

July 5, 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 Eric Riegel, Town Clerk Donna Karlsen, Bookkeeper, Angela Testa, Highway Superintendent, Ben Freier, Water/Sewer Operator, Ben Karlsen, Attorney for the Town, Frank Fisher, Planning Board, Linda Mastellar and Cindy Lont. Absent: Councilman Richard Peterson

**Petitioners to Address the Board:** None.

**Abstract:** A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve Abstract No. 7, Vouchers 173 to 206 in the amount of \$154,137.32.

**Highway:** Ben Freier reported that the culvert was installed on Kings Corners Road and he will be setting a time to pave and install the guard rails. The department is planning on oil and stoning Ogden Road, Kings Corner Road and part of Hahnel Road and paving the intersection of Kings Corner and Willer Roads. Cost of completing this work will determine if all listed work can be completed under this year's budget.

Mr. Freier reported that the Clean-Up days went well.

**Court:** The judge previously had requested court security coverage for a day that the current security officer was unable to provide coverage for. Attorney Fisher indicated that it was the board's decision to hire security and can base that decision on the judge's recommendations. It was noted that the security being providing currently is by an employee of the town and not a contracted service. It was recommended by Mr. Fox that a security company be contracted for insurance purposes, but it was also noted that the town currently carries insurance to cover the town employees. Eric Riegel will contact Jeff Hogue for further input and report back to the board.

**Bookkeeper:** A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the written bookkeeper's report.

**Code:** Nothing to report

**Sewer:** Mr. Karlsen reported that Mike Gable from Yaws is not able to help with replacement of grinder pumps due to recent knee surgery and asked whether the town has hired an extra man to help. A discussion has also been held with Mike regarding him no longer wanting to do weekend and after hour calls.

**Sewer No. 1:** Nothing further to report.

**Sewer No. 2:** Brewers were called to pump out the secondary pit due to build up of grease. Mr. Karlsen reported that when the pump station was being rebuilt they installed a bypass pit but never disconnected it when they got the pump station repaired. Due to the way this is plumbed, the grease builds up and blocks the pipe that flows into the pump station pit which requires this to be pumped

out by Brewers. Mr. Hayssen suggested that Blue Herring may have not completed the job and could be called to fix this situation.

Mr. Karlsen stated that he has replaced six pumps in the past two weeks and most of them were put into vacation rental properties where he has found items that should not have been put into the system causing damage to the pumps. He reported that it is taking up to 6 to 8 months to get new pumps in once they have been ordered.

The board discussed the responsibilities of the property owners when it is determined unacceptable items and misuse of the system occurs resulting in pump failure. The board discussed the costs to the district, and requested the opinion of Attorney Frank Fisher if it was legal to bill the property owners. Attorney Fisher said that testimony from Ben as Sewer Operator would stand up in court and to proceed with billing the property owners. The board agreed that once it has been determined that the pump failure is the result of misuse of the system, the property owner will be responsible for the cost of repair. Mr. Karlsen is to document the cause of the failure.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to charge the property owners the cost of repair of the grinder pump system when it is determined that the property owner is responsible for its failure as follows:

1. Pump is rebuildable: Cost of parts and labor at \$100 per hour to take out, repair and replace pump
2. New Pump: Cost of pump and labor at \$100 per hour to take out and replace pump.

### **Water Districts:**

**Laborer Position:** Mr. Karlsen reported that he has received county job applications from two qualified applicants but has also been approached by others interested in the position and suggested that the job be advertised once for two weeks. At the end of two weeks, he would like to sit with two board members and review the applications. The town attorney advised the job position be advertised in the official paper of the town and other resources if they so choose. Mr. Karlsen provided to the board a list of laborer responsibilities for this position.

Discussion was held regarding budgeting of this position and Mr. Fox, who originally supported this as a full-time position, indicated that he now feels it should be a part time position. He was reminded that this discussion was held at last month's meeting and he and the remaining board members determined that it should be a full-time position based on the work being generated by new regulations coming from the NY State health department, and the individual could be shared with the highway if needed. It was also discussed how difficult it is to find people willing to work part time.

A motion by Eric Riegel, seconded by Richard McCulloch to place an ad in the town's legal newspaper in two Saturday editions and other free resources for a full-time laborer's position.

Roll Call:

Robert Hayssen	Yes
Richard McCulloch	Yes

Tom Fox                      No  
Eric Riegel                 Yes  
Yes: 3 No: 1 So Carried

**Town Clerk’s Report:** A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the Town Clerk’s Report: Supervisor: \$245, NYS AG & Markets: \$37, Total Disbursements: \$282.

**Minutes:** A motion by Tom Fox, seconded by Richard McCulloch and so carried unanimously to approve the minutes of June 7<sup>th</sup> and June 15<sup>th</sup> 2022

**Summer Recreation:** Samantha Pundt is the director again this year and the program is scheduled to run from July 5<sup>th</sup> to August 5<sup>th</sup>, 9:00 am. to Noon.

**Planning Board:** Linda Mastellar reported that Mark Lin is pushing to move his project forward and attended their meeting and sent a copy their application for a Special Use Permit certified to her home and dropped the original and their check off in the town clerk’s mailbox. Mrs. Karlsen reported that Mr. Lin had been to her office a couple times trying to give her the application in person and at those times was explained to him that the town had a moratorium in place which did not permit her to accept the application and the board confirmed this. Mrs. Karlsen has returned the application along with his check back to him by certified mail. Mrs. Mastellar was seeking support from Wendy Marsh once the moratorium is lifted and this application can be accepted. The board supported the planning board seeking Wendy Marsh’s expertise in this matter and reminded Mrs. Mastellar that all anticipated legal costs were to be collected and put into a town escrow account by Mr. Lin according to Local Law No. 2 of 2022. Mrs. Mastellar also expects a special use application for property previously known as the Cobblestone Winery.

