

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

DATE: Monday, February 20, 2023

PLACE: H Douglas Barclay Courthouse

PLANNING BOARD MEMBERS PRESENT: David Scott, Brian Leary, Jon Goodsell, Robert Jeffery

ZONING BOARD MEMBERS PRESENT: Marshall Minot, Jamie Foster, and Swiatoslav Kaczmar

OTHERS IN ATTENDANCE: John Howland, Julie Peterson, Robert North, Cheryl Yerdon, Ronald Novak, Angela Goodway, Brandon Giddings, Savannah Snyder, Daniel and Mary Babcock, Krista Fox, Jeff and Rebekah Edick, Gail Potter, Raymond Paige, Sue Haynes, Donna Gilson, Ed Gilson, Chuck and Kelly Balcom, Nancy Warner, Joshua Pratt, Toni Nicholson, Rodney Hilton, Patrick Corbett

CALL TO ORDER: The meeting was called to order by acting Chairman, Brian Leary.

PLANNING BOARD:

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. SEQR already completed. Applicants submitted the application last fall when the SEQR was completed but the site plan was not satisfactory for the County. The applicant has now presented an acceptable site plan. ***A motion was made by Scott and seconded by Goodsell to deem the application complete and schedule the Public Hearing for March 20, 2023. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; Jeffery, yes.***

PUBLIC HEARING:

SPECIAL PERMIT & SITE PLAN:

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, 2 bathhouses, and 4 cabins. Chairman Leary states that we will be opening the Public Hearing tonight and reconvening next month as the engineer and the applicant were unable to attend tonight's meeting. ***A motion was made by Goodsell and seconded by Scott at 7:05 to open the Public Hearing.***

Raymond Paige: Lives across the street from the proposed site. He has provided a letter to the board that he would like read when the owner is in attendance. Has some questions on the map. 1. He does not see the 2 drain culverts that cross under from his side through to the ReGen side noted on the map near the septic system. He would like that addressed and included. 2. The RV sites, are they all 35 x 60? Mr. Howland states that is correct as per the site plan. Are they permanent sites or are they in and out type of sites for the fisherman? 3. What SWMA is? Mr. Novak informed him that it stands for storm water management area. 4. Where does the walking trail lead? Is it a dead end or does it curve around? 5. Would like more information about the septic area. 6. Asked the board how they are managing the master plan (Comprehensive Plan) in conjunction with the Zoning Ordinance? Mr. Howland explained the paper that was on the desk when signing in. There are 3 different types of zoning permits - permitted uses, special permitted use, variance permit in an RA zone. The second page of the agenda shows what uses are allowed in that district with a special permit. Special permit requests are made to the board, the board then does the SEQR form, then it goes to the board, and then the public hearing gets scheduled. The engineer will be at the next meeting to answer any questions. Mr. Paige feels that the Town needs to do a better job informing the people of things like this and better communication. Mr. Howland said in the State of NY we are only required by law to publish it in the newspaper. Since Mr. Howland has been with the Town of Richland; he has always made it a policy to send a notification to all neighbors within 400 feet of the property, and these notices were sent to owners within 400'.

Angela Goodway: She is concerned with speeding on the road. There are already issues with trucks riding their jake breaks for long stretches and speeding. Her end of the road has a speed limit of 30 mph and it is not obeyed. She has made repeated calls to law enforcement and feels that nothing is being done.

Savanah Snyder: She just purchased her first home on this road and is also concerned about the traffic and speeding. She also states that there is an issue with litter along the road.

Chuck Balcom: There are a lot of people here that are opposed to this project. Anyone in that area are opposed because of the issues that are going to be involved. The kids in the area and the traffic and trucks.

Mr. Marshall: A lot of the things they are talking about are valid concerns, but the Planning Board can only address the special permit. The things they are addressing

are best addressed with the Town Board. Getting the speed limit reduced starts with them. Enforcement, send letters to law enforcement.

Mr. Paige: Increased traffic will be generated by this project leading to more problems like speeding and litter. They don't want a site like the Fireman's ballpark with all the trash and garbage everywhere. It's a mess and they don't want it.

