

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

DATE: Monday, March 20, 2023

PLACE: H Douglas Barclay Courthouse

PLANNING BOARD MEMBERS PRESENT: Joe McGrath, David Scott, Brian Leary, Tom King, Robert Jeffery

OTHERS IN ATTENDANCE: Sign in sheets will be attached to these minutes.

CALL TO ORDER: The meeting was called to order at 7 p.m. with Chairman McGrath leading in the Pledge of Allegiance.

A motion was made by Tom King and seconded by Brian Leary to enter into executive session to discuss pending litigation at 7:01. All members were in favor, with a vote of "AYE." A motion was made by Scott and seconded by King to exit executive session and return to the regular meeting at 7:23 p.m. All members were in favor, with a vote of "AYE."

Special Permit & Site Plan:

Application 22-57 & 58. Special permit and site plan for Dean & Toni Nicholson 1527 Co. Rt. 28 for a 2-unit campground. Chairman McGrath read the letter from the County regarding the campground for the application, their determination is that there is no significant community or county wide effect. The site plan has been reviewed at the last meeting. ***A motion was made by Jeffrey and seconded by Leary to approve special permit 22-57 and 22-58 with the conditions that all buildings be in accordance with the approved site plan and that all NYS, federal, and local building and other regulations are followed. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes, he feels that previous discussion on this project meets all of the conditions of Section 313. A motion to accept and approve the site plan for application 22-57 and 22-58. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes, he feels that all of the conditions for Section 503, site plan review, have been met.***

Application 23-01 & 02. Special permit and site plan for ReGen Properties located at 448 Canning Factory Rd. 31-Unit campground with 20 RV sites, 7 Park models, and 4

cabins. A motion was made by King and seconded by Leary to forego reading all the letters aloud and affirm that all board members have read them, they will be attached to these minutes. All members were in favor, with a vote of "AYE."

Chairman McGrath informed attendees that this is not a zoning change, nobody has changed any zone. This is a permitted use by special permit in a RA, Residential Agricultural, district, where the planning board can place special conditions on it to mitigate concerns. Mike Lasell, engineer, has read all concerns, and is here to discuss and explain the project. After reviewing all the letters, they have made some changes. View sheds were looked at, and they have proposed spruce trees have been added for additional screening. Overflow parking has been added, behind trees, so cars are not all over the place. The house will be the caretaker house, they feel that it is important to have someone there at all times to oversee things. The only site lighting will be standard wall mounted lighting on the cabins, park models, and bathhouses. The site will be 150' from the woodline because of the wetland. The Department of Health regulates the grounds and the potable water and the DEC regulates the sewer and the stormwater, and permits have to be obtained from both entities. They are making every effort to mitigate any stormwater changes at all. This project fits in the campground category for the Town and also the Department of Health, by description. It really is planned to be a community based, tiny home community or park models. The intention is not to be a transient facility. The intention is to have a VRBO, seasonal style, snowbird style cabins that can be rented year round. Park models are considered a campground under county health regulations and the Town of Richland zoning. The owner is putting in 7 high end park models and hopes the other sites will be occupied by more park models as opposed to RV's. Mr. Lasell reviewed the Community Policies that were devised for the campground. (The policy will be attached to these minutes). Mr. Lasell introduced the owner, Eric. He prefers to allow the public to speak and hear their concerns so they can be addressed and if the project does go through they have the potential to be good neighbors and can contribute to the community and not be a nuisance to the community and that any guests that come treat it the same way. He would like to defer and hear what the people have to say. ***A motion was made by Scott and seconded by Leary to re-open the public hearing at 7:49. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes.***

Jeff Edick: Has several concerns. He has a unique property that he has restored his house that was built in 1875 to its original condition. He feels that this project would limit him from ever being able to sell his home at its taxable value. He has traffic concerns with the population being doubled. Is concerned with the possibility of leaks and contamination from the septic. He is very concerned about trespassing, that is all his woods nearby and would like a fence installed with barbed wire along the top and

trees planted for sound buffers, people don't pay attention to signs. Will they do any random sampling of the creek? He would like the right to remain a farm. They spread manure on the fields 3 times a year, and the board would receive twice as many complaints.

McGrath: With regard to the property valuation. The planning board can not control this. The campground is being designed to be peaceful and quiet. The drainage and contamination will be controlled and regulated by the DEC, not the planning board. He asked Mr. Lasell if they could request sampling of the creek yearly, up and down stream? What can be done to ensure there is no trespassing? Nobody can take away his right to farm.

Lasell: The septic is extremely regulated by the Department of Health. They have to prove that they have 150% capacity. Mr. Lasell states that it would be hard to tell where the contamination came from if the creek were to be tested. This could be something that could be done for the first couple years. If this is done, they would like to get baseline samples to determine if there are already contaminants there. As far as trespassing, there is a good natural barrier to deter people from going the 800' to his property line. Hunting, they can add rules stating that no hunting is allowed in this community. He does not want to add fencing to take away from the area and would like to stick with natural barriers and signage.

