

**MINUTES OF THE SPECIAL MEETING OF THE PLANNING BOARD  
TOWN OF RICHLAND  
1 BRIDGE STREET, PULASKI, NY 13142**

**DATE:** Monday, April 19, 2021

**PLACE:** H Douglas Barclay Courthouse

**BOARD MEMBERS PRESENT:** Ronald Novak, Joe McGrath, David Scott, Brian Leary, Jon Goodsell, and Alternate Craig Sternberg

**OTHERS IN ATTENDANCE:** Julie Peterson, see attached sign-in sheet

**CALL TO ORDER:** The meeting was called to order at 7 p.m. with Chairman Novak leading in the pledge of allegiance.

**Public Hearing for Special Permit & Site Plan Application #21-04 & 05 submitted by Selkirk Lighthouse Marina located at 812-28 Co. Rt. 5 for the construction of Restaurant/Tavern. 2-Pavilions. Addition to existing marina building. 6- unit Lodge. Located in an RR zone.**

Chairman Novak asked Engineer, Mike Lasell, to give a presentation explaining the plans for the project and hopefully answer some questions prior to opening the public hearing. He stated that this project will be completed in phases over the next 4 years. Some of the proposed project is part of the REDI program, Resiliency & Economic Development Initiative, designed to increase the resilience of shoreline communities and bolster economic development in the region. This included raising the parking lot, the existing cottages, and the septic system. The plan is to create a new centralized septic system. The lodge will be a barn type structure with rooms on each side and storage in the center that is rustic in appearance. An open, timber frame pavilion will be built where the gas pumps are that will match the other pavilion and the layout to the lot. He then described what the restaurant/tavern area will look like as well. Mr. Lasell reviewed the site plan and gave an explanation in great detail what the owner of the property wishes to erect. The County and Mr. Barnell will not be moving forward with the possibility of a pocket park at this time. There will be 84 parking spots in total for the whole area. They would like to encourage residents to utilize the road that goes around the back side of the lighthouse as opposed to going around the curve on the front of it. ***A motion was made by Jon Goodsell and seconded by Joe McGrath to open the public hearing at 7:22 p.m. All***

**members were in favor with a vote of "AYE."** Mr. Novak informed the public that the project is in a residential recreational area. All proposals for this project are allowed uses with a special permit. Several area residents spoke and addressed their concerns and reservations for the project. Some of the concerns were: the 120 year old right of way for the area residents that is on their deeds is not depicted on the plans, heights of buildings are not shown in the architectural rendering, if consideration was given to the wetlands and the endangered species, lighting, noise, campers, bands, RV's, increased traffic, the angle of the curve of the road going around the back side of the lighthouse, capacity, and the hours of operation. Some other areas of concern were the 3 parking spots located near the lodge, the headlights would shine into a residence. Mr. Lasell states that the parking lot will only be raised 12 inches, the drainage of the property will remain unchanged and will not affect the wetlands or the endangered species. The capacity of the pavilion will be approximately 40-50 people. Mr. Novak said that the 2 RV sites that are currently permitted have been removed from the site to complete this project. Chairman Novak read a letter from the property owner, Mr. Barnell, to address some of the concerns, letter is attached to the minutes. Some residents were there in support of the project and some letters reflecting support and concerns were read aloud, they will be attached to these minutes. Mr. Novak informed the constituents that the proposal to move the road and close the section that goes around the front of the lighthouse was not approved by the County. The road will remain open, however, the property owner would like to encourage the use of the road at the rear of the property. The road issue is separate from what is before the board for approval. The new road around the back will be paved, along with the ADA parking spots. The remainder of the parking lot will be crushed limestone. The County is responsible for the repair of the seawall. An attorney has determined that there are no metes and bounds or a ROW only an undefined right to cross the property that allows reasonable access. Mr. Lasell is trying to figure out how to display this on the site plan as it isn't a defined right-of-way. He is going to try and get this clarified and address it. The parking lot will be 50 feet from the wetlands and they are working closely with the DEC to address all the concerns. The maximum capacity of the project will be determined based upon the size, the department of health, fire code, etc. **A motion was made by Jon Goodsell and seconded by Brian Leary to close the public hearing at 9 p.m. All members were in favor with a vote of "AYE."** The board had a brief discussion. Currently the State nor the Town have a noise ordinance. Joe McGrath asked the chair to review the concerns and the clerk to notate the conditions for the approval of the application. The following are the concerns for applications 21-04 & 21-05:

