

## **Town Supervisor's Report**

Dear Friends & Fellow Community Members,

I understand if town issues are the furthest things from your mind right now.

I get it.

Although the timing is not great, I should publish this report now.

Thank you for understanding.

1.

The town board is holding a public hearing on Local Law #1 of 2026 on Wednesday, at 6 p.m. Both a short synopsis of the law and the text of the law are at the end of this report.

Here is an article about the proposed zoning code amendments:

[Wilmington to hold zoning amendments public hearing | News, Sports, Jobs - Adirondack Daily Enterprise](#)

While there are one or two small factual errors in the text (which is probably almost inevitable, given the complexity of the subject), it is a good, informative article, and I sincerely appreciate the ADE's coverage of Wilmington.

I know covering towns on the periphery of the paper's core area wasn't easy in the best of times, and is even more difficult in this day and age.

2.

After the public hearing on Wednesday, the town board will hold a work session meeting. A draft of the meeting's agenda is at the end of this report.

That agenda is substantial. We'll get through as much of it as we can. At some point around 8 p.m. or so, a board member will probably make a motion to table any remaining discussion items until a later meeting.

3.

There is still time to join the Comprehensive Plan Committee, if you would like to. We've just started getting the process in motion.

Ultimately, the members of the committee will be appointed by the town board. The town board will also decide the size of the committee.

I would like the committee to have around 11 or 13 members, with a few alternates in place in case any of the initial appointees drop out for one reason or another ... but it isn't only up to me.

4.

Links for a handful of articles about local issues / topics are below.

Below that?

The draft agenda of Wednesday's work session meeting.

Below that?

Information about Local Law #1 of 2026.

Thank you for taking the time to read this report.

Sincerely,

Tim Follos

Articles of local interest:

[Short-term rental tax to fund ambulances for 18 Adirondack towns](#)

[Essex County supervisors seek to amend state occupancy tax law | News, Sports, Jobs - Adirondack Daily Enterprise](#)

[Olympic authority says it lacks expertise to maintain its \\$625M facilities - Adirondack Explorer](#)

[Hochul's \\$260B budget includes land swap for 3 closed Adirondack prisons](#)

[Whiteface Mountain cuts the ribbon on its newest lift | News, Sports, Jobs - Adirondack Daily Enterprise](#)

[75 years of Santa's Workshop | News, Sports, Jobs - Adirondack Daily Enterprise](#)



**Agenda of Public Hearing &  
Town Board Work Session Meeting**  
Wednesday, 1/28/2026, **6 p.m.**\*

**PUBLIC HEARING**

1. SEQRA process
2. Public Hearing on Local Law #1 of 2026: A Local Law to Amend the Zoning Ordinance of the Town of Wilmington
3. Additional discussion

**TOWN BOARD WORK SESSION MEETING**

1. Supervisor's and board member's reports: Comprehensive Plan process
2. Supervisor's report: County business
3. Discussion: Tours of public facilities
4. Discussion: Transfer station, Planning Board, building permit, and facility use fees; facility use policies
5. Discussion: Disaster / emergency preparedness
6. Discussion: Policy on naming public spaces
7. Discussion: Memorial wall
8. Discussion: Fourth of July
9. Additional discussion items raised by town employees, town officials, and the public
10. Executive session to discuss matters leading to the appointment of an individual or individuals
11. Discussion / resolution: Board of Assessment Review, Planning Board, and/or Zoning Board appointment(s)
12. Discussion / resolution: Board member appointments

**This agenda is in draft form and may change prior to the meeting.**

**\*Please note the later start time.**

To view the meeting remotely, please go to <https://meet.goto.com/townofwilmington>

To call in, please dial 408-650-3123 & enter the access code 377-399-733

*Third draft of meeting agenda*

## **Summary of Local Law # of 2026:**

### **A Local Law to Amend the Zoning Ordinance of the Town of Wilmington**

In 2021, a developer submitted plans for a 10,000 square foot Dollar General on the primary thoroughfare in Wilmington, NY, a picturesque vacation destination in the northern Adirondacks. The application caused significant outcry and controversy in the community; a large percentage of the Wilmington community opposed this development. The plans were ultimately shelved due to the developer failing the percolation test at the proposed location.

