

December 4, 2007

A motion by Jeff Case, seconded by Richard Peterson and so carried to open the public hearing regarding the proposed revisions on the Varick Zoning and Subdivision Code.

Present at this hearing were Supervisor Joan Teichner, Council members, Jeff Case, Curt Karlsen, Richard Peterson and Kathy Russo, Town Clerk, Donna Karlsen, Attorney for the town, John Sipos, Planning Board, Thomas Bjorkman, Frankie Long, William Larzelere, Robert Kayser. Also present were Philip Knapp, Robert Hayssen, Barb Wells, Carol Richardson, Mary Maquire, Edward Maquire, Ed Stephany, Lisa Sadlik, Ann Raffetto, Janet & Anthony Brown, Al Heitmann, Gary Chave, Jacob E. Boyle, Jim Somerville, Jr. Jim Somerville, Sr., Dave Stonesifer, David Scharett, Ann Scharett, Karl Kisner, Virginia A. Olsowske, Lisa Olsowske, John Keel, John Saeli, Mike J. Persing, Fred Ruckdeschel, Alice Howard, Jeffrey Trout, Larry Martin, Stanley Sensenig, Tom Hoergo, Dennis Landis.

Mr. Bjorkman reviewed with those in attendance why the proposed zoning revisions are being recommended and reviewed the rules limiting statements to three minutes and made it understood that this was not the time for answering questions, but for those to provide their input and views to the town board. The following opinions and concerns were expressed over proposed ordinances which address the following:

- Parking of commercial vehicles
- Fire house is limited to one bay
- Mobile Home Foundation, 3' below frost line
- Unregistered Vehicles, no vehicle at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled
- Equipment unused in at least one year is not considered active
- Equipment storage
- Place of worship and define the word worship
- Definition of Resident Care Home
- Boat marina and related business operation
- Docks and Moorings
- Zoning on the former army depot, canned hunts
- Replace term septic system with treatment system

An opinion was expressed that perhaps a broad net had been cast over the town without taking into consideration of what people have been doing. The opinion was also expressed that the Planning Board should address the concerns presented, make the changes and do it right the first time before adopting the proposed code. People also felt that there wasn't enough information provided to the public. It was noted that the Planning Board held several meetings at different locations in the town asking for input as well as an informational meeting at the Varick Fire House. It was also noted that the Planning Board meets the third Thursday of every month and the meetings are open to the public. It was recognized that it is a challenge to reach everyone in the town, and the Planning Board will continue to advertise in the Finger Lakes Times and the Reveille Between the Lakes, send out mailings and use signage to keep people informed. Concern

was expressed over the ability to enforce the proposed zoning, and if it isn't enforced it makes no sense to have it.

The opinion was expressed that the white deer are an asset to this town and should be used as a resource. Concern was expressed over canned hunts, which might be a proposal by the Sessler Group to Seneca County IDA, within the conservation area of the former depot located in the Town of Varick. It was also noted that Farm Bureau is not against canned hunting. Mr. Bjorkman stated that the Planning Board does not know as of this date for sure what the Sessler Group is planning, however, that particular area is zoned for green energy, institutional and recreational purpose in the proposed zoning code. Direction to prohibit or ban canned hunts for this area can come from the Town Board and be added to the proposed zoning regulations.

Frankie Long, a member of the Planning Board noted that these proposed zoning regulations aren't meant to upset people, but is an overhaul of the existing zoning and the result of the training they have taken. Mr. Stephany, a member of the Board of Appeals, noted that individual cases can be presented to the Zoning Board of Appeal for review.

Mr. Bjorkman stated that all existing conditions that will become non-conforming with the adoption of the new regulations will be grandfathered. It was also noted that any straight forward changes can be made simply by the Varick Town Board.

The planning board was commended for its diligence and hard work in developing these proposed revisions. It was noted that establishing detailed codes gives the Code Enforcement officer guidelines to follow and aren't meant to be restrictive. Some of the wording for the proposed codes was taken from other communities and the codes are meant to be used to look to the future.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to close the public hearing at 7:50 p.m.