- The hours of operation will be 5 a.m. to 11 p.m.
- Provide a construction sequence and time schedule for completion of each phase for the buildings, parking spaces, and landscape work.
- Time of year operation - the owner would like operation of the restaurant to be year round.
- Lighting-all lighting can be boxed, there will be no pole mounts, it will consist of dark sky lighting, the lights will shine downwards, as described in the letter from the applicant.
- Site Plan Revisions
  - remove 1 ADA parking spot to ease the transition of the curve for the road at the back of the lighthouse.
  - Shift the parking spots for the lodge parking down closer to the lodge.
  - The architectural drawings will define the heights of the pavilion and the structure over the fueling system. Mr. Lasell states that these are under the 35' height requirements.
  - Add ROW to the site plan, once the legal description of the ROW is determined.

***A motion was made by Brian Leary and seconded by Dave Scott for application 21-04 for the Selkirk Lighthouse LLC to recommend approval of the application with the following conditions: hours of operations are limited from 5 a.m. to 11 p.m., building height of the pavilion is limited to 20 feet in height, building height for the fuel system is limited to 16' in height, all lighting shall include fixtures that are dark sky compliant per the submitted plans. In a roll call vote members voted as follows: McGrath, yes, after the public hearing, discussion with the engineer, and submission from the applicant, this application meets all standards of section 313, with special note to standard 3 special use shall not conflict with any master plan or part thereof, and is consistent with the Comprehensive plan; Leary, yes; Scott, yes; Goodsell, yes; and Novak, yes. A motion was made by Joe McGrath and seconded by Brian Leary to accept the site plan based on making the following corrections to the submitted plans: remove one ADA parking spot to increase the radius for access on the access road, shift the parking down for the blue cottage, submit a construction sequence and time schedule for the completion of each phase for public parking spaces and landscaped areas and for placement of the right of way from County Route 5 to the properties beyond the existing fence. In a roll call vote, members voted as follows: McGrath, yes based on information provided by the applicant and his engineer the records are such that they have met and***

*provided enough information for the planning board to make a decision under section 503 for approval they have answered all of the boards question and allowed them to make the decision on the site plan; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.*

**Special Permit & Site Plan Application# 21-12 & 13 submitted by Dan Swartzentruber, 417 Manwaring Rd. for a special permit & site plan approval for a retail sales/service. Construction and sales of storage sheds.** The board reviewed the site plan and discussed it with Mr. Swartzentruber for clarification. The sheds need to be located 65 feet from the center of the road. Craig Sternberg offered some public comments. He states that the structure is erected and already in operation and the application is being submitted after the fact. Also mentioned is some unsightly off premise signage on State Route 3 that is attached to a guide rail and this type of signage is not allowed. Permits need to be applied for prior to completing the work. Chairman Novak reviewed the SEQR process. ***A motion was made by Brian Leary and seconded by Joe McGrath to make a negative declaration for SEQR and to empower the chairman to sign and date as such. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes. A motion was made by Brian Leary and seconded by Jon Goodsell to determine application is complete and to schedule a public hearing for Monday, May 17th. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

#### **Site Plan Approval:**

Application # 20-64 Submitted by Bobbiesue Ariola 243 Main St. New site plan as requested for beauty salon. The board reviewed the photos submitted for the application. ***A motion was made by Joe McGrath and seconded by Brian Leary to accept the amended site plan for 243 Main St. application 20-64 as submitted. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; Goodsell, yes; Novak, yes.***

#### **Other Business:**

Discussion- Application #19-06 John Mandigo. Special permit & site plan were approved for a 6-unit campground for cabins. Now would like to switch to 5 RV campers. Same location as approved cabin locations. Mr.

Mandigo will come to the meeting when he has more concrete plans to present to the board.

Chairman Novak reviewed the 4/7 meeting regarding the revised SEQR for the Atkinson solar farm on Rt. 41 and the changes that were made.

Mr. Novak read the letter from the Oswego County Department of Community Development, Tourism and Planning regarding the Lighthouse project into the record. Letter is attached to these minutes.

