

Wilmington Planning Board
May 4, 2015

Board members present: Bob Peters, Judi Gould, Marilyn Moncsko and Tony Nickinello.

Public present: Randy Preston, Ralph Schissler, Bob Guynup, Steve & Susan Corvelli, Thomas Hinman, Tina, Trevor and Tim Preston, Tom LaBombard, Sue Gettens and Shirley Lawrence.

CALL TO ORDER at 7 p.m. by Bob Peters.

NEW BUSINESS:

1. Tina Preston- Application for an off premise sign at Steinhoffs advertising her business as being open.

* Tina was unaware that a permit was needed.

* The sign is already up.

*Sign will be temporary until the bridge is complete.

***Motion to approve the application as submitted by Judi Gould, seconded by Marilyn Moncsko; carried with all in favor.**

APPROVAL OF APRIL 6, 2015 MINUTES

The following corrections were submitted by Judi Gould:

*Page 4-Judi Gould questioned why there could not be restrictions. Judi would still like to know why the board cannot do this and what law prevents it. Would like a report back at the next meeting.

*Bob Guynup will research this and it will be discussed at the next meeting.

*Judi feels there needs to be restrictions on the time frame in which a project is completed.

Motion to approve the minutes with corrections by Marilyn Moncsko, seconded by Tony Nickinello; carried unanimously.

OLD BUSINESS:

2. 2 lot subdivision for Todd Ottenstein on Hardy Road represented by Ralph Schissler and Tom LaBombard.

*Bob Peters will Chair this meeting because Bert Yost is not present but will once again recues himself from comments and voting because he is a neighbor.

*Judi Gould noted that the board has had input that is different from what APA has and the information has been received in dribs and drabs and the project keeps changing.

*Judi reviewed the notes that she had made regarding information received to date as follows:

Notes on Ottenstein Project

1. **Oct 20 2014** - Original APA application for 2 lot subdivision. Application deemed incomplete. Clearly states "Do not undertake your project until a permit has been issued by the Agency".
2. **November** – Excavation for house on lot 2 began with no APA permit
3. **December** - Foundation for house began December with building of house following.
4. **January** - Appeared at Planning Board. Application for 2 lot subdivision – said set back requirements can be met. Place Lot 1 on market. Lot 2 – small house & garage (already in process). Said this would be owners home
5. **February** – No Planning Board Meeting
6. **March** – Letter from APA to Ottenstein with many questions. Planning Board meeting March 2 – project now includes a rental home on lot 1. Lot 2 house also being advertised as 3 bdrm rental – septic sized for 2 bdrms. Set-back in question. Wetlands in question. Septic systems in question.
7. **April** – Planning Board given copy of deed restrictions. Glossed over. Much discussion about set-back, what is really being built on property, driveway location, etc. Board voted to have a second engineer look at project.
8. **April 9** – APA deemed project to be a material change and will be treated as a new permit application. A list of missing information was provided.
9. **April 22** – Letter from APA to Ottenstein asking specific questions about plans received from La Bombard on April 8.
10. **April 27** – Letter received from Janet Bliss – attorney – questioning why a second opinion is required
11. Note that three neighbors have sent letters objecting to this development largely due to the sensitive nature of the wetlands and the intention that the homes be short-term rentals.
12. Note that advertisements for both buildings have been removed from website – Adirondack-Vacation.com. This is a business as evidenced by their LLC Corporation – Adirondack Vacation LLC.

*The APA statement "Do not undertake the project before a permit is issued by the Agency" was of concern to her.

*Bob Guynup noted that the APA had done a site visit and stated that the building could be continued.

*The board requested this decision in writing. The house is a separate permit that is being built on one parcel of land. It meets the setbacks and is a conforming situation.

*Lot 1 - 6 bedroom house; lot 2 - 3 bedroom house.

*The septic will be upgraded for lot 2 with the possibility of a garbage disposal.,

*A 2 lot subdivision has not been approved even though the initial application was for a 2 lot subdivision.

*Bob Guynup felt the application had been ruled incomplete or was not accepted as a complete application.

*APA is the lead agency on this project.

*Tony Nickinello stated that he and Ray Curran has done test holes on the property. Tony questioned if they could do a pump up system to put the house back beyond the 150' setback. His concern is that Mr. Ottenstein had has septic failures on other projects.

*Tony was questioned about his expertise on the septic systems. He stated that he is a licensed plumber.

*Judy Gould felt the board is not paying enough attention to the deed restrictions., If the restrictions run with the land without an individual named and not a personalized deed restriction they restrictions run in perpetuity with the land. She feel the town attorney should look at them because the deeds say the lot can be divided in half and shall be used for residential purposes only and not commercial or business ventures.

