

May 3, 2022

The regular meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present at this meeting were Councilmen Richard McCulloch, Tom Fox, and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Attorney for the Town, Frank Fisher, Planning Board Member, Cindy Lont, and Zoning Board Member, Susan Ottenweller. Attendees who signed-into the meeting were Sally Kenyon, Jerry Drayer, Jane Connolly-Drayer, Susan Cohen, Mary Jo Gabel, Conger Gabel, Robert Crawford, Dave Bollech, Gene & Glenda Reinshagen, Ovid Randall, Bobbi Randall, Mark Depew, Ken Depew, August Gillon, Jim Crenner, Lisa Kelsey, Diane Karlsen, Paul Nearpass, Barbara Neapass, Richard Olsen, Ann Olsen, and Ryan Green.

Supervisor Hayssen called the meeting to order and asked for a motion to open the public hearing on Local Law No. 1 of 2022 “A Local Law to Amend the Zoning Code of the Town of Varick”.

A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to open the public hearing on Local Law No. 1 of 2022 “A Local Law to Amend the Zoning Code of the Town of Varick” at 7:05 p.m.

Cindy Lont a member of the Planning Board and sub-committee for developing changes to the Zoning Code pertaining to Short Term Rentals in the Town of Varick did an informative presentation of the research and work completed to date regarding the proposed changes to the Zoning Code as presented in Local Law No. 1 of 2022. Those in attendance were given the opportunity to speak on behalf of or in opposition to said proposed local law and some of the following comments were made:

1. Changes resulting from Short Term Rental in the neighborhoods
2. Protection of quality of life for full time residents
3. STRs promotion of tourism in the county and its effect on the community.
4. Owner of an STR needs to be accountable for their renters’ actions
5. Make sure there is teeth in the regulations. Strict and detailed rules.
6. Address barking and wandering dogs.
7. Concerns expressed as to the direction the community is going.
8. The number of STR’s that are currently in the town.
9. Limiting the number of STRs people can own in the town and who are eligible to own them.
10. Identifying STRs.
11. How the regulations can be enforced. The neighbors to STR do not want to be responsible for policing situations that occur.
12. Costs to the town to enforce regulations.
13. Annual fees and deposits.
14. Smoke from beach fires.
15. Standard criteria for STR set and applied individually to each STR application, i.e., parking, sanitary sewers, number of bedrooms, square footage of house etc.
16. Large events being held, i.e., bachelor/bachelorette parties, weddings, graduation parties, etc.
17. Require insurance be carried with a certificate of insurance provided to the town.
18. Trash removal
19. Inflation of property values.

20. Loss of neighborhood.
21. Considering STR's as commercial property and how it would apply to the Town's current zoning code.
22. Recommendation that no further STRs be permitted in the Town of Varick. It was noted that all STR homes are coded as single-family residents.
23. Economic effect STR's have on the community.
24. Mandate that STR owners post in each STR, Varick Code regulation and provide contact information to neighbors in the event there is problems.
25. Rental of property be limited to a percentage of the year.

Many who spoke did comment that renters of STRs are not necessarily unkind but gave examples of how it has disrupted the quality of life in their neighborhood. Many expressed their appreciation of the work the Planning Board and its subcommittee have done thus far and felt what has been presented in Local Law No. 1 of 2022 is a good start in addressing STRs. Mrs. Lont assured those in attendance that work will continue and invited those interested to attend their meetings.

A motion by Tom Fox, seconded by Richard McCulloch and so carried unanimously to close the public hearing on Local Law No. 1 of 2022 "A Local Law to Amend the Zoning Code of the Town of Varick" at 8:10 p.m.

Supervisor Hayssen requested a motion to open the public hearing on Local Law No. 2, Local Law Requiring The Reimbursement of Expenses Associated With the Review of Zoning And Land Use Applications.

A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to open the public hearing on Local Law No. 2 of 2022 "A Local Law requiring the reimbursement of expenses associated with the review of Zoning and Land Use applications" at 8:15 p.m.

Supervisor Hayssen opened the floor for comment with no comments being made.

A motion by Tom Fox, seconded by Richard McCulloch and so carried to close the public hearing on Local Law No. 2 of 2022 "A Local requiring the reimbursement of expenses associated with the review of Zoning and Land Use applications" at 8:17 p.m.

Privilege of the floor: None.

Abstract: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve Abstract No. 5, Vouchers 121 to Vouchers 143 in the amount of \$55,507.19.

Highway: No report.

Supervisor's Report: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the Supervisor's Report of March 2022.

