

Varick Town Board, Varick Planning Board, Varick Zoning Board of Appeals
Joint Workshop
July 15, 2008

The Varick Zoning Code workshop was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present at this meeting were Council members, Kathy Russo, John Saeli, Richard Peterson, and Jeff Case, Code Enforcement Officer, Miles Persing and Town Clerk, Donna Karlsen. Also present were Planning Board members Kevin Swartley, Thomas Bjorkman, Bill Larzelere, Philip Knapp, Susan Ottenweller, Bill Squires and Frankie Long, Zoning Board of Appeals members Robert Taylor, Annie Bachman, Eric Riegel, Art Sherman, and Jeff Hogue.

Mr. Hayssen opened the meeting by having Mrs. Karlsen read the motion passed by the board on June 26, 2008 regarding the Varick Zoning Code adopted December 4, 2007. This motion indicated ordinances within the code that residents expressed concern over at the public hearing held the same date and Mr. Hayssen suggested the group address these concerns before reviewing any other suggested changes.

Mr. Peterson and Mr. Saeli suggested working on the prior zoning code, rather than trying to amend the current one. That was not the consensus of the group, so they proceeded with addressing issues which had been identified within the current code.

Jeff Hogue presented on behalf of the Zoning Board of Appeals detailed, written suggestions for amendments within the following ordinances to help the ZBA interpret and apply the rules. These suggested amendments address the following ordinances: 107-Definitions, 309.1-Bulk Table, 309.2-Town Wide Design Standards and 501.3- New Construction and Renovation. A copy of the ZBA's written suggestions will be filed with these minutes.

Suggestions that resulted from the ZBA's presentation were:

1. Mr. Hayssen would like to see the building lot size continue to follow the prior zoning code at 7/10 an acre with 10' set backs.
2. Impervious coverage percentage figure: Mr. Swartley agrees that research shows "green space" is better for the watershed, but agreed with others that the majority of the water is already rerouted and with the limited property that this code will address will not make a big enough difference to the watershed. Mr. Case suggested increasing the figure to 20% with anything over that figure the applicant must supply a drainage plan. It was suggested that the contractor and/or homeowner be held responsible to correct any drainage issues that may result from construction. It was the consensus that the impervious figure does need to be raised.
3. Prevention of PUD (Planned Unit Development) is not addressed in the Code.
4. Height of structures in Lakeshore Residential Districts: It was suggested that the height be raised to 45' on non-lakeshore side. It was also suggested that wording

be added to provide leniency to the ZBA for provision for those who own property on both sides of the road to build at 45' along the lakeshore.

5. Retaining walls are added under the fencing code.

404.4: Application Procedure - Art Sherman suggested the ordinance be changed to have the petitioner responsible for providing copies of their information for appeal to the ZBA board members and secretary and make the petitioner responsible for notifying the neighbors with a certified letter. He would also like to see these appeals be advertised in the Finger Lakes Times. The Zoning Board will be responsible for developing the wording to cover this suggested change to this ordinance.

309.5: General Design Standards - Mr. Hayssen stated that a civil engineer or landscape architect would be needed to meet this regulation. Expressed his concern over the excessive cost and questioned how the code enforcement officer is going to know by looking at the plan if it is accurate or not. The town would need to employ and/or submit plans to an engineer to verify information. It was suggested that language be developed to prevent neighbors redirecting water onto their property and make the one redirecting the water responsible. Structures need to be defined.

306.3: Lake District – Concern was expressed over each permitted dock shall not exceed a total of 720 square feet including walkways and 15' from the water rights line. Mr. Persing suggested implementing a sliding scale based on lake frontage. Mrs. Russo suggested reviewing what already exists along the lake. Mr. Case suggested the code comply with the Army Core of Engineer guidelines and address the decks and hoists. It was agreed that the 720 Square feet was to low and the footage from the water rights line should be lowered to 10 feet which agrees with the Arm Core of Engineers. The Docks and Moorings Committee should be consulted as well.

308: Use Table – Place of Worship needs to be changed to permitted.

Common Access Sites: This was part of the prior code and needs to be added to the current code.

Mr. Hayssen reviewed the steps that would need to be completed in order to make legal changes to the existing document. Mr. Peterson recognized that there were more issues to be reviewed. It was noted that the fewer times we need to make changes and go out for public hearings, the easier it will be. The Town Board will have final say as to what is submitted for public hearing.

Susan Ottenweller suggested the town employ Stuart Brown to assist with changes and provide the proper language.

Mr. Hayssen questioned how the boards wanted to proceed. The ZBA members expressed the importance of continuing with this process as they have tabled decisions on appeals regarding ordinances that are being addressed.

Mrs. Russo requested the opinion of those in attendance as to whether they feel we should seek assistance from Stuart Brown in completing the code.

Anne Bachman doesn't feel we need to hire someone at this point as there seems to be a lot of items the boards agree need to be changed and feels these can be done without assistance.

Kevin Swartley agrees with hiring Stuart Brown. He feels it may lengthen the process and doesn't like to spend the extra money, but it may result in a better document.

Jeff Hogue would like to see the board act on the more controversial ones so the ZBA can respond to those cases that have been tabled.

Thomas Bjorkman feels that the Planning Board could put Stuart Brown to good use by addressing loop holes in the code, but would not make any changes to the goals.

Bill Larzelere: Suggested the town contact Stuart Brown and inform him as to what we need from him and get a price and availability.

Bob Taylor noted that the ZBA would average two appeals a year and now they are doing several a month under the new code and reviewed some of the appeals they have tabled. He asked the boards to continue with the process to get the code in place so they can rule on the tabled appeals and have guidance for the ones that are still coming in.

Bill Squires: Address the issues we have now, gut the ZBA past the backlog of cases then perhaps hire a consultant.

Jeff Hogue: Make the changes and get them done so the ZBA can continue with their tabled cases.

Phil Knapp: Would like to see the code completed in a month.

Mr. Hayssen suggested deleting 309.1 Bulk Table from the code.

Jeff Hogue does not want the entire table removed but would like the impervious coverage and set backs addressed.

Arte Sherman: Not in favor of deleting 309.1 and would like the percentage of impervious coverage increased and suggested 33% based on an analysis he presented.

Mr. Case would like the board to address the discussed ordinances and continue making changes as needed.

Mr. Peterson indicated that we have to continue in a timely manner as the town is affecting projects that people want to get started on.

It was decided that the Planning Board would take the ZBA suggestions into consideration at their meeting July 29th and provide a new document to the town board at their August meeting for review and approval. Thomas Bjorkman is to work with Mr. Hayssen on these changes. They are to at least address the docks and residential lake shore district issues.

Mr. Stonesifer expressed his opinion that it would be better for the town to go back to the old code. Mr. Somerville reviewed his lake property which he feels doesn't meet the code in order for him to build on it and would like to see this reflected in his assessment. It was not agreed that this lot could not be built on.

Adjourned: 9:20 p.m

Respectfully Submitted

Donna Karlsen
Varick Town Clerk