

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

DATE: Monday, May 15, 2023

PLACE: H Douglas Barclay Courthouse

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

OTHERS IN ATTENDANCE: John Howland, Julie Peterson, Maribeth and Richard Kuehner, Jamie Martin, Yvette Scott, Christine Adydan, Tim Crouch, Mike Lasell, Robert and Candee Auringer, Ed Gilson, Chuck Balcom, Swiatslav Kaczmar, Krist Fox, Jeff Edick, Rebekah Alford, Virginia DelBusta Cohen, Steven Cohen

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

PUBLIC HEARING:

SPECIAL PERMIT & SITE PLAN:

Application 23-01 & 23-02. 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. Complete SEQR. Decision for SEQR. Chairman McGrath reviewed some of the concerns that were raised at the last meeting and read into the minutes 2 letters that were received from residents, Jeff Edick and Edwin and Christy Yerdon, on Canning Factory Rd., these will be attached to the minutes. Mike Lasell then presented to the board the changes that were made to the site plan because of comments from the public at the previous meeting and based on the final wetland delineation. There are now only 10 RV sites and 21 Park Model sites. ***A motion was made by Scott and seconded by Leary to open the Public Hearing @ 7:25 p.m. All members were in favor, with a vote of "AYE."***

Jeff Edick: Mr. Edick asked Mr. Lasell to eliminate the potential fence along the front to prohibit trespassing, nobody sneaks in from the front. He is concerned with trespassing and the contamination of Alder Creek and feels it should be tested upstream and downstream on a regular basis. To his knowledge the Creek is not currently being tested, but feels this is different as it is a septic field. What do they plan on planting near the barn for visual blockage that will grow as there is always standing water in that spot? He also wants to make sure that there is no subletting, Air BNB.

McGrath: Regarding Mr. Edick's request in his letter, the Planning Board does not have the authority to pass laws that involve fines, we are not a legislative body. He also asked Mr. Edick if the creek was already being tested for agricultural liquid manure.

Robert Auringer: He says that area and states that the property is very wet, nothing will grow there, everything will sink.

Jamie Martin: Raised sewer or not, if the water level is up, it's not going to work properly. He too is concerned if the trees in the buffer zones don't grow. What will be done to minimize people walking on a federal wetland?

Swiatoslav Kazmar: When were the documents completed and presented to the board, the site plan and the wetland delineation? As a citizen, he would have liked to have seen and reviewed the changes prior to the meeting. Will the plans be submitted to the DEC and the Army Corp for review? He is concerned about the soil saturation and the septic. He also questioned the tax benefit now that the permanent structures have been taken out and the impact of the site vs. the benefit to the town.

McGrath: There is a formula, and the property is assessed. The Planning Board does not create money for the Town, we administer the law that the Town Board has given us.

Mike Lasell: The new plans have to be submitted to the Army Corp and DEC.

Robert Auringer: With a wetland, comes mosquitoes. Are they going to be spraying on a regular basis near wetlands? The chemicals would go into Alder Creek and go out to the Lake? Campfires with smoke, their house and the area will be filled with smoke. There is a great deal of monarch butterflies there due to the milkweed. Insect spraying will kill all of that.

Jeff Edick: Since the campground will be open in the winter, what is going on the roads to prevent slipping?

Chuck Balcom: Where are they going to get the firewood from for their fires? Who is going to regulate it?

McGrath: That is the responsibility of the campground owner. It is no different than any other campground in NYS.

Dr. Virginia DelBusta Cohen: Concerned about the long term effects of constant fumigation on the population. She is asking the board to look into it and do the research before they act.

Richard Kuehner: Feels the board is going against our own zoning law, a campground can not be year round. How is the board going to address the crime and drugs the RV park will bring into their community?

McGrath: The board will not overlook anything in our zoning law. The law allows a campground in an RA zone. A condition the board may place is that they can not live there year round.

Mike Lasell: Mike and John Howland reviewed the law. The law states they can't stay there year round, a permanent residence.

Jamie Martin: Can we make sure there is no Section 8 or subsidized housing?

Robert Auringer: Are they allowed to bring ATV's and snowmobiles?

McGrath: Yes, address it like you currently would if someone is trespassing.

A motion was made by King and seconded by Scott to close the public hearing at 8:20 p.m. All members were in favor, with a vote of "AYE."

Attorney, Graham Seiter, completed the SEQR review with the board.

