

**Town of Wilmington  
Zoning Board of Appeals  
February 17, 2010  
Whiteface Mountain**

Zoning Board Members present: Chairman, Alicia Armstrong, Jerry Bottcher, Tom Hinman, Bob Girardin, Jim Carmelitano and Jean Baker.

Public present: Mary Frances Carr, Joan M. Carr, Bob Guynup, Scott Allen from AES, Theresa Avery, Tina Terry, Mary Pelkey, Trevor Preston, Dorothy .....Mary & Gary Grady, Gail Mitchell, Nancy Gonyea, Tom Bradshaw, Alison Follos, Larry Hegele, Susan & Robert Hockert, Ronald Edwin Keegan, Terry & Mary Sue Dobbins, Leonard Forbes, Sarah Adams, Sylvia Mustelier, Harriet Adams, Judi & Dan Gould, Bruce Huntington, Mathew Dempsey, Leonard Reed, Guy Stephenson, Dawn Stevens, Chuck & Paul Lyon, Scott Avery, Kathy Daggett, Kent Adams, Elizabeth Adams, Darin Forbes, Ray Curran, Celia Stephenson, Bethany Kress, Scott Hall, Al Armstrong, Diane & David Wainwright, Bill Waldy, Kim Sedam, K. Andrew Keasler, Phil Ba....., Dave Magurk, Michelle & John Burns, Roy Holzer, Yvonne Farmer, Bill Stahl, Jenny Winch and Lauren Garfield, Larry Gibbons, Steve Corvelli, John Mansfield, Jeri Wright, Lisa Dyslin Randy Preston, Mary Lou Moore and Shirley Lawrence.

The public was reminded to sign in if they wished to speak at a public hearing. Sign in sheets were available at 6:30 p.m.

**CALL TO ORDER** at 7 pm by Chairman Armstrong.

**Pubic Hearing #1**

**Kate Santerre-Lighthouse Bakery-Route 86-conditional use permit.**

**\*Hearing was postponed until the March meeting; applicant was not present.**

**Public Hearing #2**

**First Columbia-Bowman Lane Townhouse Project-Variance request**

**\*Call to order at 7:02 p.m.**

\*Application to build 9 multifamily dwellings on 8.11 acres of land.

\*AES has deemed the application complete.

\*Alicia Armstrong gave an update on the project to date.

**\*Paul Wos of First Columbia went over the proposed project.**

\*The application is for 27 units in nine buildings.

\*They have non-jurisdictional letter from the APA.

\*Each unit would be 1200 sq.ft (2 bedroom) and 1700 sq. ft. (3 bedroom)

\*There would be no garages.

\*Would be considered an upside down townhouse with the living quarters upstairs.

\*The development would be marketed towards vacation families.

\*If the project was reduced to the allowed 16 units, the building would have to be bigger and the occupants would wish to have river views as well as garages. These are not the kind of people that First Columbia wishes to bring into the community.

**\*Scott Allen of AES gave an update on the engineering findings to date.**

\*AES was hired in October to review materials submitted by the applicant to determine if the applicant was in compliance with the Land Use Code. Since that time there have been reviews by AES and discussions with First Columbia checking off the items of concern as they were addressed by the applicant. On January 18<sup>th</sup> the opinion was given that the application was complete. The conclusion was that if the project is built

according to plans, they comply with DEC & DOH as they pertain to stormwater and wastewater disposal. The zoning board was looking for guidance on the density issue. Upon review of other communities it was found that Wilmington's density requirements were more strict.

**\*Alicia Armstrong** asked if these were considered townhouses and not condos.

**\*Paul Wos:** Yes, there will be a HOA and they will be taxed as townhouses and not condos.

**\*Jerry Bottcher:** Are townhouses taxed the same as a house?

**\*Paul Wos:** Yes.

### **Public speakers**

**\*Steve Corvelli**, 858 Springfield Road: Steve spoke in support of the project. The new owner has a right to develop the land and it will be developed. The town needs to look at how it is going to sustain itself in the future. He feels this project is a perfect fit for the community and the town is fortunate to have this type of company want to do something in the community.

**Jeri Wright**, Indian Rock Rd.: Jeri spoke in favor of the project. She would prefer to see something that the Town has control over.

**Tina Terry**, Route 86: She is a business owner in town and has seen many business go out of business. We need to get tourists into town and have people in the shops. This will not happen if we don't change the way things are going.

**John Mansfield**, 788 Springfield Rd.: He has been in town since August 1<sup>st</sup>. He sees this project as one that is going to be a big benefit to the area. First Columbia is very skilled at what they do and the project has been thought through thoroughly. He sees no negatives to the project.

**Larry Hegele**, 41 Roses Way: Larry presented a list of persons opposing the building of townhouses. He was informed that this was not any kind of legal document. He feel this project will bring about undesirable changes to the neighborhood and that the beach might become the townhouse beach instead of the town beach. He discussed the scare tactics presented by the developer if they are forced to comply with the allowed 16 units. He feels this development will not solve the problems in this community.

**Alison Follis**, 45 River Bend Way: She has lived next to the beach her whole life; the area is not that large and needs to be protected. She has concerns over the increase in the number of dwellings. The developer knew the rules when they purchased the property. She feels building should be done within the current laws for development.

