

**Regular Meeting
of the Town of Wilmington Town Board,
May 13, 2025 Community Center 6:00 PM**

To join virtual meeting please go to <https://meet.goto.com/townofwilmington>
OR join on your phone by dialing, 1-408-650-3123 Access code:377-399-733

Attending Officers

Favor Smith - Supervisor

Tina Terry-Preston- Deputy Supervisor

Darin Forbes – Absent

Tim Follos - Board Member

Laura Hooker – Board Member

Dawn Stevens – Town Clerk

Also 15 signed-in residents and 3 remote viewers attended.

The meeting was called to order by Town Supervisor Favor Smith and the Pledge of Allegiance was recited.

Resolution 61-2025

Resolved to accept the April 8, 2025, minutes as submitted.

Moved by Tina Preston Seconded by Laura Hooker Carried all present in favor

Resolution 62 -2025

Resolved to accept the April 30, 2025, minutes as submitted.

Moved by Laura Hooker Seconded by Tim Follos Carried Tina Preston Abstained

Guests – None

Supervisor Smith announced tabled items from last month would be revisited at a future meeting. The Veteran banners are up for Memorial Day, and the Annual Two Fly Event Starts Thursday, with a concert at the beach, everyone is welcome to attend.

Town Historian Merri Carol Peck was approved to purchase a computer for her historical records and research. She was asked to get prices for what she would like.

The following was presented by Tim Follos in honor of Greg Winch.

Greg Winch worked for the town of Wilmington for 30 years. During that time he envisioned and oversaw the creation of a new park; spent tens of thousands of hours mowing, raking, planting, and plowing; and worked to repair many broken water lines.

None of that is as important as the impact he has made on others.

A descendant of the locally famous guide Asher Winch, Greg, was born and raised on Springfield Road and attended the one-room schoolhouse on Hardy Road. Greg's parents died when he was young, and his early years were not easy. Other community members helped look out for him, including Bob and Judy Bowen, who helped him get a job working for the Town of Wilmington in 1975. In the following years Greg showed the town that Bob and Judy were correct to believe in him.

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Greg gradually rose through the town ranks, ultimately becoming Parks Superintendent, Deputy Water Superintendent, and Cemetery Sexton. During that time Greg developed a reputation for being intelligent, practical, and extremely careful with the taxpayers' money. He got the most out of the town's equipment to save money — even if that meant he had to work a little harder. At the end of his career Greg was proud of the fact that he had only used a few different trucks during his decades with the town — using them until their floorboards wore through.

Greg worked for seven different town supervisors and dozens of town board members. He was known for being solid, respectful and straightforward in his dealings with the town's various elected officials — no matter what controversy was the talk of the town or what intrigue was afoot.

Elected officials come and go, but the people who keep the lights on, the roads clear, and the water running tend to be in the background, often quietly going about their work with little recognition or celebration.

Greg's family remembers him working hard behind the scenes to study for the exams required to run the town's water plant. They also remember him leaving the house in the worst weather to repair broken water lines. And they remember him venturing out onto a frozen AuSable River to rescue Wilmington's four-legged friends.

Many of the milestones of Greg's career are milestones of Wilmington's history. These include the installation of the town's present water plant and the infamous Ice Storm of '98, after which Greg spent days working almost around-the-clock.

Greg was a staple of his community for so many years that current members of Wilmington's town board worked with or for him during their teens and early 20s.

They remember him as very tolerant.

Wilmington's current Parks Superintendent, John Langford, also worked for Greg as a teenager. And Wilmington's Deputy Parks Superintendent, Ashton Winch, is Greg's grandson.

As Bob and Judy Bowen took on a trusted, almost quasi-parental role for Greg, Greg took on that role for later generations of young people. To them, Greg was known for his great sense of humor; for going out of his way to help them out; for his knowledge, perspective, wisdom, and common sense; for his unique ability to sum things up in a few words; and for his insightful advice.

Like many, many others, they will miss Greg Winch.

Resolution 63-2025

WHEREAS, Greg Winch — a pillar of his community and an exemplary public servant for the town of Wilmington for more than 30 years — passed away in March of 2025,

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BE IT RESOLVED, on motion made by Tim Follos and by unanimous second, that the Town Council of the Town of Wilmington, New York, does hereby express its gratitude for Greg's many efforts — seen and unseen, tangible and intangible — for the town and its citizens, and,

BE IT FURTHER RESOLVED that this resolution be added to the permanent minutes of the Town Board of the Town of Wilmington, New York, and that copies of this resolution shall be sent to the family of Gregory Winch, Senior.