Water and Sewer Districts: No report.

Town Clerk: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the Town Clerk's Report: Supervisor, \$160, NYS Ag & Markets: \$2, Total Disbursements: \$162.

Minutes: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the minutes of April 5th, April 13th and April 19th, 2022.

Personnel: No report.

Assessor: A written report was provided as follows: Annual work is wrapping up. Exemptions for 2022 have been reviewed and processed (entered in the program). Deeds, address changes and bank codes are processed. Changes in value are being calculated and processed. A file will be taken to the county to prepare the Tentative Assessment roll (2022) and the roll will be left with the Town Clerk. Grievance Day for the Town is May 25, 2022.

A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the Assessor's Report.

Planning Board: Cindy Lont presented a permit fee chart and web links for Fayette, Geneva, Canandaigua, Romulus, and Waterloo. She also included Varick's fee schedule for the board's review. She reported that the Planning board and its committee will be considering fees associated with STRs and will provide their recommendation at the June meeting.

Dog Control: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to approve the DCO Bryan McCann's Dog Control Officer's report for the first quarter of 2022 as follows:

January 2022: Nothing to Report. February 2022: Nothing to Report. March 2022: Nothing to Report. April 2022: Call from Cindy Covert about an Amish family that contacted her due to a Golden Retriever that they found in one of their barns. I responded to the house on McCulloch Road, where I located the dog tied up to a post out front. After speaking to a female, she said the dog was locate din the barn. The dog was transported to Beverly Animal Shelter with no incident and transferred to them. I later found out the dog's owner was located from Willers Road and the dog was returned. Nothing further to report.

New Business, Old Business, Correspondence:

Supervisor Hayssen reported that he received correspondence from Conger and Mary Jo Gabel in support of the adoption of the Short-Term Vacation Rental regulations and read their correspondence. It was also noted that correspondence was received from Joyce Sanford whose comments were echoed during the public hearing. Attorney Frank Fisher noted that although the residents stated they don't want to "police" issues that arise pertaining to STRs, they do need to take responsibility and report these issues to the designated agencies to address them, whether it be to an officer of the law or the town's code enforcement.

Resolution No. 22-14

**VARICK TOWN BOARD DETERMINES THAT PASSAGE
OF LOCAL LAW NO. 1 OF 2022 ENTITLED “A LOCAL LAW
TO AMEND THE ZONING CODE OF THE TOWN OF
VARICK” WILL NOT HAVE AN ADVERSE IMPACT ON
THE ENVIRONMENT**

WHEREAS, the Town Board of the Town of Varick, New York has reviewed proposed Local Law No. 1 of 2022 entitled “A Local Law to Amend the Zoning Code of the Town of Varick”, and

WHEREAS, a public hearing was held on May 3, 2022 at which all persons desiring to be heard thereon were permitted to speak, and

WHEREAS, the proposed Local Law would amend the Town Zoning Code for purposes of regulating short term rental properties in the Town, and

WHEREAS, the Board has reviewed the recommendations of the County Planning Board with regard to such proposed Local Law, and

WHEREAS, the Board has reviewed the SEQR submitted with regard to such proposed Local Law, and

WHEREAS, the Town is the Lead Agency with regard to the SEQRA process regarding passage of such Local Law, and

WHEREAS, The Town Board has determined that there will be no adverse environmental impact arising from passage of such Local Law, Now, Therefore, it is

RESOLVED, that the Varick Town Board hereby determines that passage of proposed Local Law No. 2 of 2022 entitled “A Local Law to Amend the Zoning Code of The Town of Varick” will not have an adverse impact on the environment and issues hereby a Negative Declaration pursuant to the New York State Environmental Quality Review Act.

Motion: Richard McCulloch
Seconded by: Tom Fox
So Carried Unanimously

Resolution No. 22-15

**TOWN OF VARICK ADOPTS LOCAL LAW
No. 1, OF 2022, “A LOCAL LAW TO AMEND
THE ZONING CODE OF THE TOWN OF VARICK”**

WHEREAS, proposed Local Law No. 1 of 2022 was duly introduced before the Town Board of the Town of Varick and thereafter amended at a duly noticed special meeting of the Board held April 13, 2022 and notice of a Public Hearing having been duly published in the official newspaper of the Town, and

WHEREAS, such public hearing having been held on May 3, 2022 at 7:00 P.M. and all persons attending having been offered the opportunity to be heard thereon, and

WHEREAS, the Town Board of the Town of Varick having determined that it is in the interest of the Town that Local Law No. 1, of 2022 be adopted, Now, Therefore, be it

RESOLVED, that Local Law No. 1, of 2022, “A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF VARICK”, is hereby enacted, to read substantially as follows:

SECTION 1. The Town of Varick Zoning Code (the Code) shall be amended as follows:

- 1) Section 107. Definitions, of the Code shall be amended to insert alphabetically, the following:

Short Term Rental, or (STR):

The rental of a building or portion thereof for a period of less than 30 nights, for which the guest compensates an owner or lessee of the dwelling, and does not meet the definition of a Bed and Breakfast or other hospitality use.

