

July 19, 2022

The special meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present were councilmen Richard McCulloch, Eric Riegel, Richard Peterson, Town Clerk, Donna Karlsen, Attorney for the town, Frank Fisher, Planning Board Members, Linda Mastellar and Cindy Lont, Zoning Board Chairwoman, Annie Bachman and Tim Steed from Hunt Engineers. Also present was Lisa Olver. Absent: Councilman Tom Fox

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to open the public hearing on Local Law No. 3 of 2022 “A Local Law to Further Amend The Zoning Code of the Town of Varick” at 7:05 p.m.

Linda Mastellar briefly reviewed the amendment to the zoning code pertaining to Section 311.23, 315, and Commercial Use Table under §308. Annie Bachman presented some questions pertaining to short term rentals that were addressed by the town board and planning board.

A motion by Eric Rigel, seconded by Richard McCulloch and so carried unanimously to close the public hearing on Local Law No. 3 “A Local Law To Further Amend the Zoning Code of the Town of Varick” at 7:15 p.m.

Supervisor Hayssen reported that a SEQR form was completed, and it was determined that Local Law No. 3 will not have an adverse impact on the environment and asked the board for a resolution determining this.

**Resolution No. 22-18**

**VARICK TOWN BOARD DETERMINES THAT  
PASSAGE OF LOCAL LAW NO. 3 of 2022  
ENTITLED “A LOCAL LAW TO FURTHER 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. 3 of 2022 entitled “A Local Law to Further Amend the Zoning Code of the Town of Varick”, and

**WHEREAS**, a public hearing was held on July 19, 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 by specifying the permitted locations within the Town for Short-Term Vacation Rentals, 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 SEQR 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. 3 of 2022 entitled “A Local Law to Further 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: Richard McCulloch  
So Carried Unanimously

Supervisor Hayssen reported that Seneca County Planning Board approved the zoning amendment and called for a resolution to enact Local Law No. 3 of 2022:

**Resolution 22-19**

**TOWN OF VARICK ENACTS  
LOCAL LAW NO. 3 OF 2022, “A  
LOCAL LAW TO FURTHER 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 to hear all interested parties on a proposed Local Law entitled “A Local Law to Further Amend the Zoning Code of the Town of Varick”; and

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

WHEREAS, said public hearing was duly held on July 19, 2022 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, 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 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 hereby enacted by 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 the amount to be determined by the Planning Board, 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 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) 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 this Local Law shall take effect upon filing with the Secretary of State as provided under the New York State General Municipal Law.

Moved: Richard McCulloch

Seconded: Eric Riegel

Passed: Unanimously

**Planning Board:** The board reviewed with the planning board the letter and application form to be mailed to short term rental owners. Suggestions were made and final approvals were tabled until the August meeting.

The Planning Board is requesting the services of a secretary to complete work on behalf of their board and the Zoning Board and submitted a job description for the town board's review. Questions were raised as to who this person would report to and if this position would be done by an independent contractor or an employee of the town. If this person is an employee does the town have to create a new position with Seneca County Personnel office. Action was tabled until the August meeting until further information can be obtained.

**Special Use Permit:** A motion by Richard McCulloch, seconded by Robert Hayssen and so carried to renew a moratorium on acceptance of zoning and land use permit applications by the Planning Board effective July 19, 2022 for (30) thirty days to expire August 17, 2022.

Roll Call:

Robert Hayssen        Yes

Richard Peterson     Yes

Richard McCulloch   Yes

Eric Riegel            No

Yes: 3    No: 1    Absent: Tom Fox

So Carried

Supervisor Hayssen reported that he, Linda Mastellar, Cindy Lont, and Donna Karlsen will be meeting with Wendy Marsh Wednesday, July 20th to discuss the procedure of accepting Land Use Permit application fees and escrow collection.

**Summer Recreation Program:** Mrs. Karlsen presented a bill from Mobile Combat Laser Tag, LLC for an event that will be held July 28<sup>th</sup> by the summer recreation in the amount of \$440. This fee has already been paid by the summer recreation director, Samantha Pundt and she is seeking reimbursement.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve reimbursement of \$440 to Samantha Pundt for Laser Tag.

**Varick Sewer District No. 1: WQIP Grant (Water Quality Improvement Project Program):**

Tim Steed from Hunt Engineers reported that the I & I study that the town received grant funds for was completed in 2019 and their report with findings was submitted to Supervisor Hayssen. Hunt Engineers updated the cost to complete repairs and tighten up the infiltration and inflow system from that original report and stated the current figure would be \$725,995. He reviewed three possible funding applications that can be sought to offset this cost: WQIP, WIA, and through the Bipartisan Infrastructure Law. He noted that the WQIP application is due the end of July and would require a resolution by the board to be submitted. He also reported that the WIA grant would require a bond resolution and would require the town to hire bond counsel to prepare the bond and there is still a lot of unknown factors pertaining to the Bipartisan Infrastructure Law funding. He informed the board that a report is supposed to be submitted to DEC annually reflecting the actions taken to mitigate the findings in the I & I study. Further discussion was held, and it was determined by the board that Hunt Engineering will contact Mitch Rowe to submit the annual report to DEC as the sewer plant is owned by Seneca County.

The board reviewed the costs to the taxpayers if all funding was received. Tim Steed reported that if the board was not committed to doing the project and received grant funding and then decided not to use the funding, it may jeopardize future funding opportunities. The board determined that they would not move forward with applying for funding but will wait for the county to continue the work on the development of their new sewer plant and revisit this at that time. In the meantime, the sewer district will continue to address some of the issues the I & I study found to show progress to DEC.

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