

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

DATE: Monday, July 17, 2023

PLACE: H Douglas Barclay Courthouse

PLANNING BOARD MEMBERS PRESENT: David Scott, Brian Leary, Jon Goodsell, Tom King, and Joe McGrath

ZONING BOARD MEMBERS PRESENT: Marshall Minot, Charles Deaton, Timothy Crouch, and Swiatoslav Kaczmar

OTHERS IN ATTENDANCE: CEO/ZEO, John Howland, Julie Peterson, and several others. Please see attached sign in sheet.

CALL TO ORDER: The ZBA meeting was called to order by Chairman, Marshall Minot at 7 p.m.

PUBLIC HEARING:

AREA VARIANCE:

Application # 23-28. Area variance application & site plan submitted by The Town of Orwell and William and Katheryn Oliver. Sub-division of 1 property into 2 lots under section 571 of the zoning ordinance.

The Chairman opened the public hearing for the application at 7:05 p.m. There were no comments from the public regarding this application. No discussion from the board. The Chairman closed the public hearing at 7:08 p.m. This has come before the board before and the general consensus of the board is that this is a benefit to the Town of Orwell, and not a distraction to the Town of Richland. It is a matter of a large parcel with a small piece being broken off so a pump station can be installed to fulfill their necessary project for water. ***A motion was made by Crouch and seconded by Deaton to approve variance application 23-28 for the Town of Orwell. In a roll call vote members voted as follows: Crouch, YES; Deaton, YES; Kaczmar, YES; and Minot, after consideration of this application it meets all five criteria of NYS for granting area variances and he is in favor with a vote of, YES. A motion was made by Kaczmar and seconded by Deaton to approve the Zoning Board minutes for June 2023. All members were in favor with a vote of AYE.***

CALL TO ORDER: The Planning Board meeting was called to order at 7:14 p.m. with Chairman McGrath leading in the Pledge of Allegiance.

SITE PLAN:

Application # 23-28. Site plan approval for area variance. Town of Orwell and William and Katheryn Oliver for a subdivision of one property into 2 lots under section 571 of the zoning ordinance. David Powers from Barton and Loguidice, representing the Town of Orwell presented the site plan to the board for review. The Town of Orwell is seeking a subdivision of a ½ acre to develop a booster pump station. Throughout the last five years they have had 2 events where they ran out of water during drought conditions, and most recently, in 2022, they had elevated levels of nitrates in their water source which is detrimental to the health and safety of their residents. They were issued a violation by the Department of Health and a consent order requiring them to connect to the Town of Richlands water system. To facilitate that connection, they need to install a booster pump system. Building will be approximately 14' x 18', block, with a hip roof, there will be an 8' chain link fence with plantings. There will be a 1 year warranty period for the installation of the trees by the general contractor, and will be maintained by the Town of Orwell thereafter. ***A motion was made by Scott and seconded by Leary to approve the site plan for application 23-28. In a roll call vote, all members were in favor with a vote of "YES."***

SPECIAL PERMIT AND SITE PLAN:

Application # 23-18 & 19. Special permit & site plan submitted by Selkirk Lighthouse & Marina 812-28 Co. Rt. 5. Special permit & site plan were approved in 2021. Change of use from pavilion to restaurant/tavern. Continuation of the June 20, 2023 meeting. The public hearing was started at last month's meeting and it was recommended that they postpone the public hearing to allow more time for people to look at the project and offer more input. In reviewing the site plan, reading the permit and the minutes, it is the Chairman's opinion that there is now a violation on the property. They had permission to construct an open pavilion. We could stop the proceeding right now and address the violation. However, if they approve the permit now it would correct the violation. ***A motion was made by Goodsell and seconded by Leary to hear application # 23-18 & 19 and the board will waive the possible violation on the property and begin to review the special permit and possibly the site plan. In a roll call vote, all members were in favor with a vote of "YES."*** Mike Barnell addressed the board and understands that there is a violation, and that was not his intention. The original driving force with the first application was the high water level. They needed to upgrade and modernize the septic system and wanted to apply for a READY grant. To do this, they were asked by the engineer to identify whatever they might potentially do at the site in order to properly size and configure the septic system. Therefore, several buildings

