

**Wilmington Planning Board**  
**July 11, 2011**  
**7:00 P.M.**

Board members present: Robert Peters, Ginny Crispell, Glenn Gebel, Bruce Huntington and Bert Yost.. (Ginny & Glenn will both be voting members)

Public present: Bob Guynup, Steve Corvelli, Doug Stoner, Dave & Jean Baker, Bill & Robin Bedford and Shirley Lawrence.

**MEETING CALLED TO ORDER AT 7:02 p.m.**

**ACCEPTANCE OF MINUTES-JUNE 6, 2011 MEETING**

\*Motion to accept by Glenn Gebel, seconded by Ginny Crispell; carried unanimously.

**OLD BUSINESS:**

**White Pines Subdivision**

\*The following letter from Mike & Toni Congedo was read for the record by Bob Peters.

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June 30, 2011

Town of Wilmington Planning Board  
7 Community Center Circle  
PO Box 180  
Wilmington, New York 12997

Re: White Pines Subdivision

Town of Wilmington Planning Board Members:

We are writing to inform you of some issues we are having with the recent construction taking place on the Juniper Hill Road extension related to the White Pines Subdivision project (the "Project"). We had first raised our concerns with the project during the May 3, 2010, Town of Wilmington Planning Board meeting (minutes attached). Those concerns were as follows:

1. Property Access - due to the current height of the existing road surface (prior to any improvements made as part of the Project) the access to Lot 22 was adequate but any additional height added to the road surface would make access to the lot extremely challenging. We were worried that this would impact ingress and egress from the property for us, guests and delivery and emergency vehicles.
2. Storm Water Management - concerns about the adequate management of storm water runoff to Lots 21 and 22 and interaction between the proposed storm water management measures being implemented as part of the Project and existing storm water management systems currently in place on Juniper Hill Road. At the conclusion of the meeting, we were given assurances that our

concerns would be addressed and incorporated into future plans and reviews of the Project. At this point, we are disappointed to tell you that, despite several conversations and communications we have had with the Project sponsors, our concerns have not been addressed. Furthermore, we feel that both the issues of Property Access and Storm Water Management as it relates to Lots 21 and 22 have, in fact, worsened which has had an impact on our ability to utilize and enjoy our properties.

In addition to the discussion that took place during the May 3, 2010, Town of Wilmington Planning Board meeting - at which the Project sponsors were present - we have had several in person conversations with the Project sponsors, as well as numerous email communications. The email communications we have had with the Project sponsors are attached to this letter for your review. A summary of the email communications we have had with the project sponsors is as follows:

1. Email Correspondence: October 10, 2010 - October 30, 2010

- **Status of the Juniper Hill Road Extension**

- o Grading completed, some road base installed

- **Our Concerns**

- o The road height is higher than it was prior to the recent work being performed

- o This will only get worse with additional road base material and final paving

- **Actions taken by the Project sponsors**

- o No work was performed on the road grading to reduce road height

- o Utilities were placed under the road in close proximity to our driveway which would make it difficult to reduce road height to rectify the situation

2. Email Correspondence: April 26, 2011 - June 10, 2011

- **Status of the Juniper Hill Road Extension**

- o Grading completed, road base installed, utilities installed

- **Our Concerns**

- o We had a very challenging winter with ingress and egress from our driveway with the increased road height

- o The installed utilities would make it difficult to rectify the situation

- o There were severe issues with our driveway being impacted with snow melt and storm water management due to drainage issues with the road

- o We requested that the Project sponsors meet with their planners and engineers to determine plans to address our concerns and rectify the situation

- **Actions taken by the Project sponsors**

- o We were notified that the Town of Wilmington and the Project sponsors' engineers wanted the road "constructed as designed."

3. Email Correspondence: June 16, 2011 - June 17, 2011

- **Status of the Juniper Hill Road Extension**

- o Road paving completed

- **Our Concerns**

- o The email from the Project sponsors stated:

"Sloping the road to prevent storm water from entering your property turned out to be more of an issue than anyone had anticipated"

- o We find this statement on the part of the Project sponsors to be completely disingenuous as they had been notified of this issue on several prior occasions
- o We feel that the actions taken by the Project sponsors in paving the road and installing fill at the top of our driveway have, in fact, exacerbated the situation of access to our property by further increasing the road height

• **Actions taken by the Project sponsors**

- o Road paving completed and fill was installed at the top of our driveway to provide access over the road "lip" as a "temporary fix."

