

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

DATE: Monday, October 16, 2023

PLACE: H Douglas Barclay Courthouse

PLANNING BOARD MEMBERS PRESENT: Joe McGrath, Brian Leary, Tom King, Dave Scott, and Alternate Robert Jeffery

OTHERS IN ATTENDANCE: John Howland, Gordon Woodcock, Joseph Hens, Sara Barclay, Jack and Pat Podrazil, Yvette Scott, Timothy Crouch, Mike Barnell, M. Wart, RJ Wart, Abe and Kathy Ellis, Mike Lasell, Doug Dore, Margaret Hull, Lorraine Marcille, Gary Estes, Jeff Edick, and Rebekah Alford.

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

SITE PLAN APPLICATION:

Application 23-19 site plan approval for existing approved open pavilion to be enclosed, located at 812-28 County Route 5, Selkirk Lighthouse & Marina LLC. The applicant applied a few months ago to take the open pavilion and enclose it to use it as a restaurant/tavern. That application has since been withdrawn. He now has applied for an amended site plan that has to be attached to a special permit. The amended site plan is for the permit that was issued in 2021. Engineer, Mike Lasell, presented the original application vs. what the applicant is asking for now. The entrance sign and the welcome sign have been relocated; the signs were not on the original site plan. ***A motion was made by Scott and seconded by Leary to open the public hearing at 7:08. All members were in favor with a vote of "yes."***

Pat Podrazil - She has a petition to object to the enclosed pavilion, their view of the lighthouse and the estuary has now been blocked, presented photos of their view pre and post construction of the enclosed pavilion. Would like to know the proposed use of the structure now? The ROW is still not on the site plan, counted 76 parking spaces on the plan, not 90, the tan camp was supposed to be torn down from the 2021 plan, setback on the front does not comply with the requirements for RR, it is using the setbacks for RC zone.

Doug Dore - Questioned the approved restaurant/tavern at the main structure. McGrath confirmed that that was approved.

Bob Wart - ROW not shown on the site plan and requests that it be added. McGrath - the board cannot tell them where the ROW needs to be.

Mike Barnell - the CNY Regional Planning and Development Board did extensive research on this; they hired an attorney to research the deeds on the whole area. The burden on the Lighthouse Marina property is to provide ROW access with no meets and bounds designation across the property to the camps to the North. They have always done that, and have now paved it, the topcoat will be put on in the Spring and it will be striped and safer for the campers and the marina users. They have the legal right to specify an equivalent ROW across their property.

Joe McGrath - the ROW cannot be addressed here and does not need to be decided for approval from the board.

Mike Barnell - the circle around the parking lot will be safer for the boats launching and the campers' access, the parking lot is not full most of the year. They are improving their access.

Sara Barclay - The board should not vote on this without a determination on access. The parking lot is very full in the summer.

Mike Barnell - You all claim to love it so much. The guardrail around the lighthouse has been hit numerous times, the new seawall that was just put in is beautiful, over the years he has seen that get hit by cars and snowplows. The lighthouse itself is leaning towards the river due to the traffic and the heavy trucks that travel that route. He is the only one that is spending the money trying to improve the property and make it better. I would think that the neighbors who are being asked to spend nothing would contribute a little understanding and support for the work that is being done to preserve the property and make it better for everyone in the area.

Jack Podrazil - I have lived there for 33 years and have never seen that hit.

Pat Podrazil - we all love the lighthouse and will never forgive him for taking their view away.

Doug Dore - asked for clarification, they are now asking for 2 restaurants.

Joe McGrath - has approval for the restaurant behind the lighthouse, right now he would like to change the open pavilion to an enclosed pavilion.

Martha Wart - only asking to put sides on, even with piping inside, not asking for a restaurant, correct? Believes the deed specifically reads that the ROW is along the western edge of the property.

Joe McGrath - correct, only asking to put up walls. The ROW will have to be dealt with by the courts, not here.

Mike Barnell - addressed the Podrazil argument about obstruction. There used to be 4 buildings between their place and the lighthouse. The original proposal called for an enclosed portion on the east side, it is the only portion that actually blocks their view. 3 to 4 years ago, the Podrazil's asked for a 7 foot high fence to be placed between their properties, and asked them to pay for half of it, which they did out of courtesy to separate them from the marina.

Pat Podrazil - under the memorandum of understanding of 1994, the lighthouse owners were to establish a fence between the properties. The old fence was rotting and needed to be replaced and they discussed the ownership of the fence at that time and agreed to split the cost of it.

