

August 6, 2019

The regular meeting of the Varick Town Board was called to order by Supervisor Hayssen at 7:00 p.m. Present at this meeting were Councilmen Tom Fox, Eric Riegel, and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Water Operator, Ben Karlsen, Town Assessor, Anne Morgan and Lauren Adornetto of Phillips Lytle LLP on behalf of BQ Energy. Absent: Highway Superintendent, Richard McCulloch and Board Member, Ben Freier.

**Assessor:** Anne Morgan reported that the deeds she has been provided by the county as of this date have been entered into the computer as well as escrow codes have been updated. There are two apportionments that are pending and will be updated when completed. Her office is still working with residents regarding the new STAR program requirements and directing them to contact the State of New York for filing. She informed the board that a budget meeting will be forthcoming and she will notify the board as to the date and time.

**Planning Board:** The board was provided copies of the (SEQR) Full Environmental Assessment Form Part 1, Part 2 and Part 3 as completed by Attorney Frank Fisher for their review and approval and passed the following resolution:

VARICK TOWN BOARD DETERMINES THAT  
PASSAGE OF LOCAL LAW No. 1 of 2019  
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 2019 entitled "A Local Law to Amend the Zoning Code of the Town of Varick", and

WHEREAS, a public hearing was held on July 2, 2019 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 by specifying the permitted locations within the Town for Solar Energy systems and by regulating docks and moorings on Seneca and Cayuga lakes within 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. 1 of 2019 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: Eric Riegel  
Seconded: Tom Fox  
So Carried Unanimously

It was noted that Seneca County Planning Board completed their review of the Town of Varick’s amendment to the Zoning Code as proposed under Local Law No. 1 of 2019 and recommended that the request for amendment be approved.

The following resolutions was proposed and passed by the Varick board:

A RESOLUTION TO ADOPT LOCAL LAW  
No. 1 OF 2019, “A LOCAL LAW TO AMEND  
THE ZONING CODE OF THE TOWN OF VARICK”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Varick, New York for a Public Hearing to be held by said Town on July 2, 2019 at 7:00 p.m. at the Varick Town Office Building, 4782 Route 96, Romulus, New York, to hear all interested parties on a proposed Local Law entitled “A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF VARICK”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town; and

WHEREAS, said public hearing was duly held on July 2, 2019 at 7:00 p.m. at the Town Office Building, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Varick Town Board has issued a Negative Declaration with regard to passage of such Local Law pursuant to the New York State Environmental Quality Review Act, and

WHEREAS, the Varick Town Board, after due deliberation, finds it in the best interests of the Town of Varick to adopt said Local Law; now, therefore, be it

RESOLVED, that the Town Board of the Town of Varick, New York hereby adopts Local Law No. 1 of the year 2019 “A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF VARICK” as follows:

Section 107 Definitions, of the Town of Varick Zoning Code is amended to include the following:

**Glare:** The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

**Ground-Mounted Solar Energy System:** A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

**Solar farm, or solar collection system, major:** An area used for a solar collection system principally used to capture solar energy and convert it to electrical energy for on-site use or to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity Solar farm facilities consist of one or more freestanding ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other structures and facilities.

**Solar collection system, minor:** a solar voltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source or collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat; secondary to the use of the premises for other lawful purposes; with the total surface area of all solar collectors on the lot not to exceed 1,000 square feet and is considered a structure for setback purposes.

Section 306.3 General Development Standards, of the Town of Varick Zoning Code is amended to read as follows:

Development feature	
Setbacks required	
Front	Not Applicable
Side	10 feet from water rights line
Rear	Not Applicable
Maximum Lot Coverage	Not Applicable
Main Structure Maximum height	16 feet above 100-year flood line
Fences and Walls	Not permitted

Other structures	<p>Docks and boat hoists are the only permitted uses. Boat hoists may be covered with a roof of standard roof construction to shed rain and protect from weather. Vertical walls around a hoist are not permitted and canvas sides/curtains are considered walls. The intent of this is to protect the boat, but not to obstruct neighbors' lake views. The side setback applies to boat hoists, decks, walkways and docks.</p> <p>One dock may be constructed on lots with less than 200 feet of frontage. Lots that have 200 feet or more of frontage may have two docks.</p> <p>Each permitted dock shall not exceed a total of 850 square feet, including walkways. For the purposes of this section, width is measured parallel to the mean high water mark; length is measured perpendicular to the mean high water mark. The open water space is not included in the calculation of dock area. The decking of a dock should be at least 1.5 feet above the 100-year flood elevation.</p> <p>A removable seasonal dock only requires a permit initially and may be reinstalled annually as long as it is the same size and meets the setbacks placed in accordance with the constraints of the permit. If the lot is too narrow for a dock to meet the side setbacks, the ZBA may consider granting a variance for a temporary dock and hoist with smaller setback dimensions, if it is installed.</p>
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The Residential use table under §308 Use Table, of the Town of Varick Zoning Code is amended to include the following:

