

**Public hearing Local Law 1 of 2026,  
Zoning ordinance amendments  
of the Town of Wilmington Town Board,  
January 28,2026      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**

*Tim Follo- Supervisor*

*Laura Hooker – Deputy Supervisor*

*Darin Forbes - Board Member*

*Randy Winch - Board Member*

*Hanna Cromie – Board Member*

*Dawn Stevens – Town Clerk*

*Also attending seventeen signed in residents; several did not sign in and five remote viewers.*

*The Pledge of Allegiance was recited. Supervisor Tim Follo read the Public Notice aloud and gave a brief background of the **Local Law 1 of 2026**.*

*This Public Hearing followed all of the set requirements.*

**Resolution 37-2026**

**WHEREAS** the Town Council of the Town of Wilmington, New York, has received Local Law #1 of the year 2026: A Local Law to Amend the Zoning Ordinance of the Town of Wilmington, and;

**WHEREAS** Local Law #1 of the year 2026: A Local Law to Amend the Zoning Ordinance of the Town of Wilmington requires review under the New York State Environmental Quality Review Act (SEQRA), per 6 NYCRR Part 617, and;

**WHEREAS** 6 NYCRR Part 617.2(u) defines "Lead Agency" as "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection **with** the action, and for the preparation and filing of the statement if one is required";

**BE IT RESOLVED:**

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The Town Council of the Town of Wilmington, New York, hereby declares its intent to serve as the Lead Agency **with** regard to Local Law #1 of **the** year 2026: A Local Law to Amend the Zoning Ordinance of **the** Town of Wilmington under the requirements of the State Environmental Quality Review Act, and;

**BE IT FURTHER RESOLVED:**

The Town Council of the Town of Wilmington, New York, hereby declares Local Law #1 of the year 2026: A Local Law to Amend the Zoning Ordinance of the Town of Wilmington a **Type 1 Action** for the purposes of the State Environmental Quality Review Act.

Moved by *Tim Follos* Seconded by *Laura Hooker* All in favor    **Carried**

**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.

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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:

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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.

**BE IT FURTHER RESOLVED:**

The Town Council of the Town of Wilmington, New York, does hereby announce a Public Hearing on Local Law #1 of the Year 2026, which shall be held at the Wilmington Community Center at 6 p.m. on Wednesday, January 28.

**BE IT FURTHER RESOLVED:**

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The Town Clerk of the Town of Wilmington, New York, town employees, and town officials are hereby authorized to publish required legal notices, and to take any additional measures to ensure that the above-described Public Hearing and all other actions necessary for the adoption of Local Law #1 of the Year 2026 conform with the laws of New York State and the laws of the Town of Wilmington.

**BE IT FURTHER RESOLVED:**

The Town Council of the Town of Wilmington, New York, does hereby authorize the Town Supervisor to communicate with, send documents to, and take similar actions with respect to the Adirondack Park Agency, the County of Essex, and any departments or employees thereof, to ensure that the processes through which the Town Council of the Town of Wilmington, New York, adopts Local Law #1 of the Year 2026 conform with the laws, requirements, and customary practices of the State of New York, the Adirondack Park Agency, and the County of Essex.

**Town Board Public Hearing – Local Law #1 of 2026  
Zoning Ordinance Amendments**

**Date:** January 28, 2026

**Location:** Wilmington Community Center

**Time:** 6 pm

**Call to Order**

The public hearing was opened, and it was announced by the recording device that the meeting was being recorded.

The purpose of the public hearing was to receive public comment on **Local Law #1 of the Year 2026**, a proposed local law amending the Land Use Code and Zoning Ordinance of the Town of Wilmington, including provisions governing retail development.

**Public Hearing – Local Law #1 of 2026**

**Zoning Ordinance Amendments**

The Town Board held a public hearing on **Local Law #1 of the Year 2026**, a proposed local law amending the Land Use Code and Zoning Ordinance of the Town of Wilmington.

The recording device announced that the meeting was being recorded. This can be reviewed on U-Tube under Town of Wilmington board meetings, NY.

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## **Public Comment**

### **Members of the Public:**

Members of the public stated that they were generally in favor of the proposed local law, but expressed significant concern regarding **Section 3**, which addresses size limitations for retail uses.

They also noted that Section 3 provides that a grouped retail business shall not exceed **40,000 square feet in total across all buildings constituting the use**. The speaker stated that this language is unclear and overly broad and could permit a development consisting of a single large building containing multiple retail businesses whose combined square footage totals 40,000 square feet.

It was further stated that, based on personal research, 40,000 square feet is comparable to the size of large “big-box” retail stores and is substantially larger than the retail development previously proposed in the Town, including the Dollar General proposal that generated public concern.

It was suggested revising the language in Section 3 to clearly limit the size of individual retail buildings or individual retail establishments, rather than relying solely on an aggregate square-footage cap. Suggested alternatives included establishing a maximum square footage per building or a maximum square footage per individual retail use, such as 8,000 or 10,000 square feet. It was also stated that such revisions would help prevent unintended outcomes and better reflect the Town’s intent.

Members of the public spoke of prior development controversies in the Town and emphasized the importance of protecting the Town’s character and visual appearance.

Members of the public also questioned why retail uses were being singled out in the proposed amendments and stated that this focus appears to stem from prior public concern regarding large-scale retail proposals.

Correspondences were given to the board from people in favor of the local law.

### **Clarification of Procedure**

Supervisor Follos clarified that public hearings are traditionally conducted for the purpose of receiving public comment, with the Town Board listening, and that dialogue between the Board and the public does not typically occur during the hearing itself. The Supervisor apologized for not explaining the public hearing procedure at the onset of the meeting.

### **Close of Public Hearing**

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There being no further public comment; the public hearing was closed but will be reopened at the February Regular meeting. No action was taken at this time. Public comments and correspondence will be taken into consideration by the Town Board prior to any final action on Local Law #1 of 2026.

**Motion** to carry over the Public Meeting to the February reg meeting, **Moved by** Laura Hooker, **seconded by** Tim Follos all in favor

*Respectfully Submitted,*

*Dawn Stevens*



Work session / meeting of the Wilmington Town Board  
of the Town of Wilmington Town Board,  
January 28,2026 Community Center Immediately  
following the Public hearing that started at 6:00 PM

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*Tim Follos- Supervisor*

*Laura Hooker – Deputy Supervisor*

*Darin Forbes - Board Member*

*Randy Winch - Board Member*

*Hanna Cromie – Board Member*

*Dawn Stevens – Town Clerk*

*Also attending seventeen signed in residents; several did not sign in and five remote viewers.*

*The meeting was called to order.*

*There were several discussions at the meeting. Supervisor Follos reported that the grant former Supervisor Smith applied for was unsuccessful, but he will be looking at alternatives with the help of the County*

*The transfer station fees were discussed, and it was suggested by landfill attendant Doug Nemic that it is time to raise these fees, as expenses have gone up on both tires and mattresses.*

*Darin Forbes was appointed liaison to the Memorial Wall Committee. Tina Preston and Michelle Preston will both serve on the committee, anyone interested in serving on the committee can contact them or the town hall.*

*The Board is Hoping to do something special for our Nations 250<sup>th</sup> Birthday to make it extra special.*

Call for executive session to discuss matters leading to the appointment of an individual or individuals.

**Time 8:02 Moved by** Hanna Cromie, **seconded by** Darin Forbes, all in favor.

Call to come out of executive session and adjourn the work session. **Time 8:24 Moved by** Laura Hooker, **seconded by** Darin Forbes, all in favor.

*Respectfully Submitted,*

*Dawn Stevens*