**Local Law No. 3 of 2022, “A Local Law To Further Amend the Zoning Code of the Town of Varick:** After some discussion it was decided that not put in the fee amount for the Short Term Renters permit but to state it is to be determined so if the fee were to rise a new law would not need to be enacted. Planning Board representatives, Linda Mastellar and Cindy Lont indicated the Planning Board was in agreement with the amendments in Local Law No. 3 as presented by Attorney Fisher. A copy of this law amendment will be sent to the County Planning Board for their review and approval.

Resolution No. 22-17

TOWN OF VARICK INTRODUCES  
LOCAL LAW No. 3 OF 2022, “A  
**LOCAL LAW TO FURTHER AMEND  
THE ZONING CODE OF THE  
TOWN OF VARCK”**

WHEREAS, the Town Board of the Town of Varick, New York determines that it is in the interest of the Town to revise and clarify the Town Zoning Code with regard to the regulation of Short Term Rental properties, and

WHEREAS, due deliberation has been had thereon, Now, Therefore, be it

RESOLVED, that Local Law No.3, of 2022 of the Town of Varick, “A Local Law to Further Amend the Zoning Code of the Town of Varick” is introduced hereby before the Varick Town Board, to read substantially as follows:

- I. Section 311.23 is hereby renumbered as Section 315
  
- II. The Commercial Use Table under §308 of the Code shall be amended as follows with regard to Short Term Rentals:  
 The opening paragraph, table of permitted uses, shall be amended to read as follows “The following table prescribes which uses are permitted in each District. Abbreviations: P = Permitted, C = Conditional, N = Not permitted, S = Special use, ST = Short Term Rental. The number refers to the section of the Code indicating the conditions for Conditional Use, Special Use or Short Term Rental Use.” and to the table shall be added

<b>Commercial</b>	Agriculture and Rural Residential ( <b>ARR</b> )	Hamlet Residential ( <b>HR</b> )		Lakeshore Residential ( <b>LR</b> )	Small Business park and Institutional ( <b>BPI</b> )	Conser- vation ( <b>C</b> )	Warehouse, Industrial, Transportation, Energy ( <b>WITE</b> )
Short Term Rentals	ST 315	ST 315		ST 315	N	ST 315	N

- III. There is added to renumbered §315, the following:

**315.1.** Application requirements and the application process for an STR Permit shall be the same as those provided for a Special Use Permit under §404.2 of the Code, shall be accompanied by payment of a permit fee in an amount to be determined, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held and shall be submitted on a form to be promulgated by the Planning Board.

**315.2** An STR permit shall be valid for one year, shall expire on December 31 each year it is in effect, and must be renewed by January 31 of each successive year following expiration for as long as the unit is used as a short-term rental. Renewal of short-term rental permit and inspection is to be performed by the Code Enforcement Officer.

**315.3** An STR permit is not transferable and shall automatically terminate upon transfer of title to the premises for consideration or upon transfer of any interest in the premises for consideration during the term of the permit. The new owners of the subject property shall apply for a short-term

rental permit, submitting everything required, including a new permit fee for the current calendar year, regardless of whether the previous owner or owners paid such a permit fee for the current calendar year. Such new permit must issue and be in effect prior to any occupancy of an STR.

- IV. The opening paragraph of renumbered §315, beginning “Property Owners and managers are responsible for . . .” shall be renumbered and read as follows:

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

- V. There shall be added to renumbered sub-paragraph 315.4(A), the following: “For purposes of this Section, a parking space is defined as no smaller than 8’ X 18’.
- VI. The text of renumbered sub-paragraph §315.4(C) shall be replaced with the following:”  
(C) The premises must comply with all State and local Safety requirements and must be free of any outstanding building permit, zoning or building code violations.”
- VII. There shall also be added to renumbered §315, the following:

**315.5** (A) The maximum occupancy for each short term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section 404.4.1. plus two people. For this purpose every bedroom shall contain not less than 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof. So in other words, 70 sq. ft. for 1 occupant, 120 sq. ft. for 2, 170 sq. ft. for 3, etc.

(B) If the property is served by a private septic system, Maximum capacity is limited to the capacity of the Septic System, an Engineers Certification as to capacity and compliance with all aspects of New York State Codes Rules and Regulations Appendix 75-A. Regardless of the capacity of the septic system or public sewer, maximum number of bedrooms that can be rented is limited to 4 and maximum occupancy is 10.

**315.6** If the terms of the short-term rental permit are not kept or these Regulations not followed, the short-term rental permit may be revoked and the owner subject to penalties.

- VIII. This local law shall take effect upon filing with the Secretary of State pursuant to the New York State General Municipal Law.

and it is further

RESOLVED, that the Town Clerk lay a copy of this local law upon the desk of each of the members of the Town Board no less than ten days before its enactment by the Board, and be it further

RESOLVED, that the Town Clerk give due notice of a public hearing to be held hereon, such hearing to be held at the Town Offices at 4782 Route 96, Romulus, New York 14541, in the Town of Varick on July 19, 2022 at 7:00 p.m.

Moved: Eric Riegel  
Seconded: Richard McCulloch  
Passed: Unanimously

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 8:10 p.m.

Respectfully Submitted:

Donna Karlsen  
Varick Town Clerk