were proposed, without knowing if they would pursue them. He does not want to overdevelop the site. His goal has always been to rehabilitate the lighthouse property and to produce some commercial viability to support the lighthouse in the future. There was no intent to misrepresent what they planned to do, but they needed to take advantage of the opportunity to upgrade the septic system. They greatly improved the septic system, put in public restrooms, put a pavilion over the fuel tanks to protect them from the weather, and they proposed the pavilion structure. They always intended it to provide for food service. In the original application there was a 12 x 24 section segmented to service the open area of the pavilion. The plan was to have vinyl type screens to come down for protection from inclement weather, as they got into it, aesthetically they were not the best way to go. They moved to put in garage doors that opened to allow for open air to come in and finished solid walls where the doors were not. The size is smaller, footprint, and location did not change. The only change was the seating in a way that was not completely open. He hopes to provide the public and local cottage owners to come down and have a quiet environment to eat and enjoy the scenery. They are glass garage doors that can open up, right now they are closed for protection. ***A motion was made by King and seconded by Scott to open the public hearing at 7:37 p.m. All members were in favor with a vote of "YES."***

Robert Wart: Site plan shows no docks by pumps, does he intend to move them?

Mike Barnell: No

Robert Wart: Site plan is not accurate. Is it his intention to relocate Co Rt 5?

Mike Barnell: County has an easement over that area, as the residents have a ROW. He wanted to but can't, the County was not receptive to the idea. He wants to enhance the enjoyment/view of the area. The Central NY Planning board hired an attorney who said that all of the deeds to the camps on the road have an unrestricted/unspecified ROW crossing the Salmon River Lighthouse property.

Ed Gilson: The County has entertained that idea, but is not in a position to spend public funds to improve private property. The County does not plan to proceed.

Gary Estes: Road is sinking and it needs to get paved over, it gets worse every Spring.

Pat Podrazil: The original site plan in 2021 had conditions to put the ROW on the map and it was never done.

Mike Barnell: There are 3 ways to get there, he doesn't care how people access their property and has never restricted any route.

Pat Podrazil: Would like them defined on the site plan.

Joe McGrath: The ROW needs to be delineated on the site plan. He can't answer who is responsible for the road sinking and the maintenance.

Mike Barnell: County needs to maintain it.

Dee Dee Barclay: If they are going to change the road, they need a designated road to get in for fire trucks, ambulances, garbage trucks, etc. If they have to go through his

parking lot and past his pavilion, it's dangerous. You can't do the building without discussing the road as the pavilion is right on the edge of the road. Route 5 is plowed to the gate, she has someone plow the rest of the way to her cottage. Is he going to keep the road plowed for the winter so they can access it. She can not plow on private property and the County can't either. Is he going to maintain it?

Joe McGrath: At this time, we have no reason not to believe that the County is not going to continue what they are currently doing. If that does change, we will have to address open access to the residences.

Terri Johnson: During the winter there are about 6 people that stay on the road, the County does come down and plow. She does not see people down there looking over the bridge.

Joe McGrath: The road designation is not changing due to this special permit. We will revisit it if we need to in the future. Who is going to plow it? Does not feel the planning board can direct a property owner that they need to plow an access and referred to the Town Attorney.

Graham Seiter: Town is not going to plow it. The County isn't going to plow it past where they currently do. Any access for camp owners to the North from where the gate is, they would hire a private plow company. Occasionally, the Town could step in in the event of an emergency.

Joe McGrath: Condition on the site plan to allow them, however the county the road figured out, to create whatever they need to create for them to plow across his property to maintain access to their property for all 4 seasons.

Martha Wart: Asked for clarification on ignoring the violation.

Joe McGrath: Tabled until a decision on the site plan is reached.

Martha Wart: Concerned because the building was built in September and October. The concrete work was done at night by truck light, the building is close to the easement, who is responsible if someone falls in the easement? If a bar is there, what are the hours of operation, light, noise limitations, signage, music, parking? What kind of permit are you giving him and what are the limitations? It is too close to the access road.

Joe McGrath: All of your concerns will be addressed if we issue the permit.

Katie Coyne: How can a property in the Town of Richland build something that was not specified 3 years ago and come to the board and ask for forgiveness now?