***A motion was made by Dave Scott and seconded by Joe McGrath to approve the planning board minutes from the March 15th meeting as amended. All members were in favor with a vote of "AYE." A motion was made by Joe McGrath and seconded by Brian Leary to approve the planning board minutes from April 7th meeting as submitted. All members were in favor with a vote of "AYE."***

***A motion was made by Joe McGrath and seconded by Brian Leary to enter into executive session at 10:18 p.m. for personnel. All members were in favor with a vote of "AYE." A motion was made by Joe McGrath and seconded by Brian Leary to come out of executive session and to adjourn at 10:35 p.m. All members were in favor with a vote of "AYE."***

Respectfully submitted by:  
Julie Peterson  
Clerk

TOWN OF RICHLAND  
PLANNING BOARD/ZONING BOARD  
 MEETING

Date: April 19, 2021

Please PRINT your name and address:

1. John Howland Sandy Creek
2. RONALD F. NOVAK PULASKI
3. Corrine Cumiskey Selkirk, NY
4. Joe Cumiskey "
5. DAVID S. HOCH TOWN N.Y.
6. Ken Brewer Verona N.Y.
7. Terri Johnson PORT ONTARIO
8. P. Keely Costello Pine Grove # 61
9. PATRICIA PODRAZIL 7 LAKE RD EXT
10. NOLAN SMITH ↓
11. JACK PODRAZIL ↓
12. ABE ELLIS 5 LAKE RD EXT
13. Daniel Scott 197 Hager
14. Vivian Cormey 197 Hager
15. Barbara Wood 43 Pine Grove Rd.
16. Warren Schlesinger 43 " " "
17. Mike Lasell " " "
18. Maureen Kennedy Pine Grove # 72
19. Ben Leary Richland
20. DAV KENYKE 21 CHIMPOOK ST. Pulaski
21. Gary Lutes 810 City Rte 5, Pulaski
22. Lorraine Marville " "
23. Lee Dee Barclay 4360 Rt Rt 13 Pulaski
24. Dave Barclay " " "
25. CRIG STERNBERG HAGER DR.

TOWN OF RICHLAND  
PLANNING BOARD/ZONING BOARD  
MEETING

Date: April 19, 2021

Please PRINT your name and address:

1. Bob Desimore 35 Pine Grove Rd.
2. Bob Wart 35 Lake Rd Ext
3. Steve Saleski 29 Pine Ridge Circle
4. Joe McGee FRT Wood
5. Martha Wart 35 Lake Rd Ext
6. Jon Goodell Richland
7. John Goodell 4009-1100 Ed
8. John Miller
9. Dan Swartzentruber
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**David R. Turner**  
Director

**OSWEGO COUNTY DEPARTMENT OF COMMUNITY  
DEVELOPMENT, TOURISM AND PLANNING**

COUNTY BUILDING  
46 EAST BRIDGE STREET  
OSWEGO, NEW YORK 13126

TELEPHONE (315) 349-8292  
FAX (315) 349-8279

**Janet W. Clerkin**  
Office of Promotion  
And Tourism

**Donna B. Scanlon**  
Office of Community  
Development Programs

**Scott D. Smith**  
Office of Housing Assistance

John Howlad, Code Officer  
Town of Richland  
1 Bridge St  
Pulaski, NY

3/23/2021

**RE: 239 Review Referral Response #2021-16**

Dear Mr. Howland:

The Oswego County Department of Community Development, Tourism and Planning has received your request for review pursuant to Article 12-B, Section 239-L and -M of the New York State General Municipal Law regarding the below captioned application:

**Applicant:** Selkirk Lighthouse and Marina, LLC

**Project Description:** Site plan review and special use permit for the following:

- construction of a 48' x 84' restaurant/tavern,
- construction of a 48' x 48' motel,
- construction of 36' x 48' open pavilion,
- construction of a 24' x 24' roofed structure to house fuel tanks,
- construction of a 10 x 30 addition to an existing marina,
- construction of a 20 x 20 addition to an existing bathroom/laundry facility,
- construction of a parking lot with 84 parking spaces and 15 boat/trailer parking spaces.

