

**Wilmington Planning Board**  
**November 2, 2015**

Board members present: Bob Peters, Ray Curran, Marilyn Moncsko and Tony Nickinello.

Public present: Randy Preston, Renate Schneider, Sue Ellen Gettens, Nancy Begin ?, Ralph Schissler, Todd Ottenstein, Gary Duprey and Shirley Lawrence.

**REGULAR MEETING CALLED TO ORDER** at 7:02 p.m. by Bob Peters.

**APPROVAL OF MINUTES** Bob Peters recused himself from voting on all of the minutes.

\*October 5, 2015 - Motion by Tony Nickinello, seconded by Ray Curran; all in favor.

\*October 14, 2015-Motion by Marilyn Moncsko, seconded by Ray Curran; all in favor.

\*October 26, 2015-Motion by Ray Curran, seconded by Tony Nickinello; all in favor.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. Sketch Plan review for 57 Hardy Road-AKA Beaver Brook Subdivision.

\*Bob Peters recused himself from participating in discussion or decisions on this project since he is a neighboring property owner.

\*Bob Peters and two other board members have walked the property. There were no discussions or decisions regarding the property.

\*Ralph Schissler reviewed the plans for the property.

\*\*This property is 600 ft from the previous subdivision. It is a 27 acre parcel There is a great deal of wetland.

\*\*This would be a 4 lot subdivision ranging from 3.2 acres to 13 acres in size.

\*\*There would on-site septic; on-site private water and a common drive for part of the entrance and branch off to the houses.

\*\*The wetlands have been flagged on June 23 and September 9th by Mark Rooks of the APA.

\*\*Deep hole tests have been done.

\*\*Sue Parker has visited the site and discussed the lots.

\*\*The applicant is not ready to build and is not proposing buildings at this time; only the footprint and the number of buildings:

Lot 1-3 bedroom house on a slab

Lot 2-4 bedroom house with a basement; recreation room

Lot 3-has an existing 3 bedroom house

Lot 4-2 bedroom house on slab

\*\*The applicant is submitting to the board, the same items that have been submitted to the APA with septic and soils; they would welcome any comments from the board.

\*\*Tony Nickinello questioned the width of the common drive. Randy Preston noted that it should be 12'x12' for emergency vehicles. This might not be possible for the whole drive due to the turn.

\*\*Ralph noted that the map shows part of the project going on the Gettens property but that has been changed.

\*\*Ray Curran questioned the dates that the wetlands were flagged; June 23 and September 9. He wanted to know how the board would get a report from the APA. Ralph felt that the board could ask the APA for the information. Ray asked if the board could go and dig holes on the property. Ralph felt there was not need since the APA had already done it. Todd gave a definite "no" answer to that request because he feels that the APA has jurisdiction.

\*\*Ray Curran stated that he was surprised at that answer. He noted that the final cut is the opinion of the Planning Board. Ray noted that there was a questionable area that had not been dug up. Ralph explained that the APA would probably be willing to come back out and address the issue. Ray further noted that the site is surrounded by wetland. He further noted that none of the board were invited to be present when the APA did the digging. Ralph stated that the town was notified.

\*\*Todd Ottenstein had no problem with the APA coming back to the site. He noted that the APA wanted to do a co-coordinated review on the site

\*\*Tony Nickinello questioned the well locations. He was informed that the CEO had all the information and they know they need 100 ft separation. There was a question on how far the wells needed to be from the wetlands. Gary Duprey felt that would be an APA call with site plan review. There was further discussion on the septic systems.

\*\*The buildings will all be houses that are rental units.

\*\*Ralph Schissler has full authority to make decisions for this whole project in case Todd is not in the area.

There is a letter filed in the records giving permission for Ralph to make decisions on this project.

\*\*APA would like lot number 4 to be a 2 bedroom instead of a 3 bedroom. This has been agreed upon.

\*\*There are clearing limits on the plans and there will be planting done.

\*\*There will be no cutting in the area of the Gettens'; only the driveway and parking area. They would like to hide the house so that it is not visible from the Gettens residence. The buildings will have no white on the outside of them to make them less visible. They will move the least amount of trees that they can.

\*\*Tony questioned who is responsible for the maintenance of the driveway if the lots should start selling.