**Petitioners:** Jeff Trout, Councilman and Water Committee Chair for the Town of Fayette, reported on the Varick/Fayette Proposed Water District. He reported that the project has been awarded \$600,000 from Small City and \$500,000 Rural Development. He presented another grant application for Shared Municipal Services Incentive to submit requesting a grant in the amount of \$600,000. He reported that Stuart Brown would complete the application and the Town of Fayette would absorb the cost. He cited two requirements that need to be met to be eligible for this grant:

Number of municipalities committed:

- Village of Public Works
- Seneca County District No. 1
- Town of Varick
- Town of Fayette
- Seneca County

Shared Services:

- County Engineer working with development of district

## County Water District: Operation & Maintenance and billing

Mr. Peterson noted that he wasn't made aware of the informational meeting the Town of Fayette held regarding this project and questioned if the grants are based on the existing project submitted. Mr. Trout stated that they were. Mr. Peterson recommended removing Leader and Ridge Road in order to lessen the cost of the project. Mr. Trout stated that it was too late to alter the map, plan and report. Mr. Trout also stated that unlike the Seneca Lake Water project, the Town of Fayette will charge Varick users the same charges as the Fayette users as it is a joint project.

### **SHARED MUNICIPAL SERVICES INCENTIVE 2007-2008 SMSI GRANT APPLICATION**

At the meeting of the Town Board of the Town of Varick held December 4, 2007, the following resolution was moved by Supervisor Joan Teichner seconded by Councilman Richard Peterson and adopted by vote of the Town Board.

#### **RESOLVED:**

1. The Town Board of the Town of Varick authorized the Town Supervisor, Joan Teichner, to submit an application as a Co-Applicant with the Town of Fayette and Seneca County to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2007-2008 Program Year.
2. The Town of Fayette shall act as the "Lead Applicant" for the SMSI Grant application, and the Town of Varick and Seneca County will act as "Co-Applicants."
3. The Town Board authorized Supervisor Teichner to execute all financial and/or administrative processes relating to the grant program.
4. The grant application shall be submitted for a "Shared Municipal Services Incentive" award that would enable the Towns of Fayette and Varick to work together with Seneca County to jointly construct the Fayette-Varick Water Improvement Project. The project has been planned to provide public water to residents of the two Towns who are in dire need of public water. The construction of the improvements would benefit Seneca County as it would reduce annual operating and maintenance costs associated with the Route 89 water district and eliminate the need for the County to invest \$555,000 for water improvement if a connection were made to the joint Fayette-Varick project were built.
5. The estimated cost of the proposed Fayette-Varick Water Improvement Project is \$2,940,000. The Towns have been awarded a \$600,000 Small City Grant and are requesting \$600,000 in SMSI funding for the project. The local share of the project cost is \$1,740,000.
6. The town of Fayette is committed to providing 57.8 percent of the local share of the project cost, or \$1,005,720.
7. The Town of Varick is committed to providing 42.2 percent of the local share of the project cost, or \$734,280.
8. Seneca County is not anticipating making any contribution to the local share of the project cost.

9. The source of the funds to pay each Towns' local share will come from the assessment of the benefit charge against properties within each water district in Fayette and Varick.
10. The Town of Fayette will issue a Bond Anticipation Note (BAN) in the amount of \$2,340,000 in order to have the funds on hand to pay for the construction of the project. Fayette will request reimbursement from the State for \$600,000 and \$734,280 from the Town of Varick to be used with its local share of \$1,005,720 to retire the BAN.
11. The Town of Fayette will work with the Town of Varick and Seneca County to prepare and execute an inter-municipal agreement setting forth individual responsibilities for the implementation of the project including, but not limited to, the required financial commitments and the design and construction of the project.