- 2) The Commercial Use Table under §308 of the Code shall be amended to include the following:

Commercial	Agriculture and Rural Residential (ARR)	Hamlet Residential 1 (HR)	Lakeshore Residential (LR)	Small Business park and Institutional (BPI)	Conser- vation (C)	Warehouse, Industrial, Transportation, Energy (WITE)
Short Term Rentals	S 311.23	S 311.23	S 311.23	N	S 311.23	N

3) There shall be added to Article III of the Code, the following Section:

311.23 Short Term Rentals

Property owners and managers are responsible for meeting the following conditions:

(A) Sufficient parking for the number of guests on the rental property must be available on site. Parking by guests and their guests on the street, private roads, neighboring driveways and yards is strictly prohibited.

(B) Certification of a working septic system, if applicable, shall be provided by the applicant.

(C) The premises and its use must comply with all applicable New York State Building and Safety Codes and all other State, Federal and local laws and regulations.

(D) Short Term Rental owners must provide adjoining property owners and the Town of Varick with contact information in writing so that the owner or manager may be notified of, and remedy, problems with the property or renters. Property owners are responsible for renter compliance.

(E) Any use that is obnoxious or offensive or creates a nuisance to the occupants and visitors of adjacent buildings or premises by reason of noise, odor, or smoke is prohibited.

(F) Noise at the property line must comply with the Varick Town Noise Ordinance.

(G) Pet owners must comply with the Varick Town Dog Ordinance, as well as the following:

- a. Domestic pets may not leave the property of the STR unless they are leashed if being walked in the community by a responsible person.
- b. Domestic pets may not be left alone at the STR for extended periods of time and may not be permitted to bark for a continuous period exceeding fifteen minutes or otherwise engage in disruptive or destructive behavior.

(H) There shall be no open fires between 11 pm and 7 am. All fires must be attended and must not be smoky or smoldering.

(I) The STR may not be used by the guest or any occupant for any commercial purpose, monetary gain, or any event on the premises that does not meet other requirements herein (parking, septic, noise, etc.).

(J) These requirements, including the provisions of the Section, must be posted in each Short Term Rental property.

(K) No person, partnership, corporation, LLC, LLP or other corporate entity shall own or own any interest in more than two properties used as Short-Term Rentals, located in the Town of Varick.

Note: All Special Uses require Site Plan Review.

4) This Local Law shall apply upon its effective date to all presently owned and operated Short Term Rentals in the Town of Varick. Property owners who have existing Short Term Rental Units shall have until September 1, 2022, to file an application for a Short Term Rental Special Use Permit. They shall be allowed to continue operation until such time as a permit is issued or denied by the Code Enforcement Officer or the Town of Varick Planning Board or its designee. Owners of Short Term Rentals created after the effective date of this Local Law must receive an approved permit prior to the advertising and renting of said property.

and it is further

RESOLVED, that this Local Law shall be effective upon filing with the secretary of State pursuant to General Municipal Law.

Moved: Richard McCulloch

Seconded: Tom Fox

Passed Unanimously

Resolution No. 22-16

TOWN OF VARICK ADOPTS LOCAL LAW No. 2, OF 2022, "LOCAL LAW REQUIRING THE REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE REVIEW OF ZONING AND LAND USE APPLICATIONS"

WHEREAS, proposed Local Law No. 2 of 2022 was duly introduced before the Town Board of the Town of Varick and notice of a Public Hearing having been duly published in the official newspaper of the Town, and

WHEREAS, such public hearing having been held on May 3, 2022 at 7:00 P.M. and all persons attending having been offered the opportunity to be heard thereon, and

WHEREAS, the Town Board of the Town of Varick having determined that it is in the interest of the Town that Local Law No. 2, of 2022 be adopted, Now, Therefore, be it

RESOLVED, that Local Law No. 2, of 2022, "LOCAL LAW REQUIRING THE

REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE REVIEW OF ZONING AND LAND USE APPLICATIONS”, is hereby enacted, to read substantially as follows:

Local Law No. 2 of 2022

LOCAL LAW REQUIRING THE REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE REVIEW OF ZONING AND LAND USE APPLICATIONS

Section 1. Title

This Local Law shall be referred to as the “Local Law Requiring the Reimbursement of Expenses Associated with the Review of Zoning and Land Use Applications.”