**Location:** 812-828 County Route 5 (Tax ID: 058.05-02-24)

**Municipality:** Town of Richland

**Zoning District:** RR

**Jurisdiction:** Within 500-feet of County Route 5

**Date Received:** 3/16/21

The Department has reviewed the above noted application and, based on the information submitted, **recommends approval with the following stipulations.** We would offer the following comments and recommendations for your consideration:

- The Selkirk/Port Ontario Lighthouse is designated as a State and National Historic Site. Care should be exercised to ensure that this local historic resource is not adversely impacted by this proposal. It is highly encouraged that the State Historic Preservation Office (SHPO) be consulted through the Cultural



Resources Inventory System, CRIS (<https://cris.parks.ny.gov/>). The applicant or town should submit the site plan set and photos of the site and request a determination of impacts on the lighthouse.

- The project site is in the vicinity of the habitat of threatened and endangered plants and animals that may be impacted by this development, as indicated by the DEC's Environmental Resource Mapper (<https://gisservices.dec.ny.gov/gis/erm/>). The applicant must consult the DEC at (315) 426-7400 or [Info.R7@dec.ny.gov](mailto:Info.R7@dec.ny.gov) to discuss the appropriate course of action to mitigate potential impacts on the habitat.
- The New York State Department of Health (NYSDOH) requires that all new on-site wastewater treatment systems (OWTS) be designed by a licensed professional engineer or architect as defined by the New York State Education Law. Design engineers are required to submit four sets of plans and the relevant fee to the Oswego County Health Department for review and approval. Please contact the Oswego County Health Department, Environmental Division at (315)-349-3557 to initiate this process.
- A NYS Freshwater Wetlands Permit is required for any physical disturbance within the boundary of a state protected freshwater wetland or within the 100-foot adjacent area thereof. The applicant must consult the Region 7 DEC office at (315)-426-7400 to determine the location of wetlands and pursue permitting.

Please file a report of final action with this department within 30 days of taking such action. Should you have any questions, please do not hesitate to contact our office at (315) 349-8292.

Sincerely,



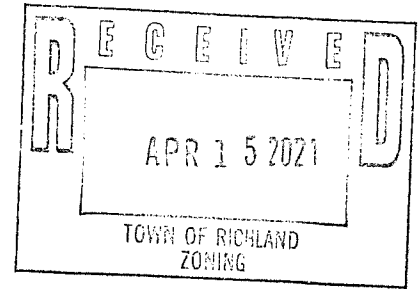
**David R. Turner, Director**  
Community Development, Tourism, and Planning  
Oswego County

DRT/TJK

cc: Hon. Edward Gilson, County Legislator District # 3  
Case File

April 14, 2021

Town of Richland Planning Board  
c/o John Howland, Zoning Enforcement Officer  
1 Bridge St.  
Pulaski, NY 13142



To Town of Richland Planning Board:

I am writing regarding the proposed bar/restaurant, pavilion, parking lot and motel proposed by Selkirk Lighthouse Marina, LLC. The applicant is seeking a special use permit that might allow up to 250+ people (based on septic potential) and a variance for an 85-car parking lot. This project is in a residential recreational zone and adjacent to a residential cottage zone. The project will likely significantly impact both.

Before approving this project, I am asking the Planning Board to ask the applicant to address three issues: lighting, noise, access to the "Sandy Lake Shore."

#### Lighting

Nearby homeowners should be able to quietly enjoy their homes. Will outdoor lighting around the restaurant and pavilion and parking lot be designed to minimize light pollution. Can the project be designed to avoid bright lights impacting adjacent homes and those across the Salmon River? Similarly, will traffic patterns and landscaping be designed to minimize headlights shining into homes. The application materials on the Site Resiliency documents to the best of my understanding do not address lighting issues.

#### Noise

Will nighttime hours of operation be limited to minimize the impact on the neighborhood? Similarly, will amplified music be limited? Can outdoor amplified music be banned or significantly limited in terms of hours of operation? Can the speakers be aimed in a way to not be reflected by the nearby Salmon River given how water transmits sound? Will the restaurant be designed in such a way that the focus is on indoor activity with adequate air conditioning or will the focus be

on outdoor dining which would have a more significant sound footprint? How will the pavilion be used? What will be the noise impact of having a large outdoor pavilion? The application materials on the Site Resiliency documents to the best of my understanding do not address noise issues.