Use		Agricultural and Rural Residential (ARR)	Hamlet Residential (HR)	Lakeshore Residential (LR)	Small Business Park and Institutional (BPI)	Conservation (C)	Warehouse Industrial, Transportation, Energy (WITE)
Residential							
Solar collection system, minor		P	P	P	P	P	P
Commercial							
Solar Farm		S 311.21	N	N	S 311.21	N	S 311.22

Sections 311.21 Solar Farm or Major Solar Collection System and 311.22 Solar Farm or Major Solar Collection System, are added to the Town of Varick Zoning Code to read as follows:

311.21 Solar Farm or Major Solar Collection System-on site

Generates no more than 110% of the electricity consumed on the site over 12 months.  
All of the requirements of 311.22 apply

### 311.22 Solar Farm or Major Solar Collection System

Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this section is to facilitate the development and operation of renewable energy systems based on sunlight. A Solar Energy Production Facility (aka Major Solar Collection System or Solar Farm) shall be permitted under a Special Use Permit when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and protect the public health, safety, and welfare. This section shall pertain *only to major solar collection systems or solar farms*. Where other Sections of the Code conflict with this Section, provisions of this Section shall control.

A letter providing proof of feasibility from the local utility company is to be provided as part of the application indicating that utility company can handle the demands of the proposed project. The design of a major collection system or solar farm shall comply with the bulk table (309.1) except that the lot coverage for the solar panels can be 50% if the ground under the panels is vegetated soil with typical water permeation. The lot shall not have more than 30% impermeable surfaces.

The design of the solar farm shall adhere to existing setback requirements of the zoning district. If the solar farm will be constructed by the utilization of ground mounting, then a ground mounting plan and process certified by a Licensed Professional Engineer must be submitted during the Special Use Permit application process. The mounting plan shall consist of standard solar manufacturer installation plans and processes for ground mounting or be addressed in the applicant's site plans.

Systems and solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. System shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, balloons, flags, banners, or similar materials, with the exception of the following: Necessary equipment information, warnings, or indication of ownership shall be allowed on any equipment of the System or where required by the New York State Building Code.

No System or any of its components shall be illuminated, except to the degree minimally necessary for public safety or maintenance.

All mechanical equipment, including any structure for batteries or storage cells, shall be fenced from adjacent properties to restrict unauthorized access and screened.

No System shall be used or constructed such that it becomes a private or public nuisance or hazard.

Storm water and snowmelt runoff and erosion control shall be managed in a manner consistent with all applicable federal, state, and local regulations and shall not impact neighboring properties.

Systems which have not been in active and continuous service for six months shall be removed at the owner's or operator's expense within an additional six months.

11. The site shall be restored to as natural conditions as possible within twelve months of the removal of the system.

12. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

13. The applicant shall post performance security in the form of a performance bond with the Town Clerk in an amount equivalent to 150% of the estimated cost of removal of the equipment as determined by the Planning Board and said performance bond shall be on terms and conditions satisfactory to the Town Attorney. The performance bond shall be reviewed every five years from the date of issuance of a special use permit by the Planning Board for the purpose of determining whether or not the performance bond is at least 150% of the estimated cost of the removal of the equipment. The applicant shall increase the performance bond to 150% of the estimated cost of removal of the equipment as determined by the Planning Board in the event that the performance bond is deemed by the Planning Board to be less than 150% of the estimated cost of removal. If the applicant assigns its interest in the equipment or by operation of law no longer owns the equipment, the applicant's successors and/or assigns shall be obligated to post performance security with the Planning Board as provided in this subsection as if it was the applicant at the time the special use permit was granted pursuant to this section. In the event that the applicant leases the site on which the equipment is constructed, the applicant shall obtain an irrevocable consent, to be binding upon the landowner's heirs, distributes, successors and/or assigns permitting the applicant to remove the equipment within six months of the date it ceases to be used for solar-collection purposes and permitting the town to enter onto the landowner's land for the purpose of removing the equipment in the event that the equipment is not removed by the applicant within said six-month period. The consent shall be in a form satisfactory to the Town Attorney and shall, upon approval of the Town Attorney, be recorded in the Seneca County Clerk's office.

