

Wilmington Planning Board

December 5, 2011 -7:00 P.M.

Board members present: Robert Peters, Glenn Gebel, Judi Gould, Bert Yost, Ginny Crispell (voting member in the absence of Marilyn Moncsko) and Bruce Huntington.

Public present: Bob Guynup, Steve Corvelli, David & Jean Baker, Debbie Boyce, Sue Smith, Richard Smith, Tom Hinman, Tina Preston, Tim Preston, Paul Wos, Steve Amstutz, Steve Valley, Mary Valley, Timothy Estes, Joan Strong and Shirley Lawrence.

MEETING CALLED TO ORDER AT 7:00 p.m.

PUBLIC HEARING ON WELLSCROFT ICEHOUSE, LLC-TIMBER HARVESTING

*Debbie Boyce explained the project.

*She would be cleaning up from ice damage and the beech trees.

*Mike Ward will be doing the harvesting.

*Bob Guynup questioned where the loggers would be accessing the property; it would be by the Wellscroft Lodge..

*Sue Smith, representing McEwens of Asher's Way, questioned how close the work would be done to adjoining property owners; Debbie stated that they would probably not be close because of the ledges in that area. All trees they will cut will be marked. Debbie will try to be gentle along property lines.

*Debbie went over the map with Steve and Mary Valley noting that they are starting on the Jay side. There are about 120 acres in the Wilmington project.

*The plan is to leave a quality, healthy stand of trees. Debbie is willing to walk in the woods with any of the landowners to show what the plans are.

*Steve Amstutz showed his support of quality logging and noted that the logging done there in 1988 or 1989 was bad logging and he thinks it is great that the town is paying attention to timber harvesting.

*Bob Guynup questioned what time of the day the workers would start. It was felt it would be 7 a.m. unless residents had a problem with this.

*Bob Peters informed the public that Debbie has worked on projects in Wilmington a number of times with no issues.

*Bob read the following comments on the public notices:

**From Nan and Steve Amstutz:

*In 1989 we witnessed the same property logged aggressively and destructively. We, like many other abutting property owners had serious issues with that logging operation. We have spoken with Deborah Boyce of Northwoods Forestry and she has assured us that this harvest will follow good forestry and timber stand improvement practices. It is our hope that this special use permit application process will further insure good forestry practices and that the property of abutting land owners is not violated.

**From Marcia McClellan and Judith Wilkins: No comments.

*Debbie will be doing 200 of 900+ acres.

*Will be using rubber tired harvester and a skidder.

PUBLIC HEARING CLOSED AT 7:29 P.M.

Old Business:

1. Wellscroft Icehouse, LLC Timber Harvesting

*This project does not fall under the jurisdiction of the LWRP. DEC will be involved with all stream crossings. Debbie has dealt with the SEQR requirements.

*Judi Gould had concerns over the roads. Debbie stated that trucks have been in there already with no problems. They will rake and grade the roads as necessary.

*It was noted that this project does not include the lodge, but is the property behind the lodge.

***Motion presented to approve the application as submitted by Judy Gould, seconded by Ginny Crispell; carried with all in favor; none opposed.**

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2. William Eaton-4 lot subdivision on Route 86. No further updates.

3. Bill Bedford-4 lot subdivision along Route 86. Has resubmitted to the APA for a 3 lot subdivision rather than 4 lots due to the wetlands on the property. He is revising his application to the APA and reconfiguring the lot lines. On 10/4-2011 NYSDOT approved the driveway cuts onto Route 86. No further updates.

4. Peter Coffrin-US Army Corps of Engineers permit too redesign the bridge and driveway into his Rolling Forest development on Bliss Road. The letter specifying the load limits has been received and read as follows:

David W. Magurk, P.E.

8 Johnson Avenue

PO Box 1656

Lake Placid, NY 12946

Phone/Fax: 518-523-4287

November 8, 2011

Robert Guynup

Town of Wilmington Code Enforcement Office

P O Box 180

Wilmington, NY 12997

Re: Rolling Forest Subdivision

WFE Ventures, Inc.

Town of Wilmington, NY

Dear Bob:

The load design of the box culverts to be supplied by Aird Dorrance for the two stream crossings at the Rolling Forest Subdivision, Town of Wilmington, is H-20 and HS-20 design. This design loading will allow for up to 32,000 lbs. per axle and will accommodate a 44,000 lb fire truck. I am enclosing an H-20 and HS-20 loading chart which confirms the above information.

Please feel free to contact Mark Smith at Aird Dorrance, 518-563-4916, with any questions regarding the proposed box culverts or me with any questions or concerns relative to the proposed subdivision.

Sincerely,

David W. Magurk, P.E.

cc: Peter Coffrin

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4. Tina Preston-Coffee Shop- Waiting for the DOH approval.

*Bob Peters read a timeline of events for T & T Tanning as follows:

T & T Tanning sent the "Site Plan Review Application" and "Special Use Permit Application" to Bob Guynup on 9/21/2011.

At the October 3, 2011 meeting Ginny Crispell was the Chairperson and reiterated that Tina had submitted a sketch plan of the inside of the structure and plans to serve coffee and snacks this making this a different use from what was there. The board asked about DOH requirements. Tina stated that she had different things to do

and that she would be doing them. The Board waived a public hearing. The Board required DOH approval before the application could be considered complete and the board would have 60 days to vote on the project.

Shirley Lawrence transcribed the minutes from 10/3/11. Bob Peters contacted Shirley; she went back and reviewed the minutes and determined they were correct; and stated the availability of the audio if required.

The minutes were sent to T & T Tanning on November 14th and were also available on the Town website.

On 12/2/11 Bob Guynup went to T&T to remind Tina that the Planning Board would need some documentation from the DOH for final approval.

