

## Varick Town Board

June 26, 2008

Mr. Hayssen opened the meeting and introduced Mr. Kayser as Planning Board Chairman.

Mr. Kayser had the Planning Board members introduce themselves. Mr. Larzelere proceeded with a power point presentation reviewing the responses to a questionnaire that was done when completing the Comprehensive Plan and the process that resulted in the Zoning Code that was adopted December 4, 2007.

Mr. Kayser reviewed the zoning map and districts and what they based the ordinances on.

Thomas Bjorkman reviewed some of the ordinances that were implemented along the lake shores that had come into question over the past few months. He also spoke to the concern of the length of the code and how to address the complaints.

Mr. Kayser expressed that if the board were to rescind the current zoning code, the town would then have no zoning in place as the town is unable to go back to the previous code that existed according to the State.

Mr. Sipos did not agree with the information provided by Mr. Kayser from the State. He stated that the motion was written in such a way that the town could rescind the Zoning Code adopted December 4, 2007 and reinstate the Varick Zoning Code as it existed prior to December 4, 2007 with a public hearing.

Mr. Peterson suggested that perhaps the State wasn't given all the correct information to base their determination on.

Mr. Hayssen reported that he had asked the Planning Board, prior to him becoming Supervisor, to postpone submittal of the new code to the board and asked that a postcard be sent out to notify people of the proposed new ordinance and to ask for further comment. This was not done and he felt the urgency to pass this code was due to the white deer and the proposed canned hunt issue on the depot.

Mr. Case indicated that there were a lot of good things about the new code, but felt we should have implemented a six month trial period to see what ordinances may need to be addressed further. This would have given the ZBA some leeway in their decision making and the opportunity for the Planning Board to address questionable ordinances.

Mr. Peterson read a statement from Kenny Stafford expressing his opinion that the new code should be terminated and goes back to the old code. Mr. Peterson requested Mr. Sipos to counsel the board as to the information presented by Mr. Kayser pertaining to the prior zoning ordinance implementation.

A motion by Robert Hayssen, seconded by Jeff Case and so carried to open the Public Hearing to rescind the current Varick Zoning Code adopted December 4, 2007 and to reinstate the Varick Zoning Code as it existed prior to December 4, 2007.

There were approximately 150 people present and the board received written responses and listened to suggestions and concerns expressed by those in attendance who wished to comment. The following were the main issues that were addressed:

Differences between the properties on both lakes

Building height

Home size/lot size

Impervious coverage

Single story “retirement home” that may require larger footprint

Let the ZBA have the ability to grant variances with favorable input from neighbors, and other involved agencies. Examples: Soil & Water, Army Corps of Engineers, etc.

Address people with non-conforming lots that have been purchased before the current zoning codes implementation, allowing them to build on lots that conformed to previous code.

Dock Sizes

Impervious regulations

Research the legality of rescinding the current code and going back to the prior code prior to December 4, 2007.

Mr. Kayser expressed that this meeting would still have taken place regardless of who sent the post cards in six months and review of the sticking points and how to make the code better would have been discussed. He stated the meeting has been really helpful and his colleagues on the Planning Board appreciate this opportunity to receive comments. He indicated that the code must be based on the Comprehensive Plan and if the current code is rescinded, he felt the town would not have any zoning in place.

He read a written statement and expressed reasons why the zoning should not be taken away. Let the Planning Board focus on the changes in the next 30 days. He disagrees with the board’s reactionary basis. Mr. Kayser announced his resignation from the Planning Board.

Mr. Hayssen stated he is in favor of zoning and wanted to get the Planning Board’s attention as nothing had been done with the zoning over the past six months. He supports 95% of the code and asked that a public hearing be held once changes have been made. Mr. Hayssen expressed his disappointment over Mr. Kayser’s resignation and is hopeful that he will reconsider.

Mr. Saeli spoke on behalf of the silent minority who has presented letters and made phone calls to him indicating that the code is too restrictive. He would like to rescind this document, put old zoning in place, and correct the new zoning.

Mr. Peterson expressed that residents have lived under the old zoning with little to no complaints. Those who have moved into this area moved into this area under the old zoning. He would like to see us go under the old document and look at the new ordinance again.

Mr. Hayssen would like direction from the Planning Board as to what they feel needs to be done.

Kevin Swartley, Planning Board member, expressed his appreciation for all the comments. He noted as an individual and a member of the Planning Board he was uncomfortable at times with some of the work that was done by the Planning Board and felt it was great that we had the large group we had that night. He asked that cards be filled out and be as specific as possible with suggestions and solutions and provide contact information so the Planning Board can clarify any questions they may have. He is conservative in some aspects and more liberal in others and expressed the need for jobs in the community.

A motion by Jeff Case, seconded Richard Peterson and carried unanimously to close the public hearing at 9:03 p.m.

Mr. Hayssen opened the special meeting of the Varick Town Board at 9:30 p.m.