Votes were recorded as follows:

Supervisor:	Joan Teichner	Yes
Councilperson:	Jeff Case	Yes
Councilperson:	Curt Karlsen	Yes
Councilperson:	Richard Peterson	Yes
Councilperson:	Kathy Russo	Yes

**Varick Sewer District No. 2:** The supervisor presented the board with a new proposed contract effective January 1, raising Yaws yearly service rate from \$3,708 per year to \$6,000. Yaws cited that they were spending more time at the pump station than once per week and is also checking pump hours twice a in order to give them a better understanding of the pumps performance. The board also received proposals from Nicholson Trucking and reviewed briefly what services his proposed contract would cover. It was also noted that Mr. Nicholson is certified by Seiwert to repair the pumps.

The board reviewed the fact that they did seek bid proposals last year for this work, and all bids submitted were substantially higher than Nicholson Trucking. It was decided to table any decision on these contracts until the year end meeting to allow Jeff Case and Kathy Russo to do a comparison and give a recommendation.

**Seneca Lake Water:** The bid proposals were reviewed for the hydrant bolt repair and Mr. Case recommended that all the proposals be rejected and the town look at doing the job in house. Mr. Case suggested the district purchase a back hoe. He noted that the highway department may be interested in contributing highway funds towards this purchase so they may use this equipment as well. It was also suggested that it could be leased out to do some of the work required for the Hamlet of Fayette project. Mr. Peterson suggested looking into the cost of renting a back hoe versus purchasing one. Mr. Case agreed that this should be done, but was looking at money being spent within the district that would result in equity after this project was completed. It was also noted that restoration would be required with this project.

A motion by Jeff Case, seconded by Kathy Russo and so carried unanimously to reject the bids that were presented for the hydrant bolt repair.

Mr. Nicholson is to listen to the hydrants for leaks.

**Supervisor's Report:** Mrs. Teichner read her supervisor's report which will be filed with these minutes.

**Bookkeeper's Report:** None submitted.

**Planning Board:** A motion by Curt Karlsen, seconded by Richard Peterson and so carried unanimously to not allow canned hunting in the part of the Town of Varick located in the former Seneca Army Depot and to add this regulation and definition of canned hunts to the proposed Zoning Code.

A motion by Kathy Russo, seconded by Joan Teichner and so carried unanimously to change the Place of Worship in the table on page 14 of the proposed code from "N" to Conditional 310.11.

Further discussion was held regarding the revised Zoning Code and Subdivision Code. It was suggested that the town board suspend the ordinances that questions and concerns have been raised over, direct the Planning Board to further review these ordinances and bring them back to the town board with their suggested revisions based on what they have heard at the Public Hearing within the next month or so and approve the revised Zoning and Subdivision Code with those suspensions.

Mr. Case reviewed with the board the following ordinances that are to be suspended:

- Parking of commercial vehicles
- Fire house is limited to one bay
- Mobile Home Foundation, 3' below frost line
- Unregistered Vehicles, no vehicle at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled
- Equipment unused in at least one year is not considered active
- Equipment storage
- Place of worship and define the word worship
- Definition of Resident Care Home
- Boat marina and related business operation
- Docks and Moorings
- Zoning on the former army depot, canned hunts
- Replace term septic system with treatment system
- Animal unit definition
- Small business definition
- Nonconforming commercial use (501.2)

The question was raised as to who determines what is considered a major change and a minor change, and what steps need to be followed to make these changes. In order to add the revised suspensions back into the code, the same steps would have to be followed as what has been done to date with another public hearing being held.

Mr. Bjorkman read the resolutions pertaining to the Subdivision Amendment and the Zoning Amendment presented to him by Seneca County Economic Development and Planning board. A copy of these two resolutions will be filed with these minutes.

Mr. Bjorkman reported that the Seneca County Planning Board's suggested language changes in the resolutions and these changes have been completed in the proposed Zoning and Subdivision Codes.