The first three proposed amendments to the Town of Wilmington's Zoning Ordinance were developed to improve the town's land-use boards capacity to control the size, appearance, visibility, and location of "big box" stores in Wilmington in the future.

The first amendment is drawn directly from a previous land-use ordinance adopted by North Elba, Wilmington's neighbor to the south. It is intended to limit the size of big box stores and strip malls.

The second and third amendments are also drawn from a previous North Elba land-use code. They are extremely similar to the section of the North Elba code that the Appellate Division, Third Department relied on in *Wal-Mart Stores Inc. v. Planning Bd. of Town of North Elba* (238 A.D.2d 93, 668 N.Y.S.2d 774 (3d Dept. 1998), in affirming the Planning Board of the Town of North Elba's denial of Wal-Mart's application for a conditional use permit.

The fourth amendment is directly drawn from the Town of Wilmington's 1988 land-use code. It is almost identical to a section of Wilmington's previous land-use code, and requires the preservation of modest vegetative buffers and screening of commercial developments. This amendment is the result of commercial developments on the community's primary thoroughfare that have negatively impacted neighboring residential property owners and/or the community's visual appeal. These buffer and screening requirements should have never been deleted from Wilmington's zoning code in the first place. It's time to bring them back.

**Local Law #1 of the year 2026**  
**A Local Law to Amend the Land Use Code of the Town of Wilmington**

Be it enacted by the Town Board of the Town of Wilmington as follows:

**Section 1. Authority.**

This local law is enacted under the authority granted by the General Municipal Home Rule law of the State of New York.

**Section 2. Legislative Intent.**

In 2013, the town board of the Town of Wilmington, New York, adopted the town's current municipal zoning ordinance. In the years since the adoption of that ordinance there have been developments in land use generally, with an increase in land development and building permits specifically, which were not anticipated by the town board when the town's current municipal zoning ordinance was adopted.

The town board recognizes the impact that future developments may have on the quality of life and economic well-being of adjacent and nearby property owners specifically, as well as on the residents and the positive economic development of the township generally.

The town board also recognizes the impact that future developments may have upon existing land uses, public services, traffic, and the mutually supportive objectives of natural resource protection and economic development identified in the town's Comprehensive Plan.

In accordance with the foregoing, the town board of the Town of Wilmington, New York, finds that the following amendments to the town's zoning ordinance will improve the regulation of land use within the Town of Wilmington, thereby protecting and improving the general welfare of the citizens of the Town of Wilmington.

**Section 3.**

**Article V of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

- 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.

#### **Section 4.**

**Article IX, §F(1) of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

§F(1)(f).

Site plan approvals shall not be granted if the proposed use will have a materially adverse impact upon adjoining and nearby properties, or a clearly adverse aesthetic impact upon the Town of Wilmington.

#### **Section 5.**

**Article X, §C of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

Article X §C(8).

Special use permits shall not be granted if the proposed use will have a materially adverse impact upon adjoining and nearby properties, or a clearly adverse aesthetic impact upon the Town of Wilmington.

#### **Section 6.**

**The section of Article VI of the Zoning Ordinance of the Town of Wilmington titled “Site Improvements and Screening” is hereby amended to add:**

A. 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.
- 3) 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.

*Pursuant to this Local Law, the previously existing subsection “A.” under the heading “Site Improvements and Screening” of the Zoning Ordinance of the Town of Wilmington, New York, shall be re-labeled as subsection “B.”*

**Section 7.**

The Town Board hereby declares its legislative intent to supersede any provision of the Zoning Ordinance of the Town of Wilmington, New York, that is inconsistent with the amendments adopted hereby.

If any local laws, or parts of any local laws, are inconsistent with any of the provisions of this local law, this local law shall control.

The Town's forms, rules, and regulations shall, to the extent necessary, be updated to reflect these amendments.

To the extent any provision of the Zoning Ordinance of the Town of Wilmington, New York, is inconsistent with this Local Law, this Local Law shall control.

**Section 8. Effective date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.