Mike Lasell - clarified the RR vs RC zone in that area is difficult as the split is the road. The proposed use is a pavilion structure to support the facility. Our intent was for food consumption, gatherings, it is a supporting structure to a commercial marina. He feels that they have provided safer access for everyone.

Sara Barclay - asked about plowing for camp access in winter.

Mike Barnell - the County does not plow up to the road. Abe has talked to the town of Richland, and they are glad to go around the building and back out. We have never told the County or the Town how to plow the area. The gate is closed and locked through the winter; they have never plowed up to the fence. We are closed and are giving no direction on how they should plow. Have them plow however you want them to.

Joe McGrath - you have to allow them to get across your property 365 days a year. How are you proposing to continue that access through the winter?

Abe Ellis - Talked to John Fox and he will develop a plowing plan. It has never been plowed up to the gate. They have been plowing into the parking lot and piling it next to the tan camp.

Pat Podrazil - would like to go back to the RR vs. RC discussion.

John Howland - in 2018 when the zoning was redone, everything down Route 5 was RC. Once you make the curve around the lighthouse everything on the left side of the road is RC, going towards the camps, everything on the right is RR.

Joe McGrath - the pavilion is in an RC zone now.

Bob Wart - questioned the pavement/stripping plan.

Mike Lasell - there are 90 parking spaces, the striping plan has not changed from the original plan.

Gary Estes - asked if they are planning to move the sign by his property. The sign would be fine if it were moved 20'.

Mike Barnell - the sign was placed there due to the location of the cottonwood tree, stated that they can plant screening to field the view of the sign.

Joe McGrath - at this time there was no site plan for a sign and feels that he should be able to look out his window and not see a sign.

A motion was made by Jeffrey and seconded by Leary to close the public hearing at 8:01 p.m. All members were in favor with a vote of "YES."

The original intention of the pavilion was an accessory building, no electricity, no water, etc. ***A motion was made by Leary and seconded by Scott to approve the amended site plan for application 23-19. In a roll call vote, members voted as follows: McGrath, no, what is being requested specifically, the enclosed pavilion, changes the original 2021 permit significantly. The terms of what people expected for their view and what it was going to be used for. The original intent was for people to take their drink over, if they had a permit, to sit, drink, and enjoy the view. This site plan changes the intent of the special permit that was issued in 2021. If it were a site plan attached to a special permit application and the special permit was approved, it would be different. He is voting no for the site plan, although there are things on this site plan that are needed; Leary, yes, I would hate to see him take the walls down, and that it is a great structure and with the garage doors, it gives the feel of an open pavilion. He has made great improvements to the property and that it fits with the scheme of the property. King, no, it is a violation of***

the original approved site plan and that it limits access to the building.; Scott, no, does not want to hinder improvement to the area, but some of the things that were cited, modifications could be made to make it more acceptable to residents of the area, and feels that it needs to go back to the original site plan that was approved; Jeffrey, no, due to the violations on the existing permit for the structure. A motion was made by Scott and seconded by Jeffrey to request a sign plan be submitted to John Howland for approval. Chairman McGrath would like to see the sign next to the gentleman's window be moved, would like any other signs they wish to have to be approved, and would like the board to give permission to Mr. Howland to approve it so it does not have to come back before this board. In a roll call vote, members voted as follows: McGrath, yes; Leary, yes; Scott, yes; King, yes; Jeffery, yes.

SITE PLAN APPLICATION:

Site plan application 23-35 submitted by Marat Galstyan/Pivot Solar for the construction of a 3.5 MW commercial solar farm located at 4347 US Rt 11. Old Trust Nursery. A special permit was issued at the September meeting. Joe Hens presented the changes that were made to accommodate the requests made by neighbors at the last meeting. The fence line was moved for the snowmobile trail and the poles were moved back. They spoke to the landowner about the green houses and explained they needed to be cleaned up prior to the approval. The landowner wishes to keep the greenhouses and will take care of them. ***A motion was made by Scott and seconded by King to approve site plan application 23-35 as submitted. A condition was added that contact information be posted at the entrance to the solar farm should there be a fire or issue at the site. In a roll call vote members voted as follows: McGrath, yes, it meets all conditions 1-10 of section 503 for a site plan; Leary, yes; Scott, yes; King, yes; Jeffrey, yes.***

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

The meeting was adjourned at 8:25 pm.

Respectfully submitted by,
Julie Peterson
Clerk