At this point, we feel that the Project sponsors are acutely aware of the concerns and issues we have with the project. We also feel that these concerns have been unfairly disregarded and dismissed by the Project sponsors in the furtherance of their own wishes and desires.

Specifically, the issues we have with the Project are as follows:

1. Access to our property, Lot 22, has been severely impacted due to the increase in the road height and is unsafe
2. Access to the Project sponsors' property, Lot 47, had been unfairly advantaged at the direct expense of access to Lot 22
3. Storm water management in the area of our driveway and property is wholly inadequate and renders sections of the driveway impassable at times
4. The road in vicinity to Lots 21 and 22, as it relates to the height of the road surface, has not been constructed as designed and presented in the APA permits
5. The storm water management systems in vicinity to Lots 21 and 22 have not been constructed as designed and presented in the APA permits

We hope that the Town of Wilmington Planning Board, in their capacity as the authority for major construction projects in the Town of Wilmington, will take the concerns and issues stated above under review as we feel we have been unfairly impacted by the proceedings of the White Pines Subdivision project. We also hope that this letter will be read into the minutes of the next meeting of the Town of Wilmington Planning Board. Unfortunately, due to prior commitments, we will not be available to attend the meeting; however, we remain available via email and phone for any questions you may have. We hope to be able to attend a meeting of the Town of Wilmington Planning Board in the very near future to further discuss and rectify these issues.

Sincerely,  
Michael & Toni Congedo

\*The board thoroughly discussed Congedo's concerns among themselves as well as with Doug Stoner and came to the following conclusions:

1. APA letter of April 14, 2005 states that "...development may not be undertaken on either lot (21 & 22) unless and until the proposed roadway and common underground water line are installed by the lot purchaser. Since the property line ends about 25 ft. from the "new" road, you do not have access to the road.

2. No legal documentation has been provided to show that a ROW for a driveway or water line has been issued.
3. The Planning Board is not aware of your last visit to the site and is unsure of your personal observation of the “new” road and the storm water management that is now in place.
4. Mr. Stoner’s project was completed by a certified engineer and reviewed by a Planning Board appointed certified engineer paid for by Mr. Stoner. All designs were approved by appropriate NYS Departments.
5. It is the feeling of the board that the road falls under the jurisdiction of the Town Highway Superintendent. The road will be dedicated to the Town after the Superintendent approves the road and the Town Board accepts the road.
6. The Planning Board feels that all of your issues will “go away” once the road is dedicated to the Town. When this happens, you will have full access to the “new road” and you will be able to construct your driveway however you want. It was noted that you could improve your existing driveway by constructing your drive through lot 21 to make it a gradual sloping drive.

\*Bob Peters will write a letter to Mike & Toni Congedo stating the board’s conclusions.

**William Eaton-4 lot subdivision on Route 86-no further updates.**

**NEW BUSINESS:**

**Bill Bedford-4 lot subdivision on Route 86-APA approval will be required.**

- \*Property is the Lucille Obst property and was subdivided in 2011.
- \*The board reviewed the map presented by the Bedfords.
- \*They wish to divide the 50.5 acre parcel.
- \*They will meet with the APA next week.
- \*It will be a 4 lot subdivision with 3.5 acres being the smallest.

**Correspondence: Wilmington Recreation Plan**

- \*The \$5,000 application for a grant has been denied.

**Owaissa Club**

- \*There will be an open house on July 10<sup>th</sup> from 1-4 p.m.
- \*They hope to sell units before beginning the next unit.

**Discussion: Zoning Law update.**

- \*The town board has passed the new zoning laws. They need to be filed with the DOS.
- \*After they have been accepted by the DOS there will be a joint meeting of the planning & zoning boards with Elan.
- \*Bob Peters will be away for the August 1<sup>st</sup> meeting. Ginny Crispell agreed to be the sub-chairman for that meeting.

**Meeting adjourned at 8:03 p.m.**