

**Wilmington Planning Board**  
**April 6, 2015**

Board members present: Bob Peters, Bert Yost, Judi Gould, Marilyn Moncsko and Ray Curran.  
Ray Curran will be a voting member.

Public present: Randy Preston, Ralph Schissler, Bob Guynup, Judson Smith, Don Biggs, Michele Powers, Keith Mandernach and Favor Smith.

**PUBLIC HEARING FOR PATRICK MCINTYRE SUBDIVISION ON BONNIEVIEW ROAD  
CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN ROBERT PETERS.**

- \*The board reviewed the plans.
- \*There are no changes planned at this time.
- \*The road that is there now will be the only road.
- \*Patrick will keep 8.3 acres and the 20 +/- acres will be conveyed to Laurel duBois.
- \*Judd Smith questioned if the property could be subdivided again. It was determined that the property could be subdivided again but would have to go through the APA and back to this Board for review.
- \*Bob read a letter from Emery Duell regarding run off to the river.
- \*There will be no construction so that would not be an issue.

Public Hearing closed at 7:10 p.m. upon a motion by Bert Yost, seconded by Judi Gould; carried unanimously.

**APPROVAL OF MARCH 2, 2015 MINUTES**

The following corrections were submitted by Ray Curran:

- \*Bert Yost was acting chairman when Bob Peters recused himself from the Hardy Road discussion.
- \*Ray Curran asked why a variance from the 150' setback is required.
- \*The board discussed what the criteria is for a variance.

Motion to approve the minutes with corrections by Bert Yost, seconded by Judy Gould; carried unanimously.

**OLD BUSINESS:**

**1. 2 lot subdivision for Patrick McIntyre on Bonnieview Road.**

Motion to approve the project application as submitted by Judy Gould; seconded by Bert Yost; carried unanimously.

**2. 2 lot subdivision for Todd Ottenstein on Hardy Road represented by Ralph Schissler from  
Adirondack Surveying, Jay, NY**

- \*Bob Peters recused himself from comments because he is a neighbor. As facilitator Bob has collected and handed out information that he has received regarding this project.
  - \*Bert Yost continued as acting chairman during this discussion. He discussed the deeds to the property and the fact that the property is being advertised as a rental and the deeds call for no commercial development on that property. Ralph Schissler noted that this is a restricted covenant in the deed and is not something for the board to enforce. He stated that restrictions go with the property and disappear over time. Bert has a problem with this appearing to be a business.
  - \*There was discussion over how to define this in the code.
  - \*Ralph noted that he is before the board tonight to address the scenic corridor.
  - \*Bert had issues with the septic system for the occupancy rate of the building.
- Ralph noted that there is an engineer designing the system and APA engineers reviewing the same.

Ray Curran has visited the APA and reviewed the application and questioned the deed restrictions disappearing over time. Ralph felt this should be discussed with an attorney.

\*Judy Gould had problems with the way the project has been presented and the fact that it changes from one meeting to another.

\*Ralph noted that he has presented the project to the board as it is presented to him.

\*Ray Curran stated that the APA has different plans than this board does. Also different maps. The APA decision will impact what this board does.

\*Ralph replied that the map that this board has was in regards to the reduction in the scenic corridor. The APA submission was for septic issues.

\*Judy Gould noted that they have no details on the house. Ralph stated that at the last meeting he was asked to present specific items to the board and that is what he has done.

\*This meeting was to reduce the scenic corridor from 150ft to 105 ft.

\*Ray questioned if there is something different that could be done with the septic.

\*Ray has reviewed the application with Bob Guynup and determined there were two things to do;

- \*a 2 lot subdivision.

- \* site plan review triggered by the development in the scenic corridor.

\*The requirements in the Wilmington Code were reviewed and include:

1. Access is adequate
2. Screening
3. The effect on surrounding properties, visibility and open space quality of the corridor.

Other concerns include:

4. Storm water run off.
5. Issue of deed restrictions.
6. Co-coordinating review with the APA

\*Judy Gould would like to know what is being built on the property and if the septic is adequate.

\*Ralph again stated that the septic system is being designed by an engineer for a 3 bedroom house and being reviewed by the APA engineer.

\*Judi noted that the advertising of the project is different than the project application for lot 2.

It was felt more information is needed before the board can make a decision.

The maps were reviewed by the board and discussion was held on the driveway location, the steepness and the limited site distance. Ralph stated that the highway supt. has looked it over and that location was where he wanted it to come out. It was questioned if it would be possible to share access with the two sites and have only one driveway cut. Ralph stated that there has been no concern by the APA. Ralph stated that they moved forward with the project after the first meeting with the board and they had no concerns at that time. His main issue now is the scenic corridor setback. On the first map there is nothing on lot 1 at all now there is a house on lot 1.