Eric: Trespassing is in the rules. If they get caught trespassing, they would be removed from the park and not allowed to return.

Larry Atkinson: Informed Mr. Edick that he falls under Ag and Markets, he does not need to worry about his right to farm and spread manure.

Swat Kaczmar: States that he was there for the January presentation, went and did a site visit, then asked to review the project file. The file was slim and in his opinion, there was not an updated map nor a part 1 to the EAF. He recommends that we populate the file with the proper evaluation so a complete comprehensive evaluation can be performed for the public to review and question it, before the project moves to the next phase. He questioned the SEQR process. He also states that there are no tax on RV's, and feels that there is no economic benefit to the Town.

McGrath: The board understands the SEQR process and has done their job. When looking at the special permit they look at the five conditions and they will review them.

Anthony DeRoose: Are we the people, are we able to vote for what we believe in and if we do or don't want this project? None of you live in the Town of Richland. This is happening in my backyard.

McGrath: Everyone here lives in the Town of Richland.

Attorney Seiter: Explains that this action is not subject to a mandatory referendum or a permissive referendum. The board here votes on the issue. This has been determined to be an unlisted action under SEQR. There has been some question as to whether this should be a type 1 action. Type 1 actions are generally larger projects. The way the type is determined involves several factors: size, acreage involved, fundamentals of the project could impact if it is a type one, etc. This board has determined this to be an unlisted action. The campground is on a 6 acre piece of a 62 acre property. Attorney Seiter has spoken with the engineer, Mike Lasell, and they have tried to think of any reason that this should be considered a type 1, and neither of them could come up with a reason that this should be labeled a type 1 action. They have a lot of experience with SEQR's. He feels that it has been addressed correctly. This board is just approving a special use permit. It still has to go through the DEC, the Department of Health, and other state regulating agencies. Mr. Lasell states that they still have to go through the permitting process for at least 5 or 6 permits from other agencies.

Swat: The Town has the obligation to perform a thorough review, consider all aspects, consider all information provided to them, and document it in a comprehensive way. That was not done.

Attorney Seiter: This board disagrees with you.

Krista Fox: Asked for clarification on the 20 RV sites that are park models and the residents not having to worry about RV's going up and down the road. What is the timeline? Trespassing is not really being addressed, the walking trail leads to her property. What direction are the tiny homes facing?

Lasell: Intent is park models. The walking trail has been eliminated. Trespassing is addressed in the rules and there will be signage. The homes are facing the woods that are owned by the property owner.

Eric: People who live in tiny home communities don't love to have RV's in and out. His goal is 2-3 years. We tried to position them in such a way that they can view something natural and would be respectful of the neighboring properties. Most people don't want to look out the window and see people or another house.

Sue Haynes: What are the 20 other sites going to look at when they put in their park models? They will all be on top of each other.

Eric: The tiny communities that already exist, the Town Supervisor got on the phone with them and spoke about how the Town people have reacted to it. The people that are living this lifestyle, travel and site see.

Richard Keuhner: What says that this doesn't become government subsidized housing?

Lasell: Feels that we need to put restrictions on this so it does not happen.

McGrath: There is already a rule that it can not be sublet. You have to own it to live there.

Andy Douglas: He is concerned about the blind driveways and the traffic. Feels the speed limit needs to be lowered and the road widened.

McGrath: The Town highway department would need to address this.

Marybeth Keunher: Her dogs were killed 6 years ago, and she is concerned about the children and the traffic.

McGrath: As a planning board we have a responsibility to the public and the land owners who paid for their property and read our zoning prior to their purchase that he can have this permit. A special permit means it is permitted.

Donna Gilson: Do they plan to expand in the future? Would an addition require them to come back to the board or would it just be an amendment?

Lasell: They have already reviewed this and feel that this already includes any future planning.

McGrath: Any expansion outside of the 6.2 acres would require another special permit and another public hearing. The special permit will be issued for the 31 sites any expansion would require another special permit.

Charles Zax: What will become of the 20 RV sites if the park model plan doesn't pan out?

Eric: The plan is seasonal vs. long term. There is a lot of interest in long term. The RV piece is just to generate revenue in the short term. That doesn't meet our long term plans, we would like to see the nicer park models.

McGrath: To address the traffic concerns, how would the owner feel about reducing the RV, tow behind, sites to 10 instead of 20.

Tom Bonofski: Do the tiny homes have wheels on them? When the improvements are made, will it get taxed at a higher tax rate than the agricultural land that it currently is?

Lasell: Yes, there are bath houses, they will be taxed. The water rate, there will be more than on EDU, so there would be a lot more water feed as well.