#### Access to the "Sandy Lake Shore"

The current owners of the Selkirk Lighthouse Marina, LLC advertise on VRBO "...you will love being on the river or enjoying the sandy Lake shore on our private beach..." The VRBO listing does not explain how Lighthouse patrons may legally access the lakeshore. The proposed 6-unit motel may have up to 12-24 additional visitors. The applicant before getting a permit should specify in that application how those staying at the motel will have access to the sandy beach at Lake Ontario.

Access to the lakeshore by motel patrons should not negatively impact homeowners in the Residential Cottage district on Pine Grove Rd. The public portion of Pine Grove Rd ends at a private road owned by the property owners adjacent to the road. There is no public access. What is the plan for allowing motel patrons access? Will the LLC provide boats for river access to the sandy lakeshore beach? Will the LLC commit to not transporting motel guests on the private Pine Grove Rd? Will the LLC discourage such trespassing by motel guests? The application materials on the Site Resiliency documents to the best of my understanding do not address issues related to access to the lakeshore and its potential impact on residents of Pine Grove Rd.

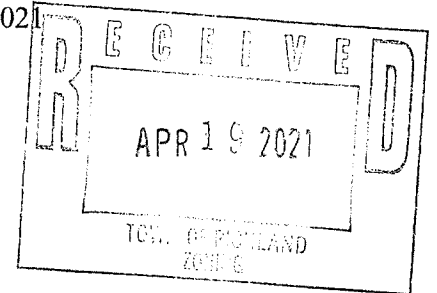
Thank you for considering the impact of this project on neighbors. Now is the time to ask the applicant to adequately address issues of lighting, noise, and traffic/access to Lake Ontario prior to granting a permit so that the potential for future conflict or litigation can be minimized.

Sincerely,

Warren Schlesinger, Homeowner  
250-43 Pine Grove Rd.  
Pulaski, NY 13142

Margot Hull  
11 Lake Road Ext.  
Pulaski, New York 13142

April 19, 2021



John Howland, Zoning Officer  
Town of Richland  
One Bridge Street  
Pulaski, New York, 13142

Dear Mr. Howland,

As a direct abutter and land owner North of the proposed Selkirk Lighthouse and Marina, the Hull family does not oppose a new tavern and lodging facility on the site. Looking back, I remember fondly sitting on the old Heckle veranda watching many sunsets with dinner, drinks and friends. Adhering to the former footprint of the previous restaurant and hotel seems in keeping with the land use. As an aside, it would be nice to have an open veranda or screened in porch looking out to the lake/river with the new tavern. However, that would be at the discretion of the owner. Without schematics or architectural drawings, it is hard to fully assess the project but I believe it will be an improvement and trust it will be in keeping with the surrounding area.

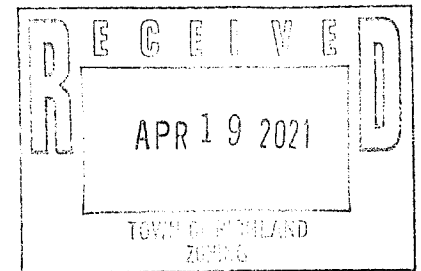
In addition, we are not opposed to the proposed lodge and pleasantly surprised that restrictions with new construction and the proximity to wetlands in the back have been waived. Also the drawings of the seawall surrounding the Selkirk Lighthouse, the materials, design, plantings and boardwalk have all been aesthetically rendered. Will there still be a docking area for boats? We do not object to the charter/sailboat/motorboat dockage. It wasn't included in the rendering and we assume it will be part of a marina.

We sincerely support Mike Barnell and the improvements to the area and wish him good luck.

Sincerely,

Margot Hull

**Selkirk Lighthouse & Marina, LLC**  
**Lighthouse Landing**  
5 Lake Road Extension  
Pulaski, NY 13142



April 19, 2021

Town of Richland Planning Board  
John Howland, Zoning Enforcement Officer  
1 Bridge Street  
Pulaski, NY 13142

Re: Response to the April 14, 2021 Letter of Mr. Warren Schlesinger

Dear Mr. Howland & the Town of Richland Planning Board:

In the letter submitted to you by Mr. Schlesinger, he raises the issues of Lighting, Noise and "Sandy Lakeshore Access", to which I respond here in the order that he voiced his concerns.