14. Vegetation under and around solar panels should be planted and managed to maximize compatible ecosystems services: pollinator habitat, wildlife forage and carbon sequestration.

15. Abandonment: All applications for a solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility.

If the applicant begins but does not complete construction of the project within eighteen months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

The decommissioning plan signed by a licensed professional engineer must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

Removal of above ground and below ground equipment, structures and foundations.

Restoration of the surface grade and soil after removal of equipment.

Revegetation of restored soil areas with native seed mixes, excluding any invasive species. The plan shall include a timeframe for the completion of site restoration work.

and be it further

RESOLVED, that this Local Law shall take effect upon filing with the Secretary

Motion: Eric Riegel

Seconded by: Tom Fox

So Carried Unanimously

Attorney Lauren Adornetto of Phillips Lytle LLP on behalf of BQ Energy indicated that BQ Energy would be submitting a Special Use permit to the Planning Board for a solar farm to be built in the WITE district.

**Highway:** Mr. Hayssen reported that he hasn't received any pricing as of this date from the Highway Superintendent for resurfacing of Town Line Road which is in very poor condition.

**Bookkeeper:** A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to approve the bookkeeper's written report.

Michelle Andrews, director of the Varick/Romulus Summer Recreation Program, questioned if she could use the remaining \$400 she had left in her 2018 budget. Mrs. Testa reported the remaining \$400 from last year went into the General Fund balance as unexpended in 2018. It was noted that these funds are budgeted for this program and contributed to by the Town of Romulus as it is a joint program. The board stated that the funds could be expensed and a budget amendment would be approved if necessary.

**Abstract:** A motion by Richard Peterson, seconded by Eric Riegel and so carried unanimously to approve Abstract No. 8, General, Vouchers A0019-121 to A0019-129 in the amount of \$6,179.12, Highway, Vouchers DAO19-049 to DAO9-055 in the amount of \$2,247.83, Varick Water District No. 1, Vouchers VW119-010 to VW119-011 in the amount of \$10,396.15, Seneca Lake Water District, SWS19-051 to SWS19-060 in the amount \$46,741.82, Varick Water District No. 3, VW319-011 to VW319-012 in the amount of \$5,137.29, Varick Water District No. 4, VW419-029 to VW419-033 in the amount \$6,082.40, Varick Sewer District No. 1, VS119-029 to VS119-032 in the amount of \$2,581.02, Varick Sewer District No. 2, SSS19-022 to SSS19-025 in the amount of \$68,939.82, Town Hall Building Project, Voucher No. HO119-003 in the amount of \$124,737.

**Judge:** No report.

**Dog Control Officer:** A written report was submitted by the Brian McCann and will be filed with these minutes.

**Code Enforcement:** Mr. Fox reported that a driveway had been installed on County Road 124 and questioned what it was going to be used for and if any permits had been applied for through the code officer. A discussion was held regarding sovereign land and Mr. Fisher explained that

land is not sovereign land until it is taken into trust. Until then, all land is subject to local government and laws that apply. Mr. Hayssen will contact Sam Priem seeking further information pertaining to this property.

### **Water Operator's Report:**

#### Water Operator Report for June/July 2019

- Changed Meters
- Marked out Dig Safety's
- Got weekly meter reads
- Did weekly water tests for each district
- Took bac t samples in all 4 districts
- Filled out and submitted monthly water report to health department
- Ordered parts to prepare for upcoming jobs
- Cleaned tools
- Provided answers to customers who are interested in hooking up to water main
- Repaired broken curb stop
- Was in contact with Town of Romulus with project on Rt. 89 concerns
- Was in contact with the Town of Fayette Water Dept. making sure they provided good quality water during the switch over chlorination system from Seneca Falls on RT 89
- Helped change out grinder pumps
- Dropped supplies off for contractors
- Exercised Fire Hydrants
- Flushed dead ends to bring chlorine residual up
- Responded to customers concerns with sewer issues
- Met with Health Department about upcoming THM and Haa5 Testing due in August
- Met with Contractor to review new building plans associated with moving water line
- Weed Whacked Fire Hydrants along with spraying poison ivy
- Fixed broken hydrant
- Spent time monitoring/flushing RT 89 due to Seneca Falls Switching from Free chlorine to Total chlorine to prevent unsatisfactory quality of water
- Responded to customer concern dealing with noisy meter
- Looked into getting a meter to put back in at East Lake Rd pit for monitoring water going into Seneca County Water
- Ordered parts and marked out location for new water/ sewer service going into new office building for town
- Serviced work truck for monthly maintenance
- Signed up for upcoming water seminars and attended seminars to meet state health education requirements
- Marked out locations of broken curb stops/valves that need to be replaced
- Responded to Customer who was concerned about water pressure coming into house.