Bob questioned if the application was ruled incomplete at the January meeting. It was not. The minutes stated that the setback requirements could be met at that time.

The board agreed to speak with Bill Skufca about the driveway access and attention should be paid to the septic system and if it will be adequate for the number of people that will be inhabiting the house. Bob Guynup went over the guidelines for septic system. The septic system for lot1 was 2,000 gallons. It would be difficult

for him to put in the designed septic system unless he can get the setback required reduced. Bert questioned if the house is only 3 bedroom, why do they need a 2,000 gallon tank.

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Bob Guynup has spoken to Todd and Kim Ottenstein about all the different stories.. It puts everyone in an awkward position. Bob Guynup spoke with Susan Parker at APA and they are going to ask for a new application for the subdivision.

Any decision that APA makes will effect the boards decision. They also know the decision for the 150 ft setback so they can write their permit accordingly. Ray noted that the board needs to coordinate their information with the APA.

The problem with the project is that the plans keep changing.

The subdivision has not been approved yet.

Ralph stated that there were no changes at the January meeting so they submitted that to the APA. The board acted on the information that they were given at the time and now everything has changed.

Bert Yost suggested that this matter be tabled and that a consultant be hired to look this over.

Motion by Ray Curran to hire a consultant to review the project; seconded by Marilyn Moncsko; approved with Bob Peters not voting. Ray would also like to have a soil investigation.

Bob Guynup stated that the APA is starting the process over.

Judi Gould feels the board needs to see the whole picture and know what the plans are for the whole subdivision and would like to get an independent engineer to look the project over. Ralph questioned if the APA engineer would not be sufficient. This would be billed to the developer with the money put in escrow up front. They will hire AES. Ray would also like deep hole tests to determine the best site.

Ralph feels that the board is starting over from square one since a lot of this stuff has been done already by licensed engineers.

The board will forward all the information to the engineer and ask them to review the data for problems and continue on if there is no problems.

It was felt that the engineer will need to know what they are reviewing as far as what is being built and Todd should be asked to attend the next meeting to answer any further questions. Bill Skufca should also be contacted.

The board will get a letter and a list to Ralph.

#### **NEW BUSINESS-**

1. SLB Capital Development Corp-Special Use Permit- Formerly Green Mt. Lodge-Represented by Keith Mandernach.

- \*They plan to open 5 rooms plus the main office area. Work is being done by Peck Construction.
- \*The other units to the right....will be worked on. The two story area on the far right will be demolished.
- \*They hope to be open by Memorial day.
- \*The project plan right now is to get the business open. Finish the next 6 rooms in the next six months.

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- \*Mel's will probably be a gathering room/game room.
- \*Judi questioned "why the phasing". This project has been ongoing for three years.
- \*They have plans to spruce up the "curb appeal".
- \*Would like to see the whole project complete within the next year. The two story structure is questionable still.
- \*Parking lot size would be reduced and paved with the planting of plants and shrubs..
- \*Signage would be called Adirondack Spruce Lodge.
- \*Judi questioned putting restrictions with a time frame for completion. She hated to see another three years go by before the project was complete. It was felt this could not be done.
- \*Motion to approve the Special User Permit by Bert Yost, seconded by Marilyn Moncsko; all in favor.

## 2. Cadence LLC-Special Use Permit-Formerly Birch Tree Lodge- Don Biggs & Michele Powers.

- \*Cadence Lodge at Whiteface would be the new name.
- \*Will be redoing all of the rooms as money allows. Doing the lobby now and then starting on the rooms.
- \*Would like to get rid of the pool and have a congregating area with a fire pit.
- \*Would like to redo the exterior with new signage and lots of landscaping.
- \*It is still an operating motel.
- \*They are going after the biking population.
- \*Motion to approve the special use permit application by Judi Gould, seconded by Bert Yost; carried unanimously.
- \*Bob informed them that a sign permit is needed and a building permit application for structural issues.

## **CORRESPONDENCE:**

1. 18TH Annual Adirondack Park Local Govt. Day Conference.
2. Essex County Clerk-No new filings for March
- 3 Note from Paul Wos

## **DISCUSSION:**

Need to look at businesses that are not defined in the Land Use Code.  
 May need to bring the code up-to-date.

Ray Curran felt the board should encourage joint meeting with the ZBA and the Town Board.

Meeting adjourned at 8:30 p.m.