## **TOWN BOARD RESOLUTION TO REVISE THE ZONING CODE AND THE SUBDIVISION CODE**

### **WHEREAS,**

1. The Town of Varick adopted a Comprehensive Plan in December 2005 to guide future development; and
2. That Comprehensive Plan identified as a top priority revising the Zoning Code to better reflect the needs for the residents of Varick; and
3. The Varick Planning Board has worked diligently for two years to examine ways to translate the values and goals identified in the Comprehensive Plan into implementable policies through new Zoning Code and Subdivision Code language, and to obtain abundant public input throughout that process, and
4. The Seneca County Planning Board reviewed the draft Zoning Code and Subdivision Code as a referral from the Town of Varick at its meeting on November 8, 2007 and recommended "Approval" of the revision to the zoning code and the subdivision code; and
5. The Varick Town Board has considered comments made by the public and interested agencies at the Public Hearing held on December 4, 2007; and
6. The Town of Varick has declared itself lead agency for the State Environmental Quality Review, and that it has duly conducted a coordinated review of Environmental Impact under 6 NYCRR 617.14 of the SEQR regulations and found no negative environmental impact.

### **NOW, THEREFORE BE IT RESOLVED,**

1. That the Town Board directs the Supervisor to make a Negative Declaration of Impact for State Environmental Quality Review, and that a Notice of Negative Declaration shall be filed and published to the extent required by the applicable SEQR regulations.
2. And that the Town of Varick amends the Ordinance establishing the Varick Zoning Code by replacing the current text with the text in the attached document labeled Town of Varick Zoning Code, December 2007. With the change in the Use Table for Places of Worship to C310.11; with the definition of an Animal Unit; with condition 310.12 describing the use with the same wording as in the Use Table; with references to wastewater "disposal" changed to "treatment"; and with notation that the following items not be enforced until revised by the Planning Board and passed by the Town Board; The first sentence of 309.2A; The next-to-last sentence of 309.2(B); 309.4 (D); 309.5(E), 310.2; 501.2
3. And that the Town of Varick adopts the attached Official Town Map.

4. And that the Town of Varick revises the Subdivision code by replacing the struck-out text on the attachment with the bold text.
5. The revised text of the Zoning Code and the Subdivision Code, as well as the zoning map, shall be printed with copies available from the Town Clerk, and an electronic version shall be posted on the town's website.
6. This resolution shall be effective immediately.

A motion by Kathy Russo

Seconded by: Curt Karlsen

Roll Call:

Jeff Case Yes

Curt Karlsen Yes

Richard Peterson Yes

Kathy Russo Yes

Joan Teichner Yes

So Carried Unanimously

**Dock & Mooring:** Lisa Sadlik reported that Seneca Lake is now included in this project and five of the seven townships are expected to support it. It is hopeful now that Seneca Lake is included the towns of Covert and Lodi will also support this project.

Ms. Sadlik reported the following phases would take place:

Assemble & Collect: Assemble committees and collect inventory

Assess & Compose the draft law

Approve and Adopt - this is when Romulus would enter again as lead agent

**Highway:** There was an issue that arose with billing and payment of a Suburban Propane bill. This was resolved and fuel was delivered. Rick is to look into receiving competitive quotes for fuel.

Mrs. Teichner reported the Fayette's portion of the Town Line Road project was deposited back into the CHIPS fund.

**Personnel:** A motion by Kathy Russo, seconded by Jeff Case and so carried unanimously to have Dorothy Hill continue in her duties as cleaner for the town hall.

**Assessor's Report:** Mrs. Teichner turned over to Anne Morgan \$799.83 which represents the STAR payment the town received. She also received the Joint Assessment Group Agreement with all signatures.

**Dog Control Officer:** The Dog Control Officer's report was filed with the Town Clerk. It was reported that Mr. Vincent would like the board to look at a dog ordinance, but reminded them that the town has had only two notable problems in the past several years. He feels that each instance should be looked at individually and assessed. He recommended that the board meet with Dave Phillips, an animal technician to discuss this issue.

A motion by Jeff Case, seconded by Curt Karlsen and so carried to approve the Town Clerk's report: Revenue to Supervisor, \$153.30; County Treasurer, \$31.72; State Ag. & Markets, \$18.00; DEC, \$85.98.