**Terry Dobbins**, 64 Manning Rd: He is a retired attorney. The developer bought the property knowing the zoning regulations and this is a self-inflicted dilemma by the developer. Variances should be granted sparingly or under exceptional circumstances. Paul Wos implies that more money can be made if the variance is granted.

**Lisa Dyslin**, 17 Quaker Mt. Rd: Thank you to the zoning board for the time they have spent on this project. She has been associated with the town for 40 years and is not against growth in the Town of Wilmington. She feels the beach is a special place and the 27 units will require cutting down many trees and will change the atmosphere of the beach. She would like the board to turn down the application.

**Larry Gibbons**, 37 Riverbend Way: Is not against development. Would rather see 16 units with room for storage of items. He knows there are also wetlands as part of the property. Has concerns over the fact that there is a new engineer on the project. He is against the project and feels less is better than more. Feels the beach will become overcrowded. What happens when there is no one in the houses. This will draw people in the area doing vandalism.

**Randy Preston**, 24 Stoney Birch Way: Was not in favor of the previous proposal because he was not certain that it would fit. Something will be developed there. Will we have any say over what is developed? The proposal has been extensively reviewed and concluded that the units fit and there is no detrimental effect on the beach. We will have control over every aspect of the project. He does not want Wilmington to become another Lake Placid but we need some kind of development. He feels we can still maintain the small town quality of life. He asked that the board approve the project.

**Scott Avery**, Hardy Road: Has been in the town for 40 years. It would be better if we could add that 8 acres to the beach. He does not know why the developer would purchase the property without knowing the code. He does not know what a garage has to do with driving into Lake Placid. He feels we should stick to the code. Wilmington is special and we need to work hard and be patient. It can be developed within the allowed 16 units at a profit.

**Bruce Huntington**, 5223 NYS Route 86: How will the Zoning Board justify going beyond the 16 units? Spot zoning is when the Zoning Board changes the density. Bruce went over various rules of the Land Use Code. Feels there is control over a single family use because conditions can be made during the approval of a subdivision application. He feels the boards need to have separate legal counsels.

**Mary Lou Moore**, Quaker Mt. Rd.: She loves Wilmington and the beach is a favorite spot. She thinks we should stick with the code. She is not convinced about the Storm Water Management Plan.

**Sarah Adams**, Lakeview Terrace: She has been here since the mid 70's. She would like to see development that follows the guidelines. We are not the same as other communities. She is asking that the board not approve the development. The developer bought property; not waterfront property.

**Matt Dempsey**, Haselton Road: He would propose to put this on a referendum for town vote. He is personally against the variance. Alicia informed him that this is not an option.

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**Kent Adams**, Lakeview Terrace: He has been here since the early 70's and is not opposed to development in Wilmington. We need development but do we need it at the beach so that the developer can make more money? Can I change the density of my own property so I can make more money? He has a problem with condos and does not understand why townhouses cannot be converted into condos. What will stop them from doing that? If so they will save a lot of money on taxes. The developer will be encouraged to sell condos.

**Guy Stephenson**, 5582 Route 86: Has lived his whole life within 500' of this project. Feels the developer should be held to the allowable density of the property. Is concerned over the effect on the beach area how it will affect activities at the beach. Does not want to see anything restrict the use of the beach area.

**Elizabeth Adam**, Lakeview Terrace: Does not mind seeing the beach development within the limitations set by the Land Use Code. People live outside of Lake Placid for a reason. She sees only a very limited amount of work for the area on the project. She further thinks there are few locations that people can walk to from that development.

**Scott Hall**, Route 86: Does not live here but owns land here. Feels 27 units is too much for that property and the project should stay within the recommended guidelines as they are right now.

**Bill Waldy**, 5647 Route 86: It is important to pass this variance. 27 units are better than 16. He loves Wilmington but feels that it is very depressing and the town needs a facelift and this project is what we need. The beach is depressing because it is in such need of repair. Feels this will make the beach a much nicer place.

**Kathy Daggett**, 484 Hardy Road: Developing the Town Center is very important. We are talking about developments for outsiders. This happened in Lake Placid and the properties are empty a good share of the time. It does not make sense to make a development that people do not live in full time. She feels they should make something for full time residents. She would want the back yard to be full of trees to separate them from the beach.

**Alicia Armstrong** thanked the audience for giving their opinions. The board needs to take into consideration the inconsistencies of the Land Use Code. The town attorney has advised the board to take each application on its own merit.

**Motion to close the public hearing at 8:39 pm. by Jerry Bottcher, seconded by Tom Hinman; carried unanimously.**

**REGULAR MEETING CALLED TO ORDER AT 8:41 P.M.**

**ACCEPTANCE OF MINUTES OF THE JANUARY MEETING.**

**Motion to accept by Bob Girardin, seconded by Jerry Bottcher; carried unanimously.**

**OLD BUSINESS**

**Public hearing for Lighthouse Baker rescheduled for the March 10<sup>th</sup> meeting.**

**ANNOUNCEMENTS**

**\*The March meeting has been re-scheduled to March 10<sup>th</sup> at 7 p.m. at the Community Center.**

**\*Reminder: Elan consultant meeting will be 2/24 at 1 p.m. at the Community Center.**

**ADJOURNMENT-Motion by Jim Carmelitano, seconded by Tom Hinman at 8:42 p.m.**