Mr. Marshall: He understands all this, that is why they have public hearings. A special permit means that they can do it. But the special permit allows the board to put special conditions on it to make it palatable. If those conditions make it so it is no longer palatable to the applicant to do it, then they give up on it. A special permit is something that they are allowed to do as long as they can meet the conditions that are formulated through public hearings.

Angela Goodway: What is this going to do to her property taxes if we make this a commercial zone?

Mr. Marshall: It is not commercial, under the Zoning Law it is a special permitted use. It is a commercial use in a residential district.

Mr. Edick: My house has been there since 1875, I have invested all my money to restore the property to what it was. People are going to say that is a beautiful house, I would love to have it if it wasn't right next to a campground. You're telling people not to invest in Oswego County cause we are going to do what we want to do.

Mr. Marshall: As a board we are faced with the condition that we enforce the Zoning Law as it is written. We are telling people to invest in Oswego County because at least with zoning you are better off than other townships that surround that allow all types of things to come in. We have zoning and try to keep things to a minimum and something that is controllable through a special permitting process rather than letting people do what they want. There are 2 steps to this. The Planning Board will have the public hearing and will formulate a plan of compliance for the applicant as a specially permitted project as long as he complies with the conditions that the Planning Board puts on, then he is allowed to do the project. If any citizen objects to that they can present an Article 78 to the Supreme Court saying the board acted improperly. But, with a special permit, that is very difficult to do, because a specially permitted project is something that is allowed as long as they comply with the conditions presented by the Planning Board. The Planning Board makes the final decision.

The SEQR was completed at the board meeting last month. Mr. Lasell, engineer, is waiting for the DEC to come out after the snow melts, to delineate where exactly the wet land is so he can reflect it on the map.

Rod Hilton: The creek that flows behind his property is a tributary to Little Deer Creek which leads to Lake Ontario, Deer Creek Marsh. Where does the stream that flows through this property flow to.

Jeff Edick: What happens if their septic system fails, there are wetlands all the way around it, it's going to leach into the creek. There is also a beaver issue in this location. The water and how everything flows out of there is a very sensitive area.

John Howland: All of this has to go to the DEC and the Health Department for review, they make them go overboard on everything.

Mr. Paige: Is there a possibility of the septic going under the road onto his property? The County Health Department will be onsite with them when they are doing the testing.

Ms. Goodway: As landowners, what can we do to make our voice heard?

Mr. Howland: Devise and drop off or mail your letters of concern to the Town Clerk's office or utilize the drop box outside. All letters will be read at the next month's Planning Board meeting. All concerns that were addressed tonight, will be given to the engineer to answer at the next meeting.

Mr. Marshall: When writing letters, please be specific with your concerns. Don't just say I'm opposed. State why you are opposed. This will help us to determine what conditions to put on the special permit.

Mary Babcock: Would like to see more screening so it is not visible from her property.

Donna Gilson, Deputy Town Supervisor: Would like to address Section 313 standards applicable to all special uses. It talks about harmony in the neighborhood. Would any of you on the Planning and Zoning Board consider this campground a harmony in anybody's neighborhood in this room? Do you know what harmony means? It means fit in. I would not say that this fits in in this neighborhood.

Mr. Howland: There is already a commercial business at the adjoining property and another one further down Canning Factory Rd. The old nursing home they take fish guts and make them into dog treats.

Mr. Edick: All the dealings are confined in my house and the neighbors don't have to deal with it.

Councilwoman Haynes: Even with all these people complaining about it, can't you tell them no?

Ron Novak: The Planning Board can essentially not say no to something that is an allowed use with a special permit. They can mitigate circumstances. The Supreme Court has ruled multiple times that as long as the Zoning Law is in effect and everything is proper in that law then if it's an allowed use and the applicant makes a timely application under the law, then it's allowed to happen. The applicant has to agree to those conditions and the Town has to ensure those conditions are met. Your primary issues are not with the Planning Board, your issue is with the Town Board. The Town Board is the one that writes the zoning law and designates the areas. They write what is allowed in those areas.

Councilwoman Haynes: I'm on the Town Board and we are going to address this. We are not going to have this happen all the time. I'm tired of it. Send a letter to the Town Board and to the Planning Board.

