

**Town of Wilmington**  
**Zoning Board of Appeals**  
**April 21, 2010**

Zoning Board Members present: Acting Chairman, Tom Hinman, Jim Carmelitano and Jean Baker (active member in place of Jerry Bottcher).

Public present: Randy Preston, Steve Corvelli, Rarilee Conway, Bob Guynup, Meg Parker, Jeri Wright, Dale Estes, Adlo Aquino, Michelle Burns, Jay Bell, W.J. Gibson and Shirley Lawrence.

**Public Hearing #1 – Call to order at 7:00 p.m.**

**Steinhoff's – Route 86, Jason Bell, Manager-Application for a conditional use permit to continue operation of the business.**

- \*Would be open for home cooked lunch and dinner.
- \*Would be doing repairs on the building and putting a deck outside.
- \*There would light, casual music that would end around 11 or 11:30 p.m.
- \*They have their DOH certificate and there will be an inspection done by the DOH in May.
- \*The rooms will be updated.

**\*JEAN BAKER PRESENTED A MOTION TO APPROVE THE APPLICATION AS PRESENTED; SECONDED BY JIM CARMELITANO; CARRIED UNANIMOUSLY.**

**\*Public hearing closed at 7:04 pm.**

**Public Hearing #2-Call to order at 7:04 p.m.**

**Tom Conway-Application for a conditional use permit to operate on property on Route 86.**

- \*Would operate a full service fly shop with guide service.
- \*Business would tailor towards fly fishing but would also offer supplies for all fishermen.
- \*Will have coffee and pre-packaged foods.
- \*The DOH will be inspecting.
- \*There are seven parking spots as well as access to parking at the Candyman.

**\*JIM CARMELITANO PRESENTED A MOTION TO APPROVE THE APPLICATION AS PRESENTED, SECONDED BY JEAN BAKER; CARRIED UNANIMOUSLY.**

**\*Public hearing closed at 7:08 p.m.**

**Public Hearing #3-Call to order at 7:08 p.m.**

**Meg Parker-River Stone Wellness-1179 Haselton Road-Application for a conditional use permit to expand her business into a commercial use from a home occupation.**

\*This would be an alternative health center with various types of therapy (sound energy, acupuncture, massage, yoga, herbalists).

\*Wish to put a 1500 square ft. addition the back of the house and the side of the garage.

\*There will be parking for 15 vehicles.

\*Would change from home occupation use to commercial.

\*The 2<sup>nd</sup> story would be completed in approximately four years. The first floor would be completed within a year.

\*There would be no hazardous chemicals.

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**JEAN BAKER PRESENTED A MOTION TO APPROVE THE APPLICATION AS PRESENTED, SECONDED BY JIM CARMELITANO; CARRIED UNANIMOUSLY.**

**\*Public hearing closed at 7:15 p.m.**

## **REGULAR MEETING CALLED TO ORDER AT 7:15 PM**

### **ACCEPTANCE OF MINUTES OF MARCH 10, 2010**

**\*Motion to accept by Jim Carmelitano, seconded by Jean Baker, carried unanimously.**

### **NEW BUSINESS**

**DALE ESTES-APPLICATION FOR A CONDITIONAL USE PERMIT TO LOG ON THE DEMACY PROPERTY ON SPRINGFIELD RD.**

\*Would be removing diseased and rotten trees as well as selective cutting.

\*Would be 500 to 600 feet from the river.

\*Property was previously logged in 1982 or 1983.

\*Acreage is 26 acres.

\*Would need to acquire a stream crossing permit.

\*Project would start after all permits are received.

**\*Public hearing was set for May 19, 2010.**

### **OLD BUSINESS**

#### **WHITEFACE OVERLOOK PROJECT**

Town Attorney Jamie Martineau's letter on the ZBA's request to review the change from Townhouse to

Condominium states, “the Zoning Board of Appeals does not have jurisdiction to re-review the project that has previously been filed. This opinion is based on the clear definition of multiple-family dwelling in the Town of Wilmington Land Use Code and that the mere change in legal form of unit ownership in a multiple-family dwelling is not a change in use type and does not allow the ZBA to re-review the project.”

Randy Preston informed the board of the law in Lake Placid that stops people from turning residences into condos.

#### Announcements:

Elan consultant meeting – May 11 @ 9 a.m.

Bob Guynup gave a short overview of the progress to date. The process might take another year.

#### Verizon-Cell Tower

\*Verizon has APA permits.

\*There is a revised site plan which requires a letter from this board in favor of the plan. \*They still need 2 Federal permits.

\*The project will probably not happen until next year.

\*The board was in favor of the new plan and will write a letter stating so.

Meeting adjourned at 7:31 p.m. upon a motion presented by Jean Baker, seconded by Jim Carmelitano.