**TOWN OF WINDHAM**

**PLANNING BOARD**

371 State Route 296

P.O. Box 96

Windham, NY 12439

**Date:** August 20, 2020

**Open Meeting:**

The Planning Board Meeting was opened by Chairperson Weiman with the Pledge of Allegiance to the Flag at 7:00 PM.

**Present:** Chairperson – Dave Weiman

Members – Ed Shanley, Lisa Jaeger, Tom Poelker

1 Absent

1 Vacancy

Recording Secretary – Janine Soule

**Absent:** Member Claudia Lane

**Also Present:** Martin Schmidt Kaaterskill Associates, Karen Hansen, Barbara Rittenhouse, Bill MacGregor, Karen and John Malen, Claudia Holmok, Jonathan Gross, Brendan O’Brien, Kelly Primiano, Cynthia Bruno, Brian Hammel, Louise and Michael Chiarulli, Michael Bliss Kaaterskill Associates, Mike Ryan Mountain Eagle, Robert Rhoades, Demosthenes Hatzoglou, Marilyn Carreras

**Minutes from August 6, 2020:** The Minutes from August 6, 2020 were presented to the Board. Chairperson Weiman states that the Board needs more time to review them, as they were very long.

**Public Hearing Site Plan Review: # 04 Joseph Catalanotto** Tax Map # 95.00-1-46.112, Panarama Lane 1.3 +/- acres. Proposed new single-family residence. At 7:10 pm, **Chairperson Weiman** reads the Public Hearing Notice. Martin Schmidt from Kaaterskill Associates is here in replace of Darrin Elsom. **Martin** hands in the green and white receipts. There is an onsite well and they are looking into Town Sewer. There are some neighbors in attendance and would like to know who would be responsible for the cost of putting in the sewer pipes. **Martin** explains that if it is a sewer lateral the client would have to bear the cost of installing that. There is a potential that if it was a 8-inch main the client would also potentially have to bear the cost of installing that. That is what they are working out now. **Chairperson Weiman** asks working out between who? **Martin** states between the Town Board, Delaware Engineering and Darrin Elsom of Kaaterskill Associates. They are finalizing exactly the best way to connect to this. Neighbor asks who will do the repair work. **Martin** says he does not specifically know the road maintenance agreement that was signed but he is sure it is in there that stipulates on how that work has to be done. Everyone on that road has rights to access the road, to use the road, to install utilities and maintain it and any utilities that are installed obviously they would have to repair the road to at least the existing condition. Another question is asked, because at some point when there are a certain number of homes it then becomes the Towns responsibility to maintain that road. How many homes are required by the Town before that becomes the Towns responsibility to plow and maintain? **Martin** says that the road is currently a privately owned road. **Chairperson Weiman** states the Board would have to check with the Town Attorney but he is not entirely sure that that is true. **Martin** again states that it is a privately owned road and they would have access easements over it. Unless it is turned over to the Town by the entity that owns it, that is not the case. Neighbors ask what is the process? **Chairperson Weiman** says the question of the sewer would have to be addressed between the Town and the applicant. As part of the Site Plan Review when utilities go in, we would normally ask that the applicant make sure the road is restored to its pervious condition. **Member Jaeger** asks where are the laterals going? **Martin** says inside of the right away along the road. **Chairperson Weiman** asks if Martin has a letter from the Town. **Martin** explains that the application was handed in but they are still negotiating. **Chairperson Weiman** makes a motion that this be considered an unlisted action for SEQR 2nd by Member Jaeger, 4 in favor, 1 absent, 1 vacancy. We will do the SEQR review at the next meeting once we have a little more information. Chairperson Weiman moves to continue the Public Hearing at the September 3, 2020 Planning Board Meeting.

**Site Plan Review Application # 09, Windham Mountain Homeowners Association:** Tax Map # 95.06-2-99 proposed dumpster location plan for Windham Mountain Village. Michael Bliss from Kaaterskill Association is here to present the plans. It will be for an enclosed bear proof dumpster and it will go up at the top of the bend parallel to South Street. There will be a stand of trees buffering the view. **Michael** states that in the summer time you might see a building. The color, siding, and roofing will match the existing buildings. There will be a garage door and it will be ADA accessible. The building will be 15 feet by 24 feet and will be accessible by a key pad. **Chairperson Weiman** says we will need a copy of the Homeowners Association letter. In accordance with Section 5.010 of the Site Plan Review Law, the Planning Board may conduct a Public Hearing on the Site Plan if considered desirable by a majority of its members. **Chairperson Weiman** moves to bypass the Public Hearing on the dumpster enclosure 2nd by Member Shanley, 4 in favor, 1 absent, 1 vacancy. So as long as we get the letter it will stand so we will approve this at the next meeting, September 3, 2020.

**Major Subdivision Application # 07 William & Nancy Woods:** Tax Map # 61.00-2-48, Martin Schmidt of Kaaterskill Associates is here. This subdivision will be the Kingswood Subdivision. Martin explains that the wet lands are Army Corp so the Army Corp. regulates them. They are still proposing to cross those wetlands, so they will be going to get a nationwide permit to get coverage to do that. It is a standard procedure, very easy to do. All the septic systems and houses have been specked out so they know where they will be going. The soil testing has been done. The septic systems will be in ground systems. **Member Jaeger** asks about the waiver. **Martin** explains that the waiver will be on lot 4. It is currently 14.3 feet away from the existing house instead of the 40-foot distance. **Martin** says that they sent out SEQR lead agency coordination packages and hands a set to the Chairperson for the file reference. **Member Jaeger** asks that the septic tanks are 1000 gallons. **Martin** responds yes. **Chairperson Weiman** says they can approve as buildable lots but they still have to come to the Board with their Site Plans when they are ready to build on lots less than 2 acres. They will run the Site Plans concurrent. **Member Jaeger** asks if there will be an HOA or a road agreement. **Martin** says a road agreement and he believes Larry Gardner is working on it. There are easements for access down to the stream. It will not be for public access only for the homeowners. He then asks how the Board feels about setting a Public Hearing. **Chairperson Weiman** says the Board will set it after we get the coordinated review letters back. So it will be set at the next meeting, September 3, 2020.

**Adjournment:** On a motion by Chairperson Weiman, 2nd by Member Jaeger, 4 in favor, 1 absent, 1 vacancy, the Planning Board Meeting was adjourned at 7:54 PM.

Respectfully submitted,

**Janine Soule**

Planning Board Secretary

**\*\*NOTE:** The **Reconvened Public Hearing from August 6, 2020: Site Plan Review # 03 Mountain Top Cares Coalition** Tax Map # 78.18-1-47, 5494 State Route 23 – Recovery Community Outreach Center was moved to the ARB Meeting August 20, 2020.