Joe McGrath: You can't, it happens. Mr. Howland did speak to Mr. Lasell when he saw the plumbing in there before the concrete was put down and it went in anyway. At this time, we are aware that it is currently a violation, we are focusing on concerns about if the restaurant gets approved.

Pat Podrazil: Our concerns are the ventilation, noise, garbage, the kitchen. Originally it was supposed to be pizza and drinks, never said that there was going to be a kitchen

there. Now that the building is entirely enclosed, it obstructs our view of the lighthouse. I filed a complaint with John last fall.

Joe McGrath: They had permission to build an open pavilion.

Mike Barnell: We built exactly in the footprint of what was approved before, the location did not change. It has not encroached on the ROW.

Pat Podrazil: On the site plan, the size of the parking spaces, there is no way that he can get that number of cars in the parking lot. In the design the size of the parking spaces are smaller than what is required by Town code. Due to where his building is now, there has not been an update to the site plan showing where the loading and unloading space will be. The most important thing to us is the loss of our view. What is the fuel source for the restaurant?

Mike Barnell: We are here to get permission to build it, we have not developed a kitchen design yet. I feel the things that I have completed on the light house over the last ten years have been well received.

Jack Podrazil: Regarding the fuel source, it looks like a pad to the rear, is an LP tank going to go there? Now I get to look at an LP tank.

Mike Barnell: There could be, but we are looking at trying to be primarily electric. The plan is to model it similar to Rainbow Shores, a community of people, a gathering place with a beautiful view of the water that people can go to and enjoy time with their friends, eat, enjoy, and leave. That is our intention.

Dave Barclay: The original version is totally different.

Doug Dore: There is another plan for a 48 x 84 structure.

John Howland: In 2021 it was approved for a 48 x 84 restaurant/tavern.

Mike Barnell: His original intention was to build something similar to the old hotel. There has been a lot of concern about parking. If the planning board is not happy, I would be willing to remove that portion out of the plan for the restaurant/tavern. It would satisfy a lot of everyone's concerns. If the current structure is approved, I could come back in a few years and consider the larger structure at a later date.

Joe McGrath: He had permission for a 36 x 48 open pavilion with a 12 x 24 addition to the open pavilion. He has a right to have a restaurant/tavern, the board has the right to tell him under special permit, where it has to be on that property.

Steve Sutter: Is he pulling the other project out? He is concerned about parking and that a banquet facility is too much for the area.

Gary Estes: the road going by his property is not paved, he has issues with the dust from the road. There is a sign between him and the lighthouse that obstructs his view, it could be moved 20 ft. and would not block his view.

A motion was made by Goodsell and seconded by Scott to close the public hearing at 8:39. All members were in favor with a vote of "YES."

John Howland stated the approval in 2021 consisted of a 150 occupancy load building, a pavilion for the gas tank, a pavilion for what is in question tonight, a 6-unit 48 x 48 motel, and prior to that in the conditions for what was approved, the time of operation was from 5 a.m. to 11 p.m., dark sky lighting, once something was built, the road would be paved from Route 5 into the access point where the 2 ADA parking spots were located. To address Mrs. Podrazil, the Town of Richland zoning used to be 10 x 20, NYS required 9 x 18 10-12 years ago, the Town adopted that. The County Health Department deals with all septic systems, the Town has no say in it. They can't get a building permit until they get approval from the Health Department. John can't issue a building permit for any type of restaurant until he gets approval from the County Health Department. People don't submit it to the County until they get approval for the project. If they do approve the special permit for the new pizza shop tonight, they can't approve the site plan because now there is another occupancy load to it and there are not enough parking spots for it. McGrath asked Mr. Barnell about the fuel source. He would like to change it to all electric. If he chooses not to, he has to go back to the board for approval. McGrath questioned the loading and unloading of trucks for delivery. Mr. Barnell stated there are 2 exterior doors set back from the ROW, they would be unloaded across from the ROW and taken to the restaurant. McGrath stated that there will be a condition that the ROW cannot be used, it needs to be shown on the site plan as does the docks. The site plan is incomplete, he would like a plan for signage, he does not like that he has obstructed a gentleman's view of the lighthouse, dust plan, paving schedule, load and unload access delineated on site plan, looks of restaurant/tavern with floor plan, lighting, dining area size, entertainment, location of entertainment, hours of operation, fencing around pavilion for protection of patrons near ROW, docks delineated for safe harbor and for the sheriffs. ***A motion was made by King and seconded by Goodsell to adjourn permit and site plan review for application 23-18 & 23-19 until August 21 meeting. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; and McGrath, yes.***