Mr. Karlsen presented the board with quotes for the purchase of a tapping machine complete with a kit for drilling ¾" and 1" services, a 1800 Watt portable generator and a sump pump to service the districts. He noted that the town can charge for doing the taps for their homeowners rather



than having them contract with outside contractors such as the Village of Waterloo. Mr. Karlsen noted these items costs are within the budgets set for the districts, but wanted board approval prior to their purchases.

A motion by Richard Peterson, seconded by Eric Riegel and so carried unanimously to approve the purchase of a ReddM2100 tapping machine, Honda 1800 Watt portable inverter generator and a sump pump.

**Varick Water District No. 1:** Nothing further to report.

**Seneca Lake Water District:** Ben Karlsen reported that according to Tom Poormon from the County, the county master meter has been functioning for the past few weeks after they turned it off then turned it back on. They do have a new meter to install, but are unsure how to proceed with this installation. Mr. Karlsen reported that he is willing to assist them in this installation if requested. Mr. Hayssen stated that Seneca County Water District No. 1 will still be billed for the difference of water usage from Varick residents and what the Village of Waterloo has billed for each quarter until the new meter at the county is fully operational for an entire quarter.

**Water District No. 3:** Mr. Karlsen reported that the county seems to have a handle on the chlorine levels coming from the water tower which is resulting in the Town of Fayette not having to flush their dead ends as often. It was also reported that Fayette Water District No. 5 is considering putting in a filling station on Leader Road.

**Water District No. 4:** Mr. Karlsen reported that Seneca Falls Water Plant has been switching between Free Chlorine and Total Chlorine usage in the water they are providing to this water district. He went on to explain to the board the interaction between Free Chlorine and Total Chlorine which has resulted in both the towns of Fayette and Varick flushing the water line in order to keep the levels of chlorine acceptable. He has been keeping track of the gallons flushed and recommended that these gallons be reduced from our Fayette billing and charged back to Seneca Falls by Fayette.

**Varick Sewer District No. 1:** No report.

**Varick Sewer District No. 2:** Mr. Hayssen reported that he received a phone call from the Tompkins regarding their alarm going off and they were unable to reach Mr. Kolbeck. Mike from Yaws did respond to the call, but was unable to pull the sewer pump on his own. Mr. Karlsen stated he also received the call, but was unaware that Yaws was unable to pull the pump as Mr. Kolbeck was working. Mr. Hayssen reported that Mr. Kolbeck has been hired full time at Lowes and his availability may be limited by this and the town may need to look at other alternatives to provide service. Mr. Karlsen reported that he assisted Yaws in this repair.

**Town Clerk's Report:** A motion by Eric Riegel, seconded by Richard Peterson and so carried to approve the Town Clerk's Report: Supervisor: \$215, NYS Ag & Markets: \$15, Total Disbursements: \$230.00.

**Minutes:** A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously so carried to approve the minutes of July 2, 2019.

**New Business, Old Business, Correspondence:**

Mr. Fox introduced a discussion pertaining to compensation for on-call hours and overtime pay for salary employees. It was explained that currently salary employees are not compensated monetarily for on-call or overtime hours, but have the authority to adjust their hours accordingly to meet that positions needs.

**Addition to Town Hall:** Mrs. Karlsen reported that Key Homes is progressing with the addition to the town building. The highway department has tentatively agreed to install the new septic system with Mr. Hayssen's assistance, but if they determine that it is above their capability due to underground utilities or they are too busy to complete the work within Key Homes time frame, a quote from Nicholson Trucking has been submitted and he will be hired to complete the installation. As was discussed last year the outside of the town hall needs to be painted but was put on hold until the new addition was completed. Mrs. Karlsen is seeking pricing for painting the outside of the existing building and interior of the new addition as well as the conference room and kitchen and was given board authority to proceed with hiring someone to complete these projects. Mr. Peterson suggest Curt Karlsen be considered to complete the work on an hourly basis as discussed last fall.

The town's website needs to be reviewed to see if it is compliant with the American Disability Act. Attorney Midiri will look into this act to see what it entails.

A motion by Richard Peterson, seconded by Eric Riegel and so carried to adjourn the meeting at 8:30 p.m.

Respectfully submitted:  
Donna Karlsen Varick Town Clerk