

Resolution _____-2026

WHEREAS the Town Council of the Town of Wilmington, New York, is considering a proposed local law known as Local Law 1 of 2026, which:

- 1) Both clarifies and makes more rigorous the standards through which the town's land-use board(s) review site plans and evaluate applications for special use permits; and
- 2) Limits the size of new retail businesses in the Town of Wilmington; and
- 3) Reinforces, emphasizes, and clarifies the town's land-use boards' ability to require natural vegetative screening of new commercial undertakings; and

WHEREAS, New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of Local Law 1 of 2026; and

WHEREAS the Wilmington Town Council is the Lead Agency with respect to the environmental impact review of the proposed local law, as defined in the State Environmental Quality Review Act and its regulations; and **WHEREAS** the Deputy Town Supervisor and the Town Supervisor of the Town of Wilmington have completed Parts I, II, and III, all of which are incorporated by reference hereto, of the Department of Environmental Conservation's Full Environmental Assessment Form for Local Law 1 of 2026; and **WHEREAS** the Town Council of the Town of Wilmington, New York, by previous resolution, declared Local Law 1 of 2025 a **Type 1 Action** for the purposes of the State Environmental Quality Review Act; and

WHEREAS the Town Council of the Town of Wilmington, New York finds that Local Law 1 of 2026 will strengthen environmental protections in the Town of Wilmington; therefore

IT IS RESOLVED that Local Law 1 of 2026, if adopted, will not have an adverse environmental impact; and therefore **THIS NEGATIVE DECLARATION IS APPROPRIATE**; and **NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FOR LOCAL LAW 1 of 2026.**

Resolution adopting Local Law #1 of 2026

WHEREAS the Town Council of the Town of Wilmington, New York, introduced proposed Local Law #1 of 2026 on a motion made by Laura Hooker and seconded by Randy Winch at its regular monthly meeting on January 13, 2026; and

WHEREAS a Public Hearing on Local Law #1 of 2026 was duly held at 6 p.m. on January 28, 2026, during which the Town Council heard from any and all members of the public regarding the proposed adoption of Local Law #1 of 2026; and

WHEREAS the above-referenced Public Hearing on Local Law #1 of 2026 was held open to allow the submission of additional written and in-person public comments until the Town Council's regular monthly meeting at 6 p.m. on February 10, 2026, during which the Public Hearing was duly closed; and

WHEREAS the Town Council of the Town of Wilmington, New York, discussed Local Law #1 of 2026 at its meetings on January 13, 2026; January 28, 2026; February 10, 2026; and February 25, 2026; and

WHEREAS the Town Council of the Town of Wilmington, New York, approved non-material changes to the language of Local Law #1 of 2026 in response to public feedback; therefore

BE IT RESOLVED that the Town Council of the Town of Wilmington hereby adopts Local Law #1 of 2026: "A Local Law to Amend the Zoning Ordinance of the Town of Wilmington"; and

BE IT FURTHER RESOLVED that the Local Law hereby adopted reads and provides as follows:

Local Law #1 of the year 2026

A Local Law to Amend the Zoning Ordinance 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 6,000 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 square feet 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 forty (40) 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 forty feet of vegetation described herein shall be a forty-foot-wide buffer that is, to the maximum extent practicable, continuous.
- 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.

Resolution _____-2026

WHEREAS the Town Council of the Town of Wilmington, New York, has received Local Law #2 of the year 2026: A Local Law Amending the Zoning Ordinance of the Town of Wilmington to Promote Affordable Housing; and

WHEREAS Local Law #2 of the year 2026 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 that 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 #2 of the year 2026 under the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Wilmington, New York, hereby declares Local Law #2 of the year 2026 a **Type 1 Action** for the purposes of the State Environmental Quality Review Act.

Resolution ___-2026: Setting a Public Hearing on Local Law #2 of 2026

WHEREAS the members of the Town Council (hereinafter “town board”) of the Town of Wilmington, New York (hereinafter “the Town”), believe the Town should be a pro-housing community, **BE IT RESOLVED** that the town board of the Town of Wilmington, New York, does hereby announce a Public Hearing on Local Law #2 of the Year 2026, which shall be held at the **Wilmington Community Center at 6 p.m. on Wednesday, March 25**; and

BE IT FURTHER RESOLVED that the text of Local Law #2 of 2026 shall read as follows:

**Local Law #2 of the Year 2026:
A Local Law to Promote Affordable Housing in 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 January of 2024 the town board of the Town of Wilmington, New York resolved to support the Town’s designation as a “Pro-Housing Community.”

In doing so, the town board pledged to streamline permitting for affordable housing, and to enact policies to support a broad range of housing development. The town board of the Town of Wilmington begins fulfilling those pledges by enacting this local law.

Section 3.

Article V of the Town’s Zoning Ordinance is hereby amended through the permanent deletion of the following words:

“Additional Density Requirements for Manufactured Homes

A. Manufactured Homes.

The minimum land area required for all mobile homes shall be 3 acres.”

Section 4.

The references to Manufactured Homes in the subsection titled “Dwelling Units” in **Article XVI** of the Town’s Zoning Ordinance are hereby permanently deleted.

Section 5.

The foregoing amendments to the Town’s Zoning Ordinance shall apply only to manufactured homes assembled, produced, constructed, or otherwise manufactured during or after the year 2010.

Section 6.

