

August 2, 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, Attorney for the Town, Frank Fisher, Planning Board members, Linda Mastellar and Cindy Lont, Assessor, Anne Morgan, and Water Operator, Ben Karlsen. Also present was Attorney Wendy Marsh. Absent: Highway Superintendent, Ben Freier, Councilman, Richard Peterson and Bookkeeper, Angela Testa.

Petitioners to Address the Board: None.

Abstract: A motion by Tom Fox, seconded by Richard McCulloch and so carried unanimously to approve Abstract No. 8, Voucher Number 207 through Voucher Number 246 in the amount of \$119,509.60

Highway: Mrs. Karlsen provided three proposals from Ben Freier, Highway Superintendent, who was unable to attend this meeting. He is seeking town board approval to complete the following projects using funding from CHIPS and PAVE NY: Willer Road intersection and Kings Corner Road w/blacktop: Approximately \$14,000 Guiderail: \$3,819. Resurface Ogden Road: \$24,225.11

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the following 2022 highway projects: Willers Road intersection and Kings Corner Road w/blacktop: Approximately \$14,000 Guiderail: \$3,819. Resurface Ogden Road: \$24,225.11

Judge: Judge Jeff Hogue provided to Eric Riegel a cost sheet to provide contractual armed guard services for court. Mr. Riegel will confer further with Judge Hogue to clarify how often he will be seeking their services and to obtain a contract for the town attorney's review. Mr. Fox suggested contacting the sheriff's department to see if they would provide guard services.

Bookkeeper: A motion by Richard McCulloch, seconded by Tom Fox and so carried unanimously to accept the bookkeeper's May and June 2022 written reports.

Water/Sewer Report Insert:

Mr. Karlsen reported he received applications for the open laborer position and would like to have two board members complete the interviews with him. Supervisor Hayssen and Eric Riegel will complete the interviews on Thursday, August 11th. It was determined that a payrate of \$18 to \$20 could be offered based on experience.

Varick Water District No. 1: Nothing further to report

Seneca Lake Water District: He reported that Buckley's would like to connect a piece of property across East Lake Road from the main line that runs along Willow Cove Drive. This will require getting an easements from other adjoining property owners. Attorney Frank Fisher and the board approved connection providing the property owner met the town's requirements. Mr.

Karlsen reported he would mark out the best location on the main line for this proposed connection and refer any future correspondence regarding this matter to the board and town attorney.

Varick Water District No. 3: Nothing further to report.

Varick Water District No. 4: Nothing further to report

Varick Sewer District No. 1: The county will be paving Seneca Street and as of this meeting are reporting that they will be grading the street down low enough not to need risers for the manholes.

Varick Sewer District No. 2: Brewers were required to pump out the bypass tank as it had approximately 4' of hardened grease at the top. Mr. Karlsen will be working with Yaws to run a pipe through this tank, connecting back into the large holding tank.

Mr. Karlsen confirmed that with the board's previous approval, he has ordered ten more grinder pumps at a cost of \$2,474 per pump.

Assessor: Anne Morgan reported that deeds are coming in slowly from the county and are current through May and she must have her file to the county for school taxes the second week of August. She reported that a correction to the tax base was made in the amount of 1.2 million dollars due to Deer Haven property coming off a 5-year pilot that she was not aware of. She reported that she will continue completing field work.

Board of Assessment Review: The board received a letter of resignation from Dianne Colvin effective immediately as they have sold their home and will be moving out of the area. Ms. Colvin recommended Eileen Percevault, a Route 89 resident to fill the vacancy and provided Supervisor Hayssen with her credentials.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to appoint Eileen Percevault to the Board of Assessment Review to fulfill Dianne Colvin's term of office.

Town Clerk: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$78.50, NYS Ag & Markets: \$12, Total Disbursements: \$90.50

Minutes: A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the minutes of July 5th and July 19, 2022.

Dog Control Officer's Report: A motion by Richard McCulloch seconded by Eric Riegel and so carried unanimously to approve the DCO quarterly report.