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve Abstract 12, General, Vouchers 07-130 to 07-136 in the amount of \$653.47, Highway, Vouchers, 07-84 to 07-96 in the amount of \$4,691.51, Varick Sewer District No. 2, Voucher 07-27 in the amount of \$41.45, Seneca Lake Water, Vouchers 07-52 to 07-55 in the amount of \$24,569.56.

Mr. Peterson expressed his opinion that Gary Catt should be paid the \$300 for the services he provided for the town even if these services weren't approved by the board. Mr. Karlsen expressed his opinion that Mr. Catt should be paid but by Mrs. Teichner as she again did not inform the board as to what she was doing. He reminded the board this was why they had not approved this payment to be made by the town to Mr. Catt when it was first presented, but to have Mrs. Teichner pay it. Mrs. Teichner stated that she did pay Mr. Catt using her own funds.

A motion by Richard Peterson, seconded by Kathy Russo and so carried to pay Gary Catt \$300 for services he provided to the town.

Roll Call:

Jeff Case	Yes
Curt Karlsen	No
Richard Peterson	Yes
Kathy Russo	Yes
Joan Teichner	Yes

A motion by Jeff Case, seconded by Curt Karlsen and so carried unanimously to approve the minutes of November 7, 2007.

**New Business, Old Business & Correspondence:** Mary Catt sent a thank you letter to the Varick Board on behalf of Rachel's Challenge.

Mrs. Teichner reported that the AUD report was submitted as a tentative AUD report to the state and the finalized AUD still needs to be completed and submitted.

A motion by Joan Teichner, seconded by Jeff Case and so carried unanimously to appoint Joanne Squires to the Assessment Board of Review.

Mr. Bjorkman reported that the town can't ban fee hunting, but the Federation is really opposed to can hunts and hopes DEC will take care of the white deer. The following resolution was made setting a moratorium against canned hunting.

## **Resolution**

### **Setting Moratorium on Canned Hunts**

**BE IT RESOLVED**, that the Town Planning Board prepare and submit to the Town Board a zoning ordinance prohibiting canned hunting in the part of the Town located in the former Army Depot, and;

**BE IT FURTHER RESOLVED**, that the Town of Varick adopt a moratorium on canned hunts in that part of the Town located in the former Seneca Army Depot and,

**BE IT FURTHER RESOLVED**, that the definition of canned hunt be a practice where by an animal is staked, caged, or otherwise confined for the purpose of being killed for pleasure. Almost any type of weapon can be used to kill prey in a canned hunt. To assure a kill, fences trap the animals so they can be easily cornered and prevented from escaping.

A motion by: Curt Karlsen

Seconded by: Jeff Case

Roll Call:

Jeff Case                    Yes

Curt Karlsen                Yes

Kathy Russo                Yes

Richard Peterson        Yes

Joan Teichner              Yes

So Carried Unanimously

A motion by Jeff Case, seconded by Joan Teichner and so carried unanimously to approve the contract with South Seneca Ambulance.

Mrs. Teichner reported that she had to increase the general revenue mortgage tax \$4,263 in order for the general budget to balance. She also corrected the figure in the Seneca Lake Water District budget. The board approved the town clerk to put the seal on the newly submitted budget.

Mrs. Teichner reported that there is a problem with the payroll figures and Sinicropi feels it will take them about 2 hours to correct.

A motion by Jeff Case, seconded by Richard Peterson and so carried to hire Sinicropi for two hours to correct payroll figures.

The end of year meeting was scheduled for Thursday, December 27th at 9:00 a.m. with the organization and regular meeting being scheduled for Wednesday, January 2, 2008 at 7:00 p.m.

A motion by Richard Peterson, seconded by Curt Karlsen and so carried unanimously to adjourn the meeting at 10:45 p.m.

Respectfully Submitted

Donna Karlsen  
Varick Town Clerk