Dustin Wood: Is there going to be a water line going in? Hydrants? How wide is the road going in? Can they get a firetruck in?

Lasell: No private hydrants planned right now. They are required to have 25' access roads for fire trucks. There will be a 3" water line. The back cabins that they are putting in, there will be sprinklers in them. The park models do not require sprinklers.

Ed Gilson, County Legislator for the Town of Richland: He appreciates how open the board is. Can the board make sure that any regulations or special restrictions that are placed be transferable and the responsibility in the event of the change of ownership.

John Howland: The conditions, if it was transferred, would go to the new owner. A special permit is given to the property. If they want to change anything on it, they would have to come back to the planning board.

Ed Gilson: Code allows you, even on an unlisted action, to prepare a long form SEQR. In lieu of all the considerations that should be addressed a short form is only 3 pages and they don't get the attention that they should. It would be worthwhile to have the engineer complete a long form SEQR.

Lasell: He did complete one just to review it, but it doesn't apply here.

Jeff Edick: Let's vote on it.

McGrath: We have the utmost confidence in Mr. Lasell regarding the SEQR process. He will put it to the board to re-open the SEQR process.

A motion was made by Scott and seconded by Leary to reopen the SEQR process and ask the engineer to submit a long form environmental assessment. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes.

Mark Zagger: What is the date of the revision on the drawings? If I foiled this application 2 weeks ago, that would not be there and I would not be there to review it. With that said, I suggest that you guys should adjourn the vote tonight and postpone it for a month. Eric, if someone buys one of the dwellings, they can't sublet it. Would this be spelled out in their lease agreement? As well as the trespassing rule?

Lasell: Culverts and additional parking were added today. Their rules would be attached to the lease agreement and things would be spelled out.

Eric: No subletting. It is not all mapped out right now. If there is a long term person that is paying the lot rent and asks to sublet under his supervision, following his rules, he would say yes.

McGrath: Concerns need to be mitigated and we will figure it out.

Swat Kaczmar: Asked the board to explain the 5 conditions.

Danielle Martin: Are all the letters going to be included in the minutes? Has everyone that is voting on this read all of them?

McGrath: All members have read them and they will be attached to the minutes and will be considered.

A motion was made by King and seconded by Jeffery to close the public hearing at 9:20. All members were in favor, with a vote of, "AYE."

Chairman McGrath would like the board to entertain the following: he would like to adjourn until next month when we do the SEQR review, also at that time, review section 532 the conditions that the town board has listed for a campground. When it comes to the special permit, there are 5 conditions that they have to consider, after that there will be a roll call vote for the special permit. There are 10 conditions that need to be reviewed for the site plan. After the long form SEQR is completed there will be time for public comment. The board will then deliberate and vote on the special permit and the site plan. ***A motion was made by Scott and seconded by Leary to adjourn deliberation on this project to next month so we can review the SEQR. In a roll***

call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes.

Application 23-03 for variance application submitted by Patrick Corbett located at 4596 State Route 13 to subdivide 1 parcel into 2 parcels. A motion was made by King and seconded by Leary to give a positive recommendation to the ZBA for application 23-03. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; King, yes; Jeffery, yes; McGrath, yes. A motion was made by Scott and seconded by Leary to approve the February minutes as submitted. All members were in favor, with a vote of "AYE." A motion was made by Jeffery and seconded by King to adjourn the meeting at 9:37 p.m. All members were in favor, with a vote of "AYE."

Respectfully submitted by:
Julie Peterson

TOWN OF RICHLAND
PLANNING BOARD/ZONING BOARD
Meeting

Date 3/20/23

Please PRINT your name and address:

1. John Howland Sandy Creek
2. Darlene Griebel 575 Canning Factory Rd Pulaski, NY.
3. ROBERT JEFFERY 1201 COUNTY RT 28 PULASKI NY.
4. RONALD F. NOVAK Pulaski NY
5. LARRY ATKINSON 126 SALISBURY PULASKI NY 13142
6. Ed Gilson 3734 US RT 11
7. Donna Gilson 3734 US RT 11
8. Dawn Holynski 3084 Valley Rd.
9. Tim Crouch 797 Towne Rd
10. Kern Merdon 871-Centerville Rd Pulaski
11. Macmelan Binoffski 46 Springbrook Rd Pulaski
12. Tom Bano FRSKI " "
13. Tom King Pulaski NY
14. Maribeth Rich Kuehner 605 Canning Factory Pul. Pulaski NY 13142
15. SWIATOSLAW KACZMARC 93N Pearson Sch Rd. Pulaski
16. Yvette Scott 197 Hager Dr Pulaski
17. Augusto Delycha 172 Canning Factory
18. She Haynes Pulaski NY
19. Daniel M. Kent 197 Hager Pulaski
20. Dustin Wood Chief (Richland) Wilder Dr Richland
21. ERIC CARLSON 448 CANNING FACTORY RD PULASKI
m Casell
Thy Maner 527 Canning Factory Pulaski