SPECIAL PERMIT AND SITE PLAN:

Application #23-34 & 23-35 for Special permit & Site plan submitted by Marat Galstyan/Pivot Solar for the construction of a 3.5 MW commercial solar farm located at 4347 US Rt. 11. Laura Golmody from Pivot Solar presented the project to the board. They are proposing a 3.5 MW facility, they have a lease on record with the land owner for 17 acres. There is a total of 78.23 acres, with 17 acres allocated for solar panels. There will be a 6' agricultural fence surrounding the solar array. They presented the board with a letter of compliance pertaining to the Towns local law. There are some considerations for SEQR: some wetlands impact, it is a total of 0.01 acres of wetland impact in front of the access road and 0.03 acres of impact associated with tree clearing

for the panels, some trees that would need to be cut and uprooted in the wetlands, they have already applied for a permit with ACOE. No endangered species. They have prepared a stormwater plan, pre and post construction runoff, there is no impact. They are an owner operated company and provided the board with a decommissioning plan. Attorney Seiter reviewed the Part 2 SEQR. ***A motion was made by Scott and seconded by Leary to declare the application a Type I action, determine the planning board to act as lead agency & to authorize Attorney Seiter to send out letters for a coordinated review. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; and McGrath, yes.***

UPDATED SITE PLAN:

Application 22-64 & 22-65. Special permit & site plan submitted by Lloyd Oliver & Luanajo Arnold from 785 Towne Rd. for the construction of a 6 unit campground, 2 cabins, and 4 RV sites. DEC has now moved the wetland boundaries. RV #4 is relocated on property out of the wetland buffer zone. ***A motion was made by King and seconded by Scott to approve the new site plan as submitted for relocation of RV #4 due to the DEC wetland delineation. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; and McGrath, yes.***

SITE PLAN APPLICATION, DISCUSSION:

Mr. Howland reviewed the plan for the Richland Hotel to replace the existing garage with a new garage.

A motion was made by King and seconded by Leary to approve the June minutes. All members were in favor with a vote of "YES."

The meeting was adjourned at 9:40 p.m.

Respectfully submitted by:
Julie Peterson

TOWN OF RICHLAND
Joint PLANNING BOARD/ZONING BOARD
Meeting

Date July 17, 2023

Please PRINT your name and address:

1. John Howland SC
2. Dave Scott Pulaski
3. SWIATOSLAW KALZMAR Rubhi
4. DAVID McGUIRE Pine Grove
5. Brian Leary Richland
6. DOUG DORE
7. Jim Crowl Pulaski
8. Joe Hens logans
9. Lauren Gelmatti PIVOT ENERGY
10. Pat Podrazil - 7 LAKE RD EXT
11. Jack Podrazil " " "
12. Kathy Dutter 817 COUNTRY RIES PULASKI
13. Steve SUTTER " " "
14. Terri Johnson 796 Co Rte S Pulaski
15. Suzanne Marcille 800 Co Rte 5,
16. Jim Estes " " "
17. Tom King Pulaski
18. Jeff Dick Richland
19. Keblah Gil Richland
20. Lee Dee Barclay Pulaski
21. Katie Coyne Pulaski

TOWN OF RICHLAND
PLANNING BOARD/ZONING BOARD
Meeting

Date 7/17/23

Please PRINT your name and address:

1. DAVE HOWE - 030 15 LAKE RD EXT
2. Robert Trump 32 Locumis RD
3. Jon Goodsell Richland
4. Charles Deaton Pulaski NY
5. Mike Bannell Pulaski NY
6. David Powers BEL
7. David Bagalay
8. Ed Gilson
9. Joe McRob
10. MARSHALL MINOT RICHLAND W.
11. Robert Wast 35 Lake Rd Ext
12. Matha Wast " " " "
13. Margaret Hull 11 Lake Rd Ext
14. _____
15. _____
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