Summer Recreation: The program is scheduled to end August 5, 2022. The current director, Samantha Pundt, has notified the town that she will no longer be able to continue to run the program next year as she will be moving out of the area to finish her education. She is hoping to make recommendations for her replacement.

Planning Board: Attorney Wendy Marsh discussed with the board how to address development of parcels of land when it butts up to or passes through two separate zones and gave an example of a parcel of land which may have a driveway beginning in the lakeshore/ residential district and continues into agricultural/residential zoning. She stated that traditionally, zoning is done by parcel and not designated setbacks as the town’s zoning is written currently. The board was shown the current zoning map and it was suggested that a moratorium be enacted to act as the permissive, temporary control of certain existing zoning and land use laws regarding the planning and physical use of real property within the town. The moratorium is intended to temporarily halt development in certain defined areas in the Town of Varick, in order to preserve the status quo while the Town Board considers whether to adopt new permanent protections for the applicable properties. Specifically, this local law is intended to affect only those tax parcels which are bisected by the boundary between the Lakeshore Residential District and the Agricultural and Rural Residential District. This moratorium will prohibit the acceptance, review, or approval of any application to the Town’s Planning Board, Zoning Board of Appeals, Zoning Officer, or any other administrative body, officer or official in the Town, for expansion or modification of any prior use, or construction or establishment of any new structure or land use on a Bifurcated Parcel, during the pendency of this moratorium. The board further discussed exceptions which this moratorium is not intended to prohibit and gave an example of residential activities on any portion of a Bifurcated parcel. She went further to outline the process that would be taken as stated in the town’s zoning code. Supervisor Hayssen obtained a proposal/agreement in letter form to assist the Town of Varick with revising the Town’s zoning regulations from LaBella who was the original company that worked with the Planning Board to develop the current code and zoning map. Their fee is based on an hourly rate for professional services of \$125 per hour, not to exceed \$3,500.

Eric Riegel presented many questions with regards to the implantation of this moratorium to better understand the purpose of proposing a local law establishing a temporary moratorium prohibiting certain land uses and development within the Lakeshore residential zoning district. Supervisor Hayssen recommended the town hire Wendy Marsh to draft a local law establishing a temporary moratorium to provide the town board time to consider whether to adopt new permanent protections for the applicable properties, and to address the concerns that were discussed.

A motion by Tom Fox, seconded by Richard McCulloch and so carried to hire Wendy Marsh to draft Town of Varick Local Law No. 4 of 2022, “A Local Law Establishing A Temporary Moratorium Temporarily Prohibiting Certain Land Uses and Development Within the Lakeshore Residential Zoning District”.

Roll Call:

Robert Hayssen:	Yes
Richard McCulloch	Yes
Tom Fox	Yes
Eric Riegel	abstained
Richard Peterson:	Absent

Passed 3 to 2

The assessor cautioned the board to be careful to not negatively affect the tax base with stringent zoning regulations. She will provide the definition of dwelling and multi-family to the planning board.

Linda Mastellar and Cindy Lont reviewed the number of known short term rentals in the town of Varick and discussed the data they had collected indicating that it has been found that if there is more than 8% to 10% of short term rentals in an area the quality of the neighborhood deteriorates. They are therefore seeking input from the board and legal advice to pursue legislation to enact a total number of applications for the town to accept. The board was in favor of accepting 8% and asked Wendy Marsh to assist the Planning Board establishing a number and wording of this revision to the code.

The board reviewed a permit fee structure for the Town of Varick Planning Board permits prepared by the Planning Board after researching other surrounding town's fee schedules.

A motion by Tom Fox, seconded by Eric Riegel and so carried unanimously to approve the following Permit Fee Structure for Town of Varick Planning Board Permits effective August 2, 2022, as follows:

Special Use:	\$250
Short Term Rental Application (includes 1st year if approved)	\$500
STR Annual Renewal	\$250
Lot Line Adjustment	\$100
Site Plan Review	\$100
Major Subdivision (preliminary Plat (5 or more lots)	\$1,000 plus \$100 per lot
Minor Subdivision (up to and including 4 lots)	\$250 plus \$50 per lot

Old Business, New Business, Correspondence: None

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Donna Karlsen
Varick Town Clerk