

April 13, 2022

An emergency 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, Tom Fox, Richard McCulloch, and Eric Riegel, Planning Board member, Cindy Lont and Zoning Board member Susan Ottenweller. Also present was August Gillon. Absent: Councilman, Richard Peterson

The board reviewed the amended proposed local law noting the revisions as discussed at the public hearing of April 5, 2022 and the following resolution was presented and passed:

**Resolution No. 22-12**  
**A RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2022,**  
**“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, introducing Local Law No. 1 of 2022 and a Public Hearing was duly noticed and held by said Town Board on April 5, 2022 at 7:00 p.m., 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 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, after due deliberation, finds it in the best interests of the Town of Varick to amend said Local Law and to set a date for a further public hearing on said proposed Local Law as so amended now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Varick, New York hereby amends proposed Local Law No. 1 of the year 2022 “A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF VARICK” to read 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:

<b>Commercial</b>	Agriculture and Rural Residential ( <b>ARR</b> )	Hamlet Residential 1 ( <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	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 be it 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 May 3, 2022 at 7:00 P.M.

Moved: Richard McCulloch

Seconded: Eric Riegel

Carried unanimously

Supervisor Hayssen discussed with the board potential costs to the town pertaining to review of zoning and land use applications and suggested the board consider passing a local law requiring the reimbursement of expenses associated with the review of these applications. He also suggested putting a moratorium on acceptance of zoning and land use permits until such law could be given further consideration.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to enter executive session to discuss possible litigation at 7:20 p.m.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to come out of executive session at 7:35 p.m.

A motion by Tom Fox, seconded by Richard McCulloch and so carried to place a moratorium on acceptance of zoning and land use permit applications by the Planning Board effective April 13, 2022 for (60) sixty days to expire June 11, 2022.

Roll Call:

Robert Hayssen        Yes

Richard McCulloch    Yes

Tom Fox                Yes

Eric Riegel            No

So Carried Yes: 3 No: 1

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to hold an emergency meeting by the Varick Town Board on April 19, 2022 at 5:00 to discuss proposed Local Law No. 2 of 2022 Local Law Requiring the Reimbursement of Expenses Associated with the Review of Zoning and Land Use Applications and any other business that may come before the board.

Mr. Fisher will prepare an introductory resolution of this law for the board to consider at this emergency meeting.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Donna Karlsen  
Varick Town Clerk

*NB: This law was modified substantially by Local Law #3 on July 13, 2022.*