Moved by Tim Follos Unanimous Second

Resolution 64-2025

Resolved that the residents of Town of Wilmington and the Wilmington Town Board wishes to formally express their sincere appreciation and condolences to the family and friends of Shirley Lawrence. Shirley Lawrence served the Town of Wilmington and the Wilmington Fire Department for over 30 years. Shirley was always willing to help; she went above and beyond her job for the residents of our town.

Further resolved that Shirley Belle will be remembered for her kindness, community spirit, and love for all. Shirley died on May 7th, she will be remembered fondly by all who worked with her and all who knew her. Shirley will be missed.

Moved by Tim Follos Unanimous second

The Board was asked to accept the resignation of Robin Anthony from the planning board; she has moved out of the area.

Resolution 65-2025

Resolved to accept the resignation of Robin Anthony, effective immediately.

Moved by Favor Smith Seconded by Tim Follos Carried all present in favor

There was a discussion on the new amendments for the code, they will be revisited at the end of the month, the proposed changes are attached at the end of the minutes.

Supervisor Smith is looking into a wi-fi signal that could be used for town events, there has been a lot of request for such a system.

Resolution 66-2025 Resolved to pay the audited claims for the period of April 9,2025, through May 12,2025.

Moved by Tina Preston Seconded by Laura Hooker Carried all present in favor

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Public comment

There were short discussions on deforestation acreage change, the Coarding Property (housing), the internet service and Park names.

Everyone who wished to speak was given the opportunity.

Call for Executive session

Motion was made to enter Executive session to discuss a legal matter.

Moved by *Tim Follos* **Seconded by** *Tina Preston* entered 7:07, Exited 7:24

No action was taken; **Motion** was made to call the meeting back to order and adjourn.

Moved by *Tim Follos* **Seconded by** *Laura Hooker*

Respectfully submitted,

Dawn Stevens

Proposed amendments to Wilmington's Zoning Ordinance

1.

- A. An individual retail trade use shall not exceed 8,000 square feet of floor area, whether in one building or more than one building.
- B. A grouped retail business use shall not exceed a total of 40,000 in all buildings that constitute the use.
- C. For the purposes of the size limits set forth herein, floor area shall include floor area or floor space of any sort within the building, as well as exterior space used for the sale or storage of merchandise.

2.

Site plan approvals and special use permits will only be granted if the proposed use will have:

- A) No materially adverse impact upon adjoining and nearby properties, and;
- B) No clearly adverse aesthetic impact upon the Town of Wilmington.

Explanation of proposed amendments

1.

Restrictions such as these are permissible under NY law.

2.

This seems to be the most essential portion of the Supreme Court of Appeals' holding in *Wal-Mart Stores Inc. v. Planning Bd. of Town of North Elba*:

"The proposal ... did not satisfy the relevant criteria set forth in the Town Land Use Code, including two of the three specific conditions for obtaining a conditional use permit (namely, those providing that a permit will only be granted if the proposed use "will not have a materially adverse impact upon adjoining and nearby properties," and "will not result in a clearly adverse aesthetic impact").

*

We have somewhat similar (albeit weaker) language within our code, but we do not have the exact language that "a special use permit will only be granted if the proposed use will not have a materially adverse impact upon adjoining and nearby properties,"

or

"a special use permit will only be granted if the proposed use will not have a clearly adverse aesthetic impact upon the Town of Wilmington."

Based on the outcome of *Wal-Mart Stores Inc. v. Planning Bd. of Town of North Elba*, the Town of Wilmington will be well-served by adopting Proposed Amendment 2.

Proposed Amendment 3:

Amend Article VI of Wilmington's Zoning Ordinance to add the following:

Visual impact, screening, and setbacks

OBJECTIVE: Ensure that all approved commercial projects preserve and, where possible, enhance the existing natural and aesthetic qualities of the project site and its environs.

GENERAL GUIDELINES:

1. Utilize existing vegetation and topographical features, preserve existing vegetation where possible, and employ careful siting methods so as to minimize the visual impact of all commercial development activities.
2. At least thirty (30) feet of natural vegetation shall be left in its natural or improved state adjoining any public street or highway or any adjoining property not in the same ownership. The Planning Board and the Zoning Board of Appeals may, in their discretion, require additional measures to provide suitable screening, such as additional setbacks, planting, and fencing.

(Adapted from page B-5 and page 502 of Wilmington's previous land use code.)

Proposed Amendment 4:

Amend article VI of Wilmington's Zoning Ordinance to add the following:

Dumpsters:

All hotels, motels, inns, tourist accommodations, vacations rental homes, campgrounds, and similar accommodations with on-site dumpsters or similar waste receptacles (hereinafter "dumpsters") shall insure that their dumpsters are screened from all roadways and adjoining properties with solid fencing. The use of enclosed structures for trash storage is strongly encouraged. Dumpsters shall not be located within 20 feet of any property lines or public roadways.