

Varick Town Board  
August 19, 2008

The public hearing held at the Varick Fire House by the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:05 p.m. Present at this meeting were council members, Jeff Case, John Saeli, Kathy Russo, and Richard Peterson, Town Attorney, John Sipos, Town Clerk, Donna Karlsen, Planning Board Chairman, Bill Squires and Code Enforcement Officer, Miles Persing.

Mr. Hayssen introduced the newly appointed chairman of the Planning Board, Bill Squires who reviewed the following proposed changes to the Zoning Code:

1. Impervious surface
2. Docks
3. Sheds
4. Funneling
5. Restrictions on churches
6. Removal of deleted text and clerical corrections. To be included in the deleted text was Section 309.5A. Also to be revised was the 15' set back to the original set back of 10'.

The following comments and concerns were expressed during the public hearing:

1. Height stipulation on buildings along the lakeshore. Provisions should be made within the code to allow height increase if neighbors give approval. It was also noted that people are also looking at architecture as well as topography of properties along the lake, which would be restricted with height stipulations. It was suggested that the height should be increased to 35' for both lakes.
2. Docks should not be zoned by the Town. It was felt there were other entities that can monitor docks other than the Town. Revisit the square footage of docks if zoned.
3. Businesses should be allowed to continue to operate once property is sold with stipulated provisions within the code to be neighbor friendly. Ex: planting of bushes, trees, and berms, etc.
4. Grandfather clause will go with each lot sale as long as the lot doesn't change.
5. Concern was expressed over the cost of enforcing zoning and felt the town didn't need any zoning in place and the town should not be in the business of bureaucracy.
6. Continue to look at the code to make it less restrictive.
7. Don't hinder the ability to sell off lots which will limit the tax base.
8. Review 309.2A – Unregistered vehicles
9. It was suggest going back to original code allowing the Planning Board to make changes all at once at a more leisurely pace without holding up projects.
10. Define the Zoning Board of Appeals to allow the board discretion on their decisions. Mr. Sipos reported that the Zoning Board of Appeals is governed by 5 test items in order to grant a variance which is what they base their determinations on.
11. Take into consideration urban development, community changes and increasing population.
12. Many expressed their view that the board was heading in the right direction with the zoning code and like the work that has been completed to date.

Mr. Squires reviewed the process and how the current code was developed. He noted that the code will continue to be tweaked and asked that people share their comments and concerns with the Planning Board who will consider all that is submitted to them.

A motion by Kathy Russo, seconded by Jeff Case to close the public hearing at 8:10 p.m..

Discussion: Mr. Hayssen recognized a few others that would like to speak and asked that the public hearing not be closed to allow those remaining few to address the board.

Call the Question: A motion by Kathy Russo, seconded by Jeff Case to close the public hearing at 8:10 p.m..

Roll Call:

Kathy Russo: Yes

Jeff Case: Yes

Richard Peterson: No

John Saeli: No

Robert Hayssen: No

Motion not carried.

Further comments and concerns that were expressed:

1. Don't make zoning so restrictive that you close out those who have owned property for many years and want to develop and retire on their property.

2. Many lake properties have gone from cottages to year round homes.

3. Mary Brainard is in favor of zoning. She noted that people coming from larger areas expect tighter zoning. She commented that people who come in on the weekends don't have the same connections to the community and may take advantage without tighter zoning. With tighter zoning, everyone is playing with the same rules and everybody has an investment in the community.

4. Cheryl Zenzen noted that a lot of development has taken place in the community with nothing really being offensive. Keep zoning loose and keep individuality in the community.

5. Rick Conley, Jr. is in favor of zoning, feels that the Zoning Board of Appeals has their hands tied and zoning needs to fit everybody's needs.

A motion by Kathy Russo, seconded by Jeff Case and so carried unanimously to close the public hearing at 8:20 p.m.

A motion by Jeff Case, seconded by Kathy Russo to accept and make the proposed changes to the Zoning Code that were presented at the public hearing which pertain to the following:

1. Impervious surface

2. Docks

3. Sheds

4. Funneling

5. Restrictions on churches

6. Removal of deleted text and clerical corrections. To be included in the deleted text was Section 309.5A. Also to be revised was the 15' set back to the original set back of 10'.

Discussion: Mr. Peterson is in favor of the changes that are proposed, but feels there are many more to be made and wants everything new out and to revert back to the original code. He is not in favor of the procedure the board is taking by making revisions to the new code and will abstain from the vote.

Call the Question: A motion by Jeff Case, seconded by Kathy Russo to accept and make the proposed changes to the Zoning Code that were presented at the public hearing which pertain to the following:

1. Impervious surface
2. Docks
3. Sheds
4. Funneling
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6. Removal of deleted text and clerical corrections. To be included in the deleted text was Section 309.5A. Also to be revised was the 15' set back to the original set back of 10'.

Roll Call:

Kathy Russo:	Yes
Jeff Case:	Yes
Robert Hayssen:	Yes
John Saeli:	Yes
Richard Peterson:	Abstained

So Carried

Jeff Case reviewed a Justice Assistance Program application that Judge Case would like to submit and answered questions regarding items the Judge would like to purchase with said grant funds if received. Judge Case sought the town board's approval for submittal of application for these funds.

A motion by Richard Peterson, seconded by Kathy Russo and so carried unanimously in support of Judge Frank Case submitting application for grant funds to the Justice Assistance Program.

Mr. Saeli asked Mr. Hayssen for an update regarding the charge of sales tax by establishments run by the Indians. Mr. Hayssen reported that there was a meeting being held at 7:00 tonight regarding this issue. The county passed a resolution to enact on the collection of sales taxes and he would not comment on the position of others on the county board with regards to who would be representing the County regarding this issue. He noted that he has no preference at this point.

A motion by Jeff Case, seconded by Kathy Russo and so carried to adjourn the special meeting of the Varick Town Board at 8:35 p.m.