On 12/3/11 Bob Peters made a courtesy call at approximately 11:15 to 11:30 to see the new coffee shop and to let T&T know that the Planning Board would possibly accept a fax or email from the DOH so that the Planning Board would have a complete application and we would be able to grant final approval tonight. This was an effort to move this forward and provide support to small businesses in Town.

T & T Tanning was on Facebook on Sat. 12/3/2011 at 11:34 expounding a list of misguided facts about the procedure that the Planning Board is required to follow. There were many remarks made by "friends" of T & T Tanning and some remarks may be considered slanderous to and about the Planning Board and the Town of Wilmington. The Planning Board considers this method and use of Facebook as undignified and highly unprofessional.

On 12/4/11 Bob Peters called Bob Guynup to ask him to contact the DOH on Monday 12/5. The DOH initially responded via telephone to Bob Guynup that there was no DOH application at their office from T & T Tanning. A short time later the DOH call Bob Guynup again and stated that they found the application which was dated 12/2/11. The DOH sent the following Email received by Bob Guynup from Jules Callaghan of the DOH on 12/5/11

Hello Bob,

As per your request for information regarding a food operation at T & T Tanning in Wilmington, we have checked our records and we received an application for a Food Service Establishment from Tina Preston

at this location on Friday December 2, 2011. David Beilefield, our inspector for the Wilmington area has been working with Tina on the food service operation, necessary equipment and menu. Our office has also previously received a letter from David W. Magurk P.E. on November 9, 2011 regarding the adequacy of the wastewater system serving the property. Based on the fact that the septic system was initially designed and installed for the motel, has a 3,000 septic tank, there is no evidence of failure and only a slight increase in anticipated flows, we accept David Magurk's letter as endorsement that the proposed additional flows will have no significant impact on the existing wastewater treatment system. Please let us know if you disagree with this or have any particular concerns regarding the wastewater system.

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At this point, Tina Preston has submitted the application to Operate a Food Service Establishment, installed the necessary equipment and fulfilled our requests for information regarding the wastewater system so we anticipate issuing a Permit to Operate pending your issuance of a Certificate of Occupancy.

Please let me know if there is anything further we can provide in this matter. Thanks Bob! Jules

Note also on facebook---T & T Tanning stated on 11/19 and 11/28 to open on 12/19/11. T & T Tanning stated on 11/16 that "beverages, food and desserts" may be served. T & T Tanning stated on 12/1/11 on Facebook

SURVEY TIME: I need to extend my hours to cover the coffee shop now. So it is time for me to ask the important people what they would like to see for hours. SO what do you think the new hours for the coffee shop should be????Keep in mind we will be offering some lite breakfast lunch & dinners as well as alot of bake goods!!

*At this point the board is unsure if an approval if given is going to be for a coffee shop or meals. The DOH describes it as a Food Service Establishment.

*Ginny Crispell has looked up the definition of a coffee shop as serving light refreshments and light meals.

*Judi Gould gave her opinion of Facebook and feels that the professionalism of the board should speak for itself as well as the volunteer time and effort that each member of the board donates. She further questioned how the business could open without the DOH approval. Tina explained that DOH had visited and been told what Tina

planned on doing and was given the OK upon approval of the Planning Board and that the DOH will come back and do an official inspection after they are operating.

*Bert Yost was offended by the comments on facebook and feels that this is a reflection on each of the board members.

*Bob Peters reiterated his concern over the facebook "comments" especially about the board taking money. He

stated that these are strictly volunteer positions with no money involved.

*Tina Preston apologized to the board and stated that there was miscommunication and she was under the impression that she was given the go-ahead with the project as long as she worked with the DOH, which she did. She thought that she would have to come back to the board after she had opened and the DOH had come back and done an inspection. She stated that a lot of the hold-up with the DOH was waiting for a letter from Dave Magurk regarding the septic system.

She will be serving light breakfast and lunches and will not serve full service dinners but advertised so that people would know that she will be open through the dinner hour.

*Bob Guynup read the definition of a restaurant.

*It was determined that this would be a limited use restaurant.

*Judi Gould question what would happen if they wished to expand. Tom Hinman stated that it would have to be in a different location.

*It was noted that the special use permit runs with the land.

***Motion was presented to approve the application as presented by Bert Yost, seconded by Ginny Crispell; carried with all in favor; none opposed.**

***Bob Peters stated that the board had always been in favor of the project and only wanted the required information to act upon the application. These requirements are the law and a part of the new land use code.**

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NEW BUSINESS

1. Strong Property-logging on Hardy Road

*Tim Estes will be doing the logging-selective harvesting for extra money.

*Total acreage is 70 acres; 25-26 will be harvested.

*Project cannot be seen from Hardy Road.

*Public hearing set for January 3, 2012.

2. Paul Wos for First Columbia-Application for a 3 lot subdivision on the corner of Rt. 86 & Fox Farm Road.

* Test pits have been done.

*There will be 3 driveway cuts on Fox Farm Rd.

*Scenic corridor has been identified.

*There will be 3 single family lots for resale.

*The LWRP will pertain to the project.

*LWRP and SEQR forms will be needed as well as Essex Co. Approval for driveway cuts.

*Public hearing will be set after the application is complete.

ACCEPTANCE OF MINUTES-November 7, 2011 meeting

*Motion to accept by Bert Yost, seconded by Judi Gould; carried unanimously.

Correspondence: None.

Discussion:

1. Planning Board training form for accountability for the 4 hours training per year.
2. Elan has provided a notice of decision form.
3. The board made a couple of changes and adopted the form upon a motion make by Ginny Crispell, seconded by Judi Gould and carried unanimously.

Meeting adjourned at 8:45 p.m.