

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

DATE: Monday, May 16, 2022

PLACE: H Douglas Barclay Courthouse

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

OTHERS IN ATTENDANCE: John Howland, Julie Peterson, Donna Gilson, Kern Yerdon, Ed Gilson, Jim and Joyce Deacons, Matthew Rockefeller, Florence Teachout, Michael Edigm, Swiatoslav Kaczmar, and Avetik Amyan

CALL TO ORDER: The meeting was called to order at 7:04 p.m. by Chairman Joe McGrath leading in the pledge of allegiance.

Donna Gilson asked for clarification on the number of cabins the applicant intends to erect as there has been mention of 5, 10, and 20. John Howland states the applicant originally submitted for 5 and eventually up to 20, so it was recommended that he apply for 20 now to eliminate having to go through the application process again within the next 5 years. Since then, the total number of cabins has been reduced to ten. ***A motion was made by Dave Scott and seconded by Tom King to approve the April 2022 meeting minutes as read. All members were in favor, with a vote of "AYE."***

Chairman McGrath addressed issues that have become known over the last week regarding the application and decision process and referenced Article 12-B Section 239-L and -M of the NYS General Municipal Law regarding applications. Mr. Howland receives the application, and he serves two roles, he is the zoning enforcement officer, and he is also the building and codes officer. He has the responsibility to decide if the application is a permitted use, which is his responsibility, or is it a special permitted use, which is the planning boards responsibility. He will then look at the application to determine if it requires a variance or an area variance, in which case it would go before the zoning board of appeals. Special permits, means that it is a permitted use and that the planning board cannot stop it but can mitigate any concerns that neighbors may have. Then before a public hearing is scheduled, it must be determined who completes the SEQR, which is state law that one is completed. At the initial meeting to discuss a project the board looks over the application and if no other entity has decided to perform the SEQR, they complete it. If there is no environmental impact, it is then sent to the County to aid in the review if required. Ninety-five percent of the time the County will send it back to the Town stating that it is of no concern to the County. Occasionally, they will send it back to the Town with their concerns and recommendations. The board then reviews it, looks at their reply, and decides how to proceed. The County has no authority over a municipal planning board; however, they do provide great insight and find things the board may have missed as they are professional planners. The board

has never submitted anything back to the County unless the County had an issue, they of course would. The board has made numerous changes to site plans over the years based on if concerns need to be mitigated, that is what is put on the site plan. When that is done there are two votes, to issue a special permit, five conditions are looked at to ensure it is being done properly and the other is to the site plan. At that time, the permit and site plan are granted, before a certificate of occupancy/compliance is issued John must verify that all conditions have been met.

Public Hearing, Special Permit & Amended Site Plan for Application 22-15 & 22-16 submitted by Avetik Amyan located at 4347 US Rt. 11. Special permit & amended site plan to add a 10-unit campground and septic system.

Chairman McGrath asked for all questions during the public hearing be addressed to him and he will direct them to the applicant. Applicant, Avetik Amyan, presented and explained his project to the board. His intention is to build five cabins this year and an additional five next year. He recently purchased the land down the road to allow easier access to the cabins. He explained where the septic was going and the where the trees will be for visual barriers and plans to have the cabins as an Air BNB. ***A motion was made by Brian Leary and seconded by Dave Scott to open the public hearing at 7:28 p.m. All members were in favor, with a vote of "AYE."*** Swat Kaczmar, new ZBA member, questioned the boundaries of the 80-acre campground as it is not notated on the map and states that if it is approved as a campground, other events can happen at campgrounds such as music festivals, weddings, events, etc. Would these types of things be limited to the boundaries set for the campground? His concerns were noted by the Chairman. Kern Yerdon agrees with Mr. Kaczmar's recommendations for boundaries. Mrs. Teachout wondered if this would be a year-round campground and worried about people trespassing on her property, hunting, etc. Mr. Amyan replied that they will provide a disclosure with the rules of the campground to renters. Mr. Rockefeller has the same concern as Mrs. Teachout with trespassing on his property. Joyce Deacon is concerned that a trespasser could get hurt on her property and then sue her. Unfortunately, this is not something that can be enforced, nor can they eliminate a persons right to sue. The chairman reiterated the concerns and will take them into consideration when establishing conditions for the permit. Legislator Gilson addressed the board and welcomed the applicant to the community and his improvement and expansion of the property. He is disappointed in the use of the land that was purchased from the County Landbank as he had hopes of a residence being built there to improve the tax base. He had concerns about the project as there is now another deed of record involved and appreciated them resending it to the County. A copy of the County's 239 review to the application and the revised application is attached to these minutes. ***A motion was made by Jon Goodsell and seconded by Dave Scott to close the public hearing at 7:50 p.m. All members were in favor, with a vote of "AYE."*** The board discussed the project and the concerns they have. ***A motion was made by Brian Leary and seconded by Tom King to approve Special Permit 22-15 as submitted with the additional conditions of 1. Delineation of campground area. 2. DOT approval for new driveway and 3. Copy of disclosure notice for rules to occupants to the ZEO. In a roll call vote, members***