TOWN OF RICHLAND
PLANNING BOARD/ZONING BOARD

Meeting

Date 3/20/23

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Please PRINT your name and address:

1. Joe McGrath Fernwood
2. Paul Holliday Gray Creek
3. MARK ZAGGER
4. Charles J. Ax, II 32 Maltby Rd Jubaski
5. Robert A Ford 530 Canning Factory Rd
6. Jeff Edick 530 Canning Factory Rd
7. Angela Goodway 109 Canning Factory Rd
8. John Nicholson 1527 Cort 28 Pulaski
9. Kuota Fox 610 Ordan Rd
10. Danielle Martin 74 Ordan Rd.
11. Briden Martin 74 Ordan Rd
12. Bridgett M. Genant 93 Bidwell Rd.
13. Dustin Denny 264 Canning Factory Rd
14. Bretley Jones
15. Anthony DeRose
16. Robert J Edick 581 Humman Rd
17. ANTHONY DeROSE 1133 G-F-NB (IONIC RD)
18. John Edick 581 Humman Rd 13142
19. Andrew Douglass 121 Springbrook
20. Christy Dondan 499 Canning Factory Rd.
21. John Lawler 210 Cort 28 Pulaski

Brian Leahy Richland

Robert Jefferies Richland

COMMUNITY POLICIES

CABIN POLICY

1. No subletting of cabins is allowed.
2. Maximum of two vehicles per site.
3. No person under the age of 21 can rent a cabin.
4. Maximum of 5 persons per site
5. Pets to be registered and max two per site with management approval.

GROUNDS POLICY

1. **Quiet hours from 10PM-8AM Daily:** During quiet hours no outside music, TVs, radios or any other electronic devices that can be heard beyond the perimeter of your site or anywhere on the grounds.
2. **During the remaining portion of the day:** All occupants and visitors will refrain from creating a disturbance or causing an unreasonable amount of noise that may disturb others. Construction, building, or repairs involving noise is not permitted unless approved by the Management. These activities are only allowed 8am-5pm on weekdays.
3. **Vehicles:** Two cars per site are allowed to park at designated site only. Additional cars, boats, or trailers must be placed in the designated parking area. No parking along the roadways allowed to allow for clear emergency access.
4. **Campfire Policy:**
 - Campfires must be kept small, supervised, and controlled. Fires are not to be pyramided or have flames more than 2-feet high.
 - Fires may be built only in established fire rings located at each site and are not allowed to be moved.
 - Firewood must not be brought from outside the community as invasive insects and diseases from other areas threaten the environment.
 - Fires must be fully extinguished prior to departing from the campsite.
 - No fires allowed between 2am-8am.
5. **Fireworks:** Fireworks of any kind are not allowed on property per NYS Law.
6. **Tent Camping:** Tent Camping is not allowed on property.

7. **Waste Management:** Waste handling, including transfer and disposal of waste within the community, is strictly controlled. No outside permanent garbage containers are allowed. Guests must place all garbage in dumpsters at maintenance building or designated receptacles. Guests shall recycle and minimize waste.

8. **Trespass:** No residents or guests are allowed to trespass onto neighboring properties for any reason.

9. **Pets:** All pets must remain on leashes at all time. Maximum of two pets per site and all pets must be registered with management. Proof of proper vaccinations are required. Owners are required to clean up after pets. No aggressive breeds/dogs to be allowed. All pets shall be management approved. Owners will be asked to remove noisy or dangerous pets or pets that threaten or harass wildlife.

10. **Fish cleaning:** No fish cleaning or storage allowed at anytime.



OSWEGO COUNTY DEPARTMENT OF COMMUNITY
DEVELOPMENT, TOURISM AND PLANNING

David R. Turner
Director

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46 EAST BRIDGE STREET
OSWEGO, NEW YORK 13126

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Daniel Breitweg
Deputy Director

Donna B. Scanlon
Office of Community
Development Programs

3/10/2023

John Howland
Town of Richland
1 Bridge St.
Pulaski, NY 13142

RE: 239 Review Referral Response #2023-16

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: ReGen Properties LLC
Project Description: Site Plan Review and Special Use Permit for 31 Unit campground and a septic system
Location: 448 Canning Factory Road.
Municipality: Town of Richland
Jurisdiction: Agricultural District.
Date Received: 3/8/22

The Department has reviewed the above noted application and, based on the information submitted, recommends **Approval** of the project.

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,

Luke Mazzotta, Associate Planner
o/b/o
Daniel Breitweg, Deputy Director
Community Development, Tourism and Planning

cc: Hon. Edward Gilson, Legislative District #3 file copy