**Lighting:** It is absolutely intended that the project development will minimize disturbance to area residents resulting from increased public access to the Lighthouse Marina. In fact, since current ownership purchased the marina several years ago, several steps have already been taken to mitigate such concerns – modifying lighting along the docks supporting charter boat captains and removing unnecessary lighting over the fuel tanks. Likewise, future development will be absolutely sensitive to that issue. The biggest impact to reducing automobile headlight pollution will come from relocating Route 5 to access the marina parking lot from the east of its current location, which is currently being pursued with Oswego County. With respect to building structure development, lighting will include fixtures located under the pavilion and wall packs on the parking lot side of the restaurant which will be dark sky compliant. No additional pole mounted lights are planned.

**Noise:** It is not expected that increased use of the Lighthouse Marina property by the public will significantly increase noise that will disturb area residents. Collectively the Pine Grove and Selkirk Beach Association summer residents all have gatherings of friends and family enjoying the outdoor atmosphere that exists at the Salmon River in the summer, during the day and during the evening hours. Boat traffic and people enjoying themselves can sometimes be heard by others, but a certain level of noise from such activities is expected and "excessive noise" does not appear to be an issue for anyone who understands that many people enjoy the summertime outdoors together in the Salmon River estuary. Future intended use of the Lighthouse Marina property will in all manners be consistent with current, existing private ownership uses and activities in the area.

**Sandy Lake Shore:** It is believed Mr. Schlesinger is referring to Selkirk Point as the "Sandy Lake Shore", property that is owned by New York State and is managed as part of the Selkirk Shores State Park. Selkirk Point is directly across the Salmon River to the west of the Lighthouse Marina and visitors do come to the marina, rent a kayak or canoe and visit Selkirk Point. Boats also come to Selkirk Point from elsewhere along the lake, Pulaski-area residents visit that beach and so do many of the Pine Grove summer residents. Some visitors come down along the beach from Selkirk Shores and some walk down

from the State Boat Launch or from their cottages. No one drives down to Selkirk Point from Pine Grove because there is no place there to park there. In my opinion, Selkirk Point never seems to be overcrowded, nor does its use cause a significant issue for anyone. My family owns the first two lakeshore properties to the south of the Selkirk Point state land and clearly sees the use of Selkirk Point more than anyone. There is some trash to pick up at times, and there is occasionally reason to call the Park Manager to address improper use of Selkirk Point (usually after dark). Otherwise, I respectfully suggest that Mr. Schlesinger might be overstating the existence of an issue with use of or access to Selkirk Point. In any case, Selkirk Point is public property, and it seems inappropriate to unreasonably suggest limiting public access to a public beach that so many people already enjoy. Further, there is nothing about the Lighthouse Marina development that is requesting expanded access to that property or any other public or private property in the area. Visitors to the Lighthouse Marina would be expected in the future, as they are today, to respect private property owners' rights in the course of enjoying the Salmon River, Lake Ontario and Selkirk Point.

Last, I would like to note that the current application is for a reasonable level of site development that supports economic sustainability for a historic structure that is much beloved by many area residents and the public at large. The Selkirk Lighthouse will celebrate its bicentennial year in 2038 and between now and the 200<sup>th</sup> birthday of this Town of Richland landmark, my family will continue working to restore and rehabilitate the Selkirk Lighthouse structure, make the waterfront more friendly and aesthetically pleasing to the public, support the charter boat captains that work from the marina, and as stated above, make sure that the costs of maintaining the lighthouse can be provided for by a reasonable level of economic activity generated by the marina business. I am confident that the proposed development and marina business can always be conducted consistent with the quiet enjoyment of the Salmon River harbor by private landowners and by the general public alike.

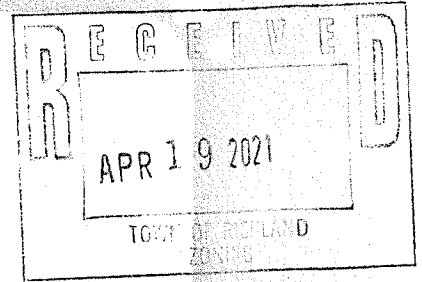
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Barnell". The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping tail.

Michael Barnell



I can't be there for the meeting tonight. Something came up, however just want you to know that myself (Mike Gannon) and Buffy Gannon at 9 lake rd ext. fully support the marina project. We feel it will be a great addition to the community. Please feel free to share With the board.



9 Lake Rd Ext.  
Mike + Buffy Gannon