A motion was made by Leary and seconded by Goodsell to declare the application a negative declaration and authorize the chairman to sign as such. In a roll call vote, members voted as follows: McGrath, yes, based on review of the answers on Part 2 of the SEQR and the assurance that we will not be issuing a permit until we have authorization from the Army Corp, DEC, and Shippo, he feels this qualifies as a negative declaration and the SEQR process can end; Leary, yes; Scott, yes; King, yes; and Goodsell, yes. The Chairman reviewed section 532, the conditions for a travel trailer park, campground, and campsite areas. The campground meets all these conditions. The chairman reviewed the site plan with the board to make sure all requirements are met. The owner of the campground can sublet/rent it out, not the residence owners. There was some discussion regarding regulating year round use/operation of the Park Models. The Health Department does allow year round use of campgrounds. The zoning law states that a travel trailer can not be used for year round use. A park model is not a travel trailer, so this does not pertain in this case. Chairman McGrath asked to have it in the record that this has never been a variance, no applicant is working around anything, and that this is a special permitted use. The board moved on to discuss the special use permit to ensure this application meets all the conditions. The chairman is sensitive to the fact that nobody wants it there, however, he does not believe it is out of harmony with the character of the area. We are a tourist area.

A motion was made by Goodsell and seconded by Leary to approve application 23-01 & 23-02 for a special permit for a campground at 448 Canning Factory Rd. with the following additional conditions:

- 1. Visual barriers must be maintained, trees have to be 6' in height and 6-8' staggered spacing, and must be checked annually. If a tree dies, it must be replaced. If not followed, the permit could be removed.***
- 2. Campground Rules must be followed with the addition of: any spraying must be organic based and NYS certified/approved and firewood cannot be brought from outside the community.***
- 3. Septic must be checked annually.***
- 4. There will be no Subsidized or Section 8 housing.***

In a roll call vote, members voted as follows: McGrath, yes, after reviewing all of the information from the applicant this action meets the standards applicable to all special uses 1-5; Leary, yes; Scott, yes; King, yes; and Goodsell, yes. A motion was made by Leary and seconded by Scott to approve the Site Plan as submitted. In a roll call vote,

members voted as follows: McGrath, yes, after review of section 503 1-10 and construction limited to the plans submitted and approved, applicant must comply with all State, Federal, and Local Laws and Regulations, the special permit will be issued to the property, the special permit shall not expire, the special permit must adhere to all the attached conditions which are listed on the special permit application; Leary, yes; Scott, yes; King, yes; and Goodsell, yes.

Legislator Gilson thanked the board for going the extra mile and doing the extra due diligence of doing the research and completing the long form SEQR. It says a lot and the board was trying to uncover specific environmental concerns to address the number of people that were concerned about this project.

Application 23-17 & 23-18. Amended Special permit & site plan submitted by Selkirk Lighthouse & Marina 812-28 Co Rt. 5. Special permit & site plan were approved in 2021. The approved restaurant and banquet hall will now be a banquet hall. The approved pavilion will now be a restaurant. SEQR was reviewed by the board and completed by John Howland. **A motion was made by Leary and seconded by King to determine it a negative declaration and to authorize the chairman to sign as such. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; McGrath, yes. A motion was made by Scott and seconded by Leary to view the application complete, send it to the County, and schedule a public hearing for June 19th. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; McGrath, yes.**

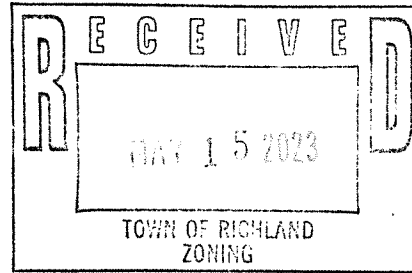
Application 22-64 & 22-65. Special permit & site plan submitted by Lloyd Oliver & Luanajo Arnold from 785 Towne Rd. for the construction of a 6 unit campground. 2 cabins and 4 RV sites. Mike Lasell presented the site plan for the campground to the board. SEQR was reviewed by the board and completed by McGrath. **A motion was made by Scott and seconded by Goodsell to deem it a negative declaration and authorize the chairman to sign it as such. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; McGrath, yes. A motion was made by Leary and seconded by Goodsell to deem the application complete and schedule the public hearing for 6/19. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; McGrath, yes.**

A motion was made by King and seconded by Leary to approve the planning board minutes from April 15, 2023 as submitted. In a roll call vote, members voted as follows: Leary, yes; Scott, yes; Goodsell, yes; King, yes; McGrath, yes. The board discussed the moratorium on campgrounds that was passed at the last Town Board meeting.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted by:
Julie Peterson

John Howland
Zoning Enforcement Officer
C/O Town of Richland
H. Douglass Barclay Courthouse
One Bridge Street
Pulaski, NY 13142



Dr. Mr. Howland

I am writing in once again regarding my continued opposition of the approval of the proposed campground at 448 Canning Factory Road Pulaski, NY.

I previously submitted a letter on 3/16/2023 stating all my concerns with the proposed campground.

