

**Wilmington Planning Board  
September 9, 2013-7:00 P.M.**

Board members present: Bob Peters, Glenn Gebel, Ginny Crispell, Judi Gould, Marilyn Moncsko, Tony Nickinello and Bert Yost.

Public present: Jack and Noreen Levitt, Nancy LeBlanc, Scott Avery, Robert Guynup and Shirley Lawrence.

**THE REGULAR MEETING WAS CALLED TO ORDER AT 7:00 P.M. by Chairman Robert Peters.**

**ACCEPTANCE OF MINUTES:**

**July 1, 2013 minutes**-Motion to accept by Ginny Crispell, seconded by Glenn Gebel; carried.

**NOTE: There was not meeting in August.**

**OLD BUSINESS:**

1. Roy Holzer plans for the old Holiday Lodge. Work is being done gradually.
2. Roy Holzer plans for a gas station at the Little Super Complex.
  - a. Roy Holzer is working with the various agencies involved.

**NEW BUSINESS**

**1. Jack Levitt concerns over his approval rights at his subdivisions.**

- \*Jack's initial approval stated that Jack would approve all building plans by the new owners before they went to the CEO for a building permit. This covenant was written into the deeds.
- \*Jack is having a problem with a property owner in his development on Fox Hollow Run. Jack did not approve the plans but the owner went to the CEO with plans that were stamped and approved and met the town regulations and the owner was issued a building permit. The owner had the building under way before Jack could take legal action.
- \*Jack is looking for assistance from the Town and the CEO to address the review process.
- \*Jack submitted a copy of a Memorandum of Understanding to the Board and wished to have the board agree to the MOU. The MOU has been submitted to the Town Attorney for review with a reply asking that sentences be added to protect the town.
- \*The Planning Board members felt that this problem is not under the jurisdiction of the Planning Board duties. The Planning Board or the Code Enforcement Officer cannot enforce deed covenants.
- \*There was some discussion on the need for the town to establish an architectural review board. This would have to be done by the Town Board passing a local law.
- \*Bert Yost felt there could be a box added to the enforcement section of the forms stating that all deed and covenant forms must be adhered to.
- \*Bob Guynup suggested that all restrictions and covenants should be recorded with the deed.
- \*The Board had no problem with the MOU as long as the Planning Board was not named on the document because the board has no jurisdiction over covenants and restrictions made by the developer. Bob Guynup will pursue the MOU issue.

**2. Richard O'Connor property on Route 431, no maps ever filed 5 or 6 years ago with APA or Essex County.**

- \*Nancy LeBlanc and Scott Avery were present representing Richard O'Connor.
- \* The final plans were never brought in for stamped approval by the Planning Board.
- \*Scott Avery questioned what the board could do to help solve this problem.
- \*The original application was for a 2 lot subdivision and Richard is now wanting a 3 lot subdivision.
- \*It appears that Richard combined another lot with the original lot for tax purposes.
- \*Richard would have to start the process over again from the beginning.

**3. Variance for fencing for Robert Praczkajo on Fox Hollow Road.**

- \*The variance application is for an 8' fencing around the whole perimeter of the property.
- \*The boards recommendation to the Zoning Board of Appeals is that the owner should follow the guidelines in the regulations.

**4. Update on Owaissa development.**

- \*Bob Peters had correspondence from Paul Wos stating that they are waiting for the market to rebound.

**CORRESPONDENCE:**

1. Local Government Conference at SUNY Potsdam on October 15th.
2. Survey map filed by Stephen and Wendy Hall & David and Marybeth Lavery for a change of driveway.

**DISCUSSION:**

1. Review of sign regulation on page 53 #J. "Amortization of Non-Conforming Signs"
  - \*Would like to delete the whole paragraph and add "twirling and LED signs" to the section addressing Illuminated signs.

**ADJOURNMENT:** Meeting adjourned at 8:30 p.m.