*Ralph stated that this is a residential subdivision and the board does not enforce deed restrictions.

*The board agreed that they should get an opinion from the town attorney due to the LLC designation.

***A motion was presented by Judi Gould to have the Town Attorney review the deed restrictions and give the board his legal opinion; Seconded by Marilyn Moncsko; carried with three votes; Bob Peters recued himself from voting.**

*Bert Yost will make the arrangements with the attorney.

*Discussion was held on the local law allowing the board to hire an outside engineer to review the project with the cost being incurred by the owner in an escrow account.

*Ralph Schissler noted that at the last meeting he had asked for a precise list of items that needed to be addressed and the engineer review was not an issue. He felt their engineer and the APA engineer should be adequate.

*Bob Guynup stated that if the correct information had been submitted from the beginning there would have been less issues.

*Judi noted that the board has received 3 negative letters already and there has not been a public hearing on the project yet. She wants to be able to have accurate answers to questions at the time of the public hearing. The board tries to do their homework and do what is best for the town and the community. She wants to make her decision based on facts.

*The letter to Ottensteins dated April 17th was discussed as it regards the hiring of an engineer.

*There was some discussion regarding the letter received from Janet H. Bliss, Attorney and addressed to Bert Yost regarding the need for hiring an independent engineer.

*Tony Nickinello presented a motion to set up an escrow account in the amount of \$2,000 to be submitted by the owner to the Town as stated in the AES agreement for professional review services, seconded by Judi Gould; carried with the 3 member vote; with Bob Peters recuing himself from voting.

*The project has been put on hold with the APA until things have been straightened out. The APA issues will be addressed after the town issues are resolved.

*Judi Gould is unclear about the building of a 6 bedroom house. The engineer is designing a septic for a bedroom house on one parcel. The size of the house will be a building permit issue and the two lot subdivision will be a Planning Board issue.

*Ralph stated that this has always been an application for a two lot subdivision and this has not changed.

*Judi noted that in the beginning one lot was suppose to have a small house and the second lot would be for sale. Ralph noted that the information submitted by him was the information that he had at the time.

*Ralph distributed maps of the proposed revised project with items that addressed the issues that the board has.

*Lot 1 - moving the house beyond the 150' setback.

*There will be a single common driveway for both lots. They will remove the construction drive. The area will be replanted. There was some discussion on the pros and cons of common drives.

*Ralph talked with Bill Skufca and asked him to get back to him but has not heard from him yet. This map does not show the grading which will be improved.

*Bob Guynup questioned the reason for a 2,000 gallon septic.

*Tom noted that he is allowing for a garbage disposal system.

*Tom noted that moving the septic back he will have to pump to get to the leach field....the owner wants to go with a grinder pump even though he prefers the gray water pump.

*Ralph addressed the confusion with two APA letters that are engineer issues and will be addressed by Tom.

*There is some tweaking that will be done on this map when the details are done.

*Bob Guynup would like the board to look at the screening on Lot 2. He would like the board to determine that no Certificate of Occupancy will be issued until the screening is done.

*Ralph noted that this is not a planting plan but they are willing to submit one when it is available.

*There was a feeling that the file should be purged removing old information that is no longer pertinent so that there is less confusion when reviewing the file.

*There was discussion on possibly changing the lot lines so that the drive is all on lot 2. Ralph will look at this as a possibility.

*Bob Guynup asked about the number of leach lines on lot 2....6 lines at 50'.

*Judy questioned the well locations on the lots. The wells are not in yet. There will be one on each lot.

*The 150" setback is no longer an issue since they are moving the location of the house.

*Ralph inquired if the board had any other questions or concerns. The board will have to wait for AES and the town attorney and the other members of the board to determine if there are more questions or concerns.

*It was noted that the APA will need to know what the cutting limits are up to the wetlands. The next plan will have the cutting limits on it.

*APA is starting the application process over and whatever goes to the APA will be submitted to this board.

*AES will need a completed set of plans to do their review. Tom LaBombard will not have those ready for about 3 weeks. He will submit them to the CEO to be submitted to AES.

*Ralph questioned if this will work with the proposed changes. It was noted by the board that the application has not been deemed complete yet. At this time the project is one building on one 15 acre lot.

*Ralph is still waiting for a reply from Bill Skufca regarding the drive. Randy Preston will inform Bill.

*Tony Nickinello questioned if the test holes are filled in after the testing is done. Tom stated that they are.

*Ralph stated that all the maps that go to the APA will also come to this board.

*Bob Guynup will provide the information that is needed for the Escrow Account.

CORRESPONDENCE:

1. Essex County Clerk-No new filings for March

DISCUSSION:

1. Planning Board Phone list update was distributed.

Meeting adjourned at 8:32 p.m. upon a motion by Tony Nickinello.