeting would be held on Tuesday, November 12, 2024 at 4:00pm.

The following resolutions were offered by M. Stephens and seconded by M. Vaerewyck, to wit:

WHEREAS, the RACOG Cooperative Zoning Board of Appeals has received an application from St. Lawrence Seaway RSA Cellular Partnership (Verizon Wireless) for parcel no. 85.00-2-44.1, owned by Paul Hutton, for a public use variance; and

WHEREAS, in connection with such application, the RACOG Cooperative Zoning Board of Appeals has received and reviewed an application, held a public hearing and received comments thereat; and

WHEREAS, the RACOG Cooperative Zoning Board of Appeals recognizes that the Town of Champion Planning Board as lead agency for the proposed project and that the RACOG Cooperative ZBA is only considering requested waivers for the project and therefore finds that the waivers will not have a significant impact; and

WHEREAS, after review, the Cooperative Zoning Board has weighed the effects of the requested public use variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The applicant is a public utility.
- B. The applicant has demonstrated that there is a lack of telecommunication coverage in the subject area.
- C. The applicant has demonstrated that co-location on another telecommunication tower is not an alternative.
- D. The applicant has demonstrated that alternate locations were considered.
- E. The applicant has demonstrated that the action will benefit the public.

NOW THEREFORE BE IT RESOLVED, that the application of St. Lawrence Seaway RSA Cellular Partnership (Verizon Wireless) for parcel no. 85.00-2-44.1, owned by Paul Hutton, for a public use variance of the following articles/sections/subsections of the Town of Champion Zoning Law is hereby granted.

The question of the resolutions was duly put to a vote as follows:

- Article 8; Section 820; Subsection J.9 – Maintenance and Repair – to allow inspections every five (5) years.

Terry Heagle.....Aye
Mark Roberts.....Aye
Melissa Shettleton.....Aye
Michele Stephens.....Nay
Mary Vaerewyck.....Nay

- Article 8; Section 820; Subsection J.4 – Screening and Existing Vegetation – to waive requirement for additional screening and vegetation.

Terry Heagle.....Aye
Mark Roberts.....Aye
Melissa Shettleton.....Aye
Michele Stephens.....Nay
Mary Vaerewyck.....Nay

- Article 7; Section 740 – Expiration of Zoning Permit – to extend expiration of the zoning permit to a term of twelve (12) months.

Terry Heagle.....Aye
Mark Roberts.....Aye
Melissa Shettleton.....Aye
Michele Stephens.....Aye
Mary Vaerewyck.....Aye

Resolutions adopted.

Rob Busler, representing Grace Church, presented an area variance for parcel no. 86.41.1.33 located at 421-423 State Street, Carthage. The applicant seeks to subdivide the church from the adjacent residence but lacks the required 50' lot width. The new lots would have approximately 46' and 38' of frontage. Mr. Busler explained that a number of the residential parcels on the block also would not meet the current zoning requirement.

Motion by M. Roberts, seconded by M. Shettleton to schedule a public hearing on the matter for Wednesday, December 4, 2024 at 7:00pm. Ayes-4, Nays-0. Mary Vaerewyck recused herself from the matter due to her connection with Grace Church. Motion carried.

Motion by M. Roberts, seconded by M. Shettleton to adjourn. The meeting adjourned at 7:41pm.

Christina Vargulick
Christina Vargulick
RACOG Cooperative ZBA, Secretary