Section 2. Purpose, Intent and Findings

The Town of Varick (the “Town”) anticipate application for commercial and residential development filings. The Town has limited resources available to it to retain any private consultants, including, but not limited to, attorneys and engineers, necessary for the Town to thoroughly review and evaluate certain zoning and/or land use applications. The Town therefore finds it necessary to require the reimbursement of costs imposed by this Local Law in order to obtain the expert services necessary to assist the Town with its review of certain zoning and/or land use applications.

Section 3. Reimbursement Costs

- A. Reasonable costs incurred by the Town Board, the Town Zoning Board of Appeals or the Town Planning Board (each of these being a “Town Board”) to retain private consultants, including, but not limited to, attorneys and engineers, to assist with the review and evaluation of certain zoning and/or land use applications, including, but not limited to concept or sketch plans, site plans, special permits, PUDs, variances or zoning law amendments, shall be charged to the applicant. The costs shall be reasonable in amount and limited to activities necessary to the accomplishment of the respective reviewing board’s regulatory and government functions. Such reimbursement costs shall be in addition to any application fees required by the Town Zoning Law.
- B. This provision shall not apply to applications for minor projects. For purposes of this provision, minor projects shall include all projects classified as “Type II” actions pursuant to 6 N.Y.C.R.R. §617.5, and such other and similar small projects as the Town or any of its reviewing boards, in their discretion, may exempt from this provision.
- C. The Town Board authorized to review a certain application shall make a reasonable estimate of the amount of the private consultant expenses it expects to incur during

the course of its review and evaluation. In making this estimate, the reviewing board shall be guided by the following:

- i. Previous experience of costs associated with review of similar projects.
- ii. In situations where the reviewing board is the “lead agency” under the State Environmental Quality Review Act (SEQRA), the procedures and standards of 6. N.Y.C.R.R. §617.13 and the provision of the Town Zoning Law;
- iii. Where the project involves property that is or may be heavily contaminated by past industrial, commercial, or agricultural use, anticipated costs of consultants and/or Town employees for testing, analysis, site monitoring and other actions reasonably needed to protect public health and safety may be assessed; and
- iv. Discussions with the applicant’s legal and technical representatives, appropriate Town officials and the private consultants as to the likely course of the application review process and the issues likely to be encountered during that process.

D. Alternatively, the applicant may elect to make an initial deposit in the following amounts:

- i. Site plan under 4,000 square feet - \$1,000, plus \$50 per required parking space;
- ii. Site plan over 4,000 square feet – but less than 10,000 square feet- \$2,500, plus \$50 per required parking space;
- iii. Site plan over 10,000 square feet - \$5,000, plus \$50 per required parking space;
- iv. Planned Unit Development Application - \$7,500.

E. The amount determined by the Town Board authorized to review a certain application under (C) above, or the applicant under (D) above, shall be deposited by the applicant in escrow with the Town Clerk prior to the reviewing board commencing any review of the application. If the amount so deposited is exhausted or diminished during the review process to the point that the reviewing Town Board determines that the remaining amount will not be sufficient to enable the board to complete its review of the application, the reviewing Town board may notify the applicant of the additional amount that must be deposited with the Town Clerk. This additional amount shall also be established in a manner consistent with the provision of subparagraph (C) above. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this paragraph, the reviewing Town board in its discretion may;

- i. Cease review of the application until such amounts are paid; or
- ii. Deny the application.

In no event, however, shall any zoning and/or land use approval be issued until all such sums reasonably assessed to the applicant have been paid in full. At the conclusion of the application review process, all funds not expended by the reviewing Town board shall be returned to the applicant.

- F. Disbursement of funds from the escrow account by the Town to pay the invoices of its consultants shall be made by the Town Clerk following review and approval by the Town Supervisor.

Section 5. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 6. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

and it is further

RESOLVED, that this Local Law shall be effective upon filing with the secretary of State pursuant to General Municipal Law.

Moved: Richard McCulloch
Seconded: Tom Fox
Passed: Unanimously

A motion by Richard Peterson, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 8:45.

Respectfully submitted:
Donna Karlsen
Varick Town Clerk