- Property devaluation (limits the number of interested buyers)
- Increased influx of traffic with the doubling of the population (narrow roads/low traffic)
- Concerns of leaching of contamination in Alder Creek (NYSDEC should have input)
- Noise pollution (sound barriers needed)
- Privacy (visual blockage) and trespassing concerns. (Fence needed)

I feel that many of my concerns along with everyone else's at the hearing on March 20, 2023 were NOT adequately addressed and that the public comment should have never been closed or limited.

I feel the following still are major concerns. At the beginning of the meeting you said "we'd stay here until midnight to hear everyone if we have to". However, once the meeting got started, you began to shorten the comment period OR not allow certain people to talk at all.

Should the approval of the campground be granted, I still am requesting a sound barrier of some sort and a privacy fence the length of my southern boundary to protect my guests from noise pollution and trespassing.

Signage alone is NOT acceptable.

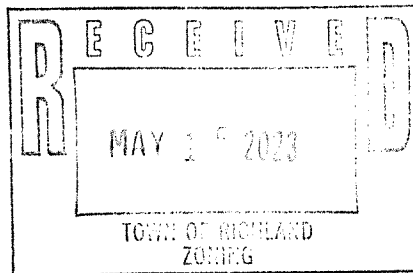
Should a fence NOT be granted, I will be installing internet-capable game cameras the whole length of my southern property line monitoring for trespassing. In the event a trespasser registered at the campground should be caught on camera entering my property I am requesting it will not only get them ejected from the campground, but they will also be facing legal charges for trespassing, and I will receive compensation of \$1000.00 for every violation due to having to take my time to police my property.

It was added to monitor Alder Creek of contamination by testing of the water upstream and downstream. I believe it would be a good idea to do testing during peak months of the campground and for the duration of the permit.

I would ask that legislation for a speed limit change on Canning Factory Road be initiated in the Town.

Another item, in reference to this campground being presented as a year-round facility I am asking how this is being accomplished when park models are not designed for or intended for year-round living. Instead they are built to the ANSI construction code for park models for seasonal occupancy?

Subject: Proposed Canning Factory Rd campground
From: Christy Yerdon <ChristyHall@live.com>
Date: 5/15/2023, 12:22 PM
To: John Howland <jhowland101@twcny.rr.com>



Dear John,

We still find ourselves opposed to this campground. We do not feel that you guys have done everything the right way. Lines 1 and 4 of section 313 have not been met.

We also, do not want this on our road. We have concerns about safety and the well being for the people and animals in our neighborhood. There are plenty of other spaces available, in our town, that do not have people around.

Sincerely,

Edwin & Christy Yerdon

Sent from [Mail](#) for Windows

May 15, 2023

John Howland
Zoning Enforcement Officer
C/O Town of Richland
H.Douglass Barclay Courthouse
One Bridge Street
Pulaski, NY 13142

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I previously submitted a letter on 3/16/2023 stating all my concerns with the proposed campground.

~Property devaluation

~increased influx of traffic with the doubling of the population

~concerns of leaching of contamination in Alder Creek

~noise pollution

~privacy(visual blockage) and trespassing concerns.

I feel that many of my concerns along with everyone else's at the hearing on March 20, 2023 were not adequately addressed and that the public comment should have never been closed or limited.

I feel the following still are major concerns.

~Property devaluation

-Still will be limiting potential buyers

~increased influx of traffic

-Doubling the population of the road

~noise pollution

-no sound barriers implemented

~privacy / trespassing

- No barriers provided other than signage

~risk of contamination into alder creek

Should the approval of the campground be granted I still am requesting a sound barrier of some sort and a privacy fence the length of my southern boundary to protect my guests from noise pollution and trespassing.

Signage is not acceptable.

-Should a fence not be granted I will be installing internet capable game cameras the whole length of my southern property line monitoring for trespassing. In the event a trespasser registered at the campground should be caught on camera entering my property I am requesting it will not only get them ejected from the campground but they will also be facing legal charges for trespassing, and I will receive compensation of \$1000.00 for every violation due to having to take my time to police my property.

- It was added to monitor alder creek of contamination by testing of the water upstream and downstream. I believe it would be a good idea to do testing during peak months of the campground and for the duration of the permit.
- Legislation for a speed limit change on Canning Factory Road

Another item, In reference to this campground being presented as a year round facility I am asking how this is being accomplished when park models are not designed for or intended for year round living. Instead they are built to the ANSI construction code for park models for seasonal occupancy?

In closing I still feel that the campground is not within character of the neighborhood, does not create harmony in the neighborhood, and is more objected to than approved of with surrounding neighbors.

Thank you for the consideration of all these items and if you could be so kind to add my letter to the file.

Sincerely
Jeff Edick