Legislator, Ed Gilson: He understands that the SEQR review was done, assuming it was a short form, and asked who prepared that and who was the lead agency. Mr. Howland stated that it was the Planning Board. He asked who put the information together. Mr. Howland stated the engineer. He feels that it may have been a conflict of interest. He thinks these people have the right to know how much work went into it. The SEQR specifically addresses the drainage. He would be interested in how much information, research, and study went into the drainage there, and that is a point the people have a little bit of ground on. Secondly, he is curious as to what the opinion of the County was on the 239 review. Mr. Howland states that it doesn't have to go to the County because it doesn't meet the threshold and it wouldn't have gone to them yet anyway. Mr. Gilson asked what threshold it doesn't meet. Mr. Howland said it has to be on a County Road, State Road, or 500' from a town boundary. Mr. Gilson feels that it has to be 500' of an agricultural district. Mr. Howland will look into it. Mr. Gilson says that if it is that fine of a line, and the county will do a planning review of this, 239, which is state law, why wouldn't you want to use their expertise and get their opinion on something as critical as this. He would highly advise submitting for a 239 review in light of all of the concern there is with the neighbors in the area. One more piece of information would be very helpful in making the right decision down the road. Mr. Howland does not have a problem with that. The problem he has is when the County

responds with why are you sending this to us, it is nothing we are supposed to review anyway. Mr. Gilson can help these residents with that part of it, if the County comes back with that and he can make a difference there and he would be more than happy to help them. John will send the 239 to the County and see what they say.

Gail Potter: She is concerned with what is going to happen with this camp during the off season? She does not want to see it leased to the County to use it to house people that are just getting out of jail to be rehomed for short periods of time. Can that be put in as a special condition to not allow that.

Mr. Howland: The Planning Board can only put in what is put before them for the special permit and the site plan. If they want to put one more site in, another building, or change something, they have to come back to the Planning Board. That is a different use and they would not be allowed to do it without coming back to the Planning Board.

A motion was made by Scott and seconded by Leary to adjourn the public hearing at 7:55 p.m. to be reconvened at the March 20, 2023 meeting. All members were in favor, with a vote of "AYE."

ZONING BOARD:

Application 23-03 for variance application submitted by Patrick Corbett located at 4596 St. Rt. 13 to subdivide 1 parcel into 2 parcels.

Mr. Corbett and his partner would like to separate the parcel into 2 parcels and eventually have 2 camps. Mr. Marshall is concerned with the lot size as is. He defined what an area variance is to Mr. Corbett. He does not feel that the lot size is sufficient for a septic and a house. In order for Mr. Marshall to consider this, he needs to see plans showing both structures and what they would like to do. Mr. Corbett will work on this and bring it back to the board next month.

A motion was made by Leary and seconded by Goodsell to approve the January 2023 minutes. All members were in favor, with a vote of "AYE."

There was discussion regarding the zoning books. John recommends making campgrounds a variance. Mr. Foster feels that we need to get rid of allowing a single camper on a lot and does not feel that we need any more campgrounds in this community. Mr. Leary thinks that campgrounds are good and they generate revenue to the area. Councilwoman Gilson does not like how the Zoning Law is and that we need to address it and do something about it. Mr. Kaczmar thinks that we need to write our Zoning Law to represent our vision of what we want our town to look like in 100 years. People should be able to use their property to get your return, but the neighbors need to

be able to use their properties and get their best return on it too. Mr. Minot feels that the more specific you make planning the harder it is to deal with. Mr. Foster says that we will have people that don't want to invest in our community because we are too restrictive. Councilwoman Gilson feels that we need to have a balance and it will take a lot of work to achieve it and that our Comprehensive Plan needs to pair with our zoning. Brian Leary questioned if the comprehensive plan encourages small business, he feels that Canning Factory Rd. is a perfect place for a campground. Mr. Kaczmar asks that we consider a longer term vision for our zoning and that we preserve the character of the neighborhood. Mr. Minot states that we changed a lot of the zoning boundaries because it was getting too specific. They had to make it broad enough to make it more controllable than it was before. Now we are talking about making it more specific again. If it is too restricted then things will have to get rezoned and we won't be able to have anything. Mr. Kaczmar says we live in a beautiful place and we don't want to lose that.

A motion was made by Scott and seconded by Leary to adjourn at 9:15. All members were in favor, with a vote of "AYE."

Respectfully submitted by
Julie Peterson