voted as follows: McGrath, in reviewing section 313 standards applicable to all special permits 1-5 he feels this permit meets those criteria and he votes yes; Leary, yes; King, yes; Goodsell, yes; Scott, yes. A motion was made by Jon Goodsell and seconded by Brian Leary to approve site plan application 22-16 as amended with the same additional conditions as special permit 22-15. In a roll call vote, members voted as follows: McGrath, after a lengthy review of the site plan and discussion with the board after the public hearing and the conditions that have been addressed with the suggestions from the County, the board, and from the public he believes Section 503 1-10 has been satisfied and he votes yes; Leary, yes; King, yes; Goodsell, yes; Scott, yes.

Other Business:

A copy of the updated zoning ordinance recommendations was given to all board members to review for discussion. Donna Gilson had questioned the terminology changes under campgrounds from trailers to RVs, and then cabins and lodges. Mr. Howland clarified the definitions and the amendments and asked the board to review this book for discussion at future meetings.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted by:
Julie Peterson
Clerk



David R. Turner
Director

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

COUNTY BUILDING
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John Howland, ZEO
Town of Richland
1 Bridge Street
Pulaski, NY 13142

4/28/2022

RE: 239 Review Referral Response #2022-29

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: Avelik Amyan

Project Description: Site Plan Review and Special Use Permit for a new campground with cabins

Location: 4347 US Route 11, Richland, NY 13144 (Tax ID: 085.00-03-02.03)

Municipality: Town of Richland

Zoning District: RA – Residential Agricultural

Jurisdiction: State Route 11

Date Received: 4/25/2022

The Department has reviewed the above noted application and, based on the information submitted, determined that **no significant intercommunity or countywide impacts** are anticipated and, therefore, it should be decided as a local issue. However, to ensure that your local land use laws and regulations are effective and enforceable, please consider the following potential issues of local concern according to the Town of Richland Zoning Law:

- A Department of Health permit will be required for this project.
- The site plan provided for this project does not indicate landscaping plans, however, the Town of Richland Zoning Law requires at least 25' of maintained landscaped buffer area between a project site and parcel lines, according to Article V, Section 532, paragraph 5. The site plan appears to indicate less than 25' between the project site and the nearest parcel line. Therefore, the local board should consider whether an area variance will be required before development can proceed.
- Also, according to the Town of Richland Zoning Law, Article V, Section 532, paragraph 6, specific requirements exist for design of a campground. However, the current law appears to pertain to traditional tent campgrounds and the proposed campground includes only stick built cabins. The local board should consider whether the requirements for campgrounds within the current zoning law shall apply to this project.

- Additionally, the site plan provided for this project does not indicate new signage. If the applicant intends to add new signage, the regulations found in Article V, Section 540 for signs, must be followed.

Sincerely,



Erin Ermine, Senior Planner
o/b/o
David R. Turner, Director
Community Development, Tourism, and Planning
Oswego County

DRT/ECE

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



David R. Turner
Director

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5/16/2022

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Municipality: Town of Richland

Zoning District: RA – Residential Agricultural

Jurisdiction: State Route 11

Date Received: 5/13/2022

The Department has reviewed the above noted application and, based on the information submitted, determined that no significant intercommunity or countywide impacts are anticipated and, therefore, it should be decided as a local issue. However, to ensure that your local land use laws and regulations are effective and enforceable, please consider the following potential issues of local concern according to the Town of Richland Zoning Ordinance:

- The updated site plan for this project indicates the addition of a new monument sign. The applicant should ensure that the Town of Richland Zoning Ordinance for ground signs is followed, to include the following: No ground sign shall exceed twenty feet in height above finished grade; no ground sign shall be within five feet of any street line, or ten feet of any other lot line; and no sign shall exceed eighty square feet in area, as per Article V, Section 542. Additionally, the applicant must comply with the Town of Richland Zoning Ordinance, Article V, Section 544, if the proposed new signage will be illuminated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erin Ermine".

Erin Ermine, Senior Planner

o/b/o
David R. Turner, Director
Community Development, Tourism, and Planning
Oswego County

DRT/ECE
cc: Hon. Edward Gilson, County Legislator District # 3
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