Todd Ottenstein will be in charge of the maintenance of the driveway through a access and maintenance agreement.

\*\*Lot 2 owns the driveway on the street. There was discussion on the culverts; they are working well.

\*\*The deed will be restrictive; 1 rental sign for all four houses. The signage should be a separate issue after subdivision approval.

\*\*All setbacks have been met.

\*\*The electric will be underground. A transformer has to be put in.

\*\*When they are ready to build there will be an erosion control and sediment plan.

\*\*Ray Curran questioned night lighting. Lights will be used to delineate which house is which but will shine down as required.

\*\*Tony Nickinello was given permission to visit the site and instructed to park on Hardy Road and walk in.

Ray Curran wished to visit the site with him. The date set was 11/11 at 10 am.

\*\*Todd feels it is a conflict of interest for Bert Yost to chair the meeting because he has a similar business requested that the minutes show his objection.. The board felt they should decide who chairs the meetings and they will decided at the December meeting. They also felt that everyone would be on the same playing field as of January 1st when the bed tax goes into effect. Todd would further like to do this project without bringing in lawyers and special consultants.

\*\*There was discussion on fire truck access and that lot 4 could connect back to the house that is already there.

Ralph did not think a fire truck could make the turn with the trucks. It was felt that someone from the Fire Department should come and look at the drive for fire protection. Randy noted that the drive would not have to be blacktop; crusher run would do.

\*\*There will be fire pits but wood is not supplied by the owner.

\*\*Todd would like this project to go quickly and smoothly.

## **2. Abby Way Rental sign request**

\*\*The request for an off premise sign which requires a special permit from the Planning Board.

Todd stated that everyone hates his signs and steals them. He has had 3 signs stolen. He feels that people cannot find Abby Way easily. He has spoken to all of his neighbors and no one

has an issue with his signs. He wants to put up an 8 ft. sign with an arrow pointing in the direction.

He needs to get people to drive down that street; renters cannot find the property. He wants to have an office premise sign that is yellow and green.

Bob Peters went explained how the signs in town are changing to be Adirondacky. Todd will be happy to change to that type when his other signs are all gone.

Tony Nickinello presented a motion to approve an off premise sign that is set back 10' from the curb; seconded by Ray Curran; carried unanimously.

## **PUBLIC COMMENTS**

**GARY DUPREY...**He addressed the concerns on the wetlands on 57 Hardy Road and thought that the board should have someone do it with the board to verify it. Wetland boundaries are critical for the APA and the DOH.

**RENATE SCHNEIDER...**was concerned about the wetland issue. Hardy Road is suppose to be a scenic corridor. Her concern was that the best view was across the property being developed and worried that the view would be altered. Todd noted that there was only one lot that can bee seen from the Hardy Road and the others will never be seen from Hardy Road.

**SUE GETTENS** felt that everything was planned well. She noted that Hardy Road is a residential road and that four houses clustered together to house 20+ people is a commercial rental. The renters are transients, not residents and that concerns her more than anything.

**TODD OTTENSTEIN** discussed his feeling about the \$2,000 he paid for the special consultant. He objected to paying Spada for a second site visit and was charged an additional \$400 for someone else to come to the site. He doesn't understand why everything wasn't done up front all at once. Bob Peters explained that AES was contacted by the Planning Board to come up with a wetland expert. Todd objected to paying for a second trip at \$80/hr for four hours for Scott to come and watch someone dig holes. The point was made that there was an up to \$2,000 limit and the expenses were within that limit.

Ray Curran would like to talk to Bert Yost about this.

Things to discuss with the APA are:

1. The mean high water mark significance and the wetland delineation.
2. What they are doing. for visual analysis.

There was some discussion the how things happened between the APA and the Planning Board. Todd does not want to have to pay for another engineer.

## **CORRESPONDENCE**

Letter from Miller, Mannix, Schachner & Hafner, LLC regarding the proposed subdivision at 57 Hardy Road. The letter is requested that the board hire Dan Spada to perform and independent wetland delineation on that property also. Copy of this letter is on file with the Planning Board as well as the CEO.

Tony Nickinello informed the board that he will be resigning at the end of the year.  
Marilyn Moncsko informed the board that she may be resigning as well.

**ADJOURNMENT:** Motion to adjourn at 8:30 by Ray Curran; carried unanimously.