Mr. Case, in the light of the public hearing that was just held and the comments provided, proposed the following resolution:

A motion by Jeff Case, seconded by Kathy Russo to keep the current Zoning Code in place and direct the Planning Board to revisit the following:

1 All correspondence

Dock sizes

Impervious regulations

Differences between the properties on both lakes

Building height

Home size/lot size

Impervious size

Single story “retirement home” that may require larger footprint

Let the ZBA have the ability to grant variances with favorable input from neighbors, and other involved agencies. Examples: Soil & Water, Army Corps of Engineers, etc.

Address people with non-conforming lots that have been purchased before the current zoning code implementation, allowing them to build on lots that conformed to previous code.

In 60 days for presentation and discussion at a public hearing with the intent of adopting the changes at that time.

Discussion: John Sipos reviewed the five way test the ZBA follows in their decisions.

It was reported that Bob Taylor, ZBA Chairman stated that prior to this zoning they met twice a year. Now they are meeting at least once a month.

Docks and impervious coverage is a starting point for the Planning Board. Zoning board of appeals should be able to start tomorrow with leniency in their determination.

Dick feels that the zoning should be totally repealed and respects John Sipos' ruling.

John Sipos reported that the state wants a Comprehensive Plan as it is harder to defend zoning without one in place. Mr. Hayssen directed Mr. Sipos to look into the information provided by Mr. Kayser regarding the rescinding of the current zoning.

Kathy stated that Jeff recognized the issues that have been commented on tonight and would like to give the Planning Board and the Town Board 60 days to work on the current zoning to come up with new acceptable changes to the codes.

John Saeli commented that if we were to rescind this package, the planning board could come back within 60 days with the same package with revisions.

Jeff Case expressed his fear that if we go back to the old zoning, people will put through new applications to do things that are not acceptable in the new zoning.

Bob Hayssen suggested hiring someone in order to have the zoning done right. He indicated that originally he would have liked to see the whole document rescinded, but after receiving comments from those in attendance tonight, he would like to see the current code remain in effect and work with the Planning Board to make changes within the next 60 days and see if we can revamp what we have in place. He feels the message was sent to the Planning Board that there are issues in the document that need to be changed.

A motion by Jeff Case, seconded by Robert Hayssen and so carried to call the questions:

Roll Call:

Jeff Case	Yes
Kathy Russo	Yes
Robert Hayssen	Yes
Richard Peterson	No
John Saeli	No

A motion by Jeff Case, seconded by Kathy Russo and so carried to keep the current Zoning Code in place and direct the Planning Board to revisit the following:

All correspondence

Dock sizes

Impervious regulations

Differences between the properties on both lakes

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Address people with non-conforming lots that have been purchased before the current zoning codes implementation, allowing them to build on lots that conformed to previous code.

In 60 days for presentation and discussion at a public hearing with the intent of adopting the changes at the time.

Roll Call:

Jeff Case: Yes

Kathy Russo: Yes

Robert Hayssen Yes

Richard Peterson No

John Saeli No

So Carried 3 to 2

A motion by Jeff Case, seconded Robert Hayssen and so carried unanimously to include in the next public hearing the canned hunting ordinance which was added to the current code.

Mr. Case addressed the Code Enforcement Officer’s position with the following motion:

WHEREAS there are many more regulations the Code Enforcement Officer has to enforce and

WHEREAS the town board was asked to look at the salary for the Code Enforcement Officer, and

WHEREAS the Code Enforcement Officer’s 6 month trial period is over

BE IT RESOLVED that Miles Persing be appointed to fulfill the term of Code Enforcement Officer to December 2009 and to increase the rate of pay for this position to \$5,000 per year with the increase in pay for this year to come from contingency.

Mr. Peterson reminded the board that Mr. Foxx wanted a \$500 increase the beginning of the year and the board refused it. He suggested that the work should decrease once the code is revised.

Mr. Case questioned why the board should penalize the code enforcement officer when the extra work wasn't recognized and expressed his concern that if the salary isn't increased the board may be looking for a new Code Enforcement Officer. He also reported on the time Mr. Persing has spent with the Planning Board and learning the new code.

Further discussion pertaining to the increase in salary was held with several different dollar amounts being presented.

It was proposed to amend annual dollar amount from \$5,000 to an increase of \$500 or annual amount of \$2,800.

Roll Call:

John Saeli	Yes
Richard Peterson	No
Kathy Russo	No
Robert Hayssen	No
Jeff Case	No

It was proposed to amend the annual salary to \$4,000

Mr. Peterson questioned why the board was considering giving a big raise when the position might be no more work than it was before? Mr. Peterson doesn't agree.

Roll Call:

Kathy Russo	Yes
Jeff Case	Yes
Robert Hayssen	Yes
Richard Peterson	No
John Saeli	No

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BE IT RESOLVED that Miles Persing be appointed to fulfill the term of Code Enforcement Officer and to increase the rate of pay for this position to \$4,000 per year with the increase in pay for this year to come from contingency.

Kathy Russo            Yes

Jeff Case              Yes

Robert Hayssen Yes

Richard Peterson    No

John Saeli            No

Mr. Persing stated he is willing to stay on a little longer to see how things go.

A motion by Kathy Russo, seconded by Richard Peterson and so carried to adjourn the meeting at 10:10.

Respectfully Submitted

Donna Karlsen

Varick Town Clerk