Article XVI of the Town's Zoning Ordinance is hereby amended and shall henceforth read as follows:

“DWELLING UNIT – One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be less than 300 square feet. And there shall be a minimum of 60 square feet of habitable area provided for sleeping accommodations for each person excluding kitchens, bathrooms and hallways.”

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 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 #2 of the Year 2026 to conform with the laws of New York State, the County of Essex, and 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 #2 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.

Resolution _____-2026

WHEREAS the Town Council of the Town of Wilmington, New York, has received Local Law #3 of the year 2026: A Local Law to Correct an Error in the Zoning Ordinance of the Town of Wilmington; and

WHEREAS Local Law #3 of the year 2026 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 that 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 #3 of the year 2026 under the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Wilmington, New York, hereby declares Local Law #3 of the year 2026 a **Type 1 Action** for the purposes of the State Environmental Quality Review Act.

Resolution ____-2026: Setting a Public Hearing on Local Law #3 of 2026

WHEREAS the Town Council (hereinafter “town board”) of the Town of Wilmington, New York (hereinafter “the Town”), recognizes that there is a typographical error in the Town’s Zoning Ordinance and that correcting that mistake is overdue, **BE IT RESOLVED** that the town board of the Town of Wilmington, New York, does hereby announce a Public Hearing on Local Law #3 of the Year 2026, which shall be held at the Wilmington Community Center on **Wednesday, March 25, immediately following the Public Hearing on Local Law #2 of 2026**; and **BE IT FURTHER RESOLVED** that the text of Local Law #3 of 2026 shall read as follows:

Local Law #3 of the Year 2026:

A Local Law to Correct an Error in the Zoning Ordinance of the Town of Wilmington

Be it enacted by the Town Council 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.

The Town of Wilmington’s Zoning Ordinance was adopted in 2013. In the years since, it has become generally recognized that an error exists in Article IV of the Ordinance and that the use regulations governing “Forestry less than 50 acres” were transposed with those governing “Forestry more than 50 acres.”

The Town of Wilmington’s Planning Board has encouraged Wilmington’s town board to correct this error. This Local Law does so.

Section 3.

Article IV – Use Regulations of the Town’s Zoning Ordinance is hereby amended to read as follows:

- 1) Forestry of less than 50 acres shall require a Special Use Permit in the Hamlet and Moderate Intensity zoning districts, and shall be a permitted use in the Low Intensity, Rural Use, and Resource Management zoning districts.
- 2) Forestry of more than 50 acres shall be a prohibited use in the Hamlet and Moderate Intensity zoning districts, and shall require Site Plan Review and approval in the Low Intensity, Rural Use, and Resource Management zoning districts.

Section 4.

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 this Local Law.

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 5. 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 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 all actions necessary for the adoption of Local Law #3 of the Year 2026 conform with the laws of The State of New York, The County of Essex, and 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 process through which the Town Board adopts Local Law #3 of the Year 2026 conforms with the laws, requirements, and customary practices of the State of New York, the Adirondack Park Agency, the County of Essex, and similar or related entities

Resolution ___-2026: Authorizing Parks Department Purchases

WHEREAS the Town Council (hereinafter “town board”) of the Town of Wilmington, New York (hereinafter “the Town”), recognizes that certain repairs and purchases are either significantly overdue or shall be overdue if not completed this year; and

WHEREAS the town board believes that the purchase of certain new equipment will allow the Parks Department to 1) Accomplish more this spring and summer; and 2) Allow the Town to save on labor costs; therefore

BE IT RESOLVED that the Town’s Parks Superintendent is hereby authorized and requested to research prices, options, and similar information for the purchase of a new Parks Department truck, and shall present that information to the town board at its meeting on March 25; and

BE IT FURTHER RESOLVED that the Town’s Parks Superintendent is hereby authorized and requested to take all actions necessary to seal coat the basketball and tennis courts at the town park, and be authorized to spend not more than \$ _____ in doing so; and

BE IT FURTHER RESOLVED that the Town’s Parks Superintendent is hereby authorized and requested to take all actions necessary to seal coat the parking lot at the town beach and paint new lines thereon, and shall be authorized to spend not more than \$ _____ in doing so; and

BE IT FURTHER RESOLVED that the Town’s Parks Superintendent is hereby authorized and requested to take all actions necessary to repair the gazebo located at Heritage Park, and shall be authorized to spend not more than \$ _____ in doing so; and

BE IT FURTHER RESOLVED that the Town’s Parks Superintendent, in consultation with the Town’s Highway Superintendent, is hereby authorized and requested to take all actions necessary to purchase a leaf vacuum, and shall be authorized to spend not more than \$ _____ in doing so; and

BE IT FURTHER RESOLVED that the Town’s Parks Superintendent, in consultation with the Town Supervisor, is hereby authorized and requested to take all actions necessary to replace the sign at the town’s Community Center, and shall be authorized to spend not more than \$ _____ in doing so; and

BE IT FURTHER RESOLVED that seal coating, the repairs to the gazebo, the leaf vacuum, and the sign outside of the Community Center shall be purchased and paid for through the expenditure of currently unallocated occupancy tax funds, with unallocated occupancy tax funds received in 2025 spent first, and, if necessary, with additional unallocated occupancy tax funds spent from the following years: 2024, 2023, 2022, and 2021, in that order; and

BE IT FURTHER RESOLVED that the new Parks Department truck will be purchased through the expenditure of money in the Parks truck fund and through the expenditure of a portion of the Town's approximately \$130,000 budget surplus in 2025.