

Wilmington Zoning Board of Appeals

July 17, 2013

Wilmington Community Center

BOARD MEMBERS PRESENT: Jim Carmelitano (Acting Chairman), Herb Crispell, Jean Baker and Jerry Bottcher . **PUBLIC PRESENT:** Doug Smith and Shirley Lawrence.

PUBLIC HEARING FOR DOUG SMITH APPLICATION FOR AN AREA VARIANCE AT 47 WHITEFACE MEMORIAL HIGHWA.

CALL TO ORDER: Call to order at 7:00 by Jim Carmelitano, Acting Chairman.

*There was no public present.

*Doug wishes to remove the mobile home and garage that is presently on the property and to build a 3 bay garage with living quarters above the garage.

*It would be completed next summer.

*The building would be situated at the location of the current buildings (40' from the edge of the highway.)

PUBLIC MEETING CLOSED AT 7:03

REGULAR MEETING CALLED TO ORDER AT 7:04 P.M.

*Jerry Bottcher presented a motion to approve application for an area variance submitted by Doug Smith with the contingency that the project be completed by December, 2014; motion seconded by Jean Baker; carried unanimously.

ACCEPTANCE OF JUNE 19, 2013 MINUTES

Motion to accept by Jerry Bottcher, seconded by Jean Baker; carried unanimously.

NEW BUSINESS-NONE

OLD BUSINESS

Larry Hegele & Rose Cooney Appeal. (Jim Carmelitano excused himself from discussion on this subject.) Jerry Bottcher took over as Acting Chairman of the Board.

Discussion was held on the need for a public hearing to address the aforementioned appeal.

*Jean Baker felt this was a neighbor to neighbor dispute and should be addressed by the courts.

*The appeal has been addressed item by item by the board and the board denied the appeal.

*The Code Enforcement Officer has addressed each violation complaint and the board has reviewed and agreed with the Code Enforcement Officer and has acted accordingly.

*There is no section of the Code that states that a public hearing is required since there is no **applicant** that is appealing a decision that has been made by the board. Larry Hegele has not applied for or been denied anything by this board or the Code Enforcement Officer.

*Jerry Bottcher presented a motion that this board will not schedule a public hearing on the Hegele matter until there has been a consultation with the Town Supervisor and the Town Attorney. The board feels that this is a legal matter. Jerry will contact the Town Supervisor to advise him of the boards decision. Motion seconded by Herb Crispell; carried unanimously.

Meeting adjourned at 7:47 p.m.