

Minutes accepted and approved.

Motion made by: Member Lane

2nd by: Member Jordan

In Favor: 4 Opposed: 0 Absent: 1

Signed and Dated: *Sandra Allen 4/21/2022*

Town of Windham Planning Board Meeting

Thursday, April 7, 2022

Board Members Present: Chairperson: Thomas Poelker
Members: Matthew Jordan, Claudia Lane, Member John O'Grady
Recording Secretary: Sandra Allen

Board Members Absent: Lisa Jaeger

Also Present: Helmut Phillip, Paul Hennessy, John Carey, Lisa Levine, Dennis O'Kane, Maiia Varvus, Roman Varvus, B De Guchteneere, Michala Metzler, Peter & Bridget Lopez, Brian Christman (see attached 1)

Chairperson, Poelker, called the meeting to order at 7:00 PM, followed by the Pledge of Allegiance.

Motion to recess the Planning Board meeting and open the ARB was made by Member Lane, seconded by Member Jordan with 4 in favor and 1 absent.

Motion to reopen the Planning Board meeting at 7:15 PM was made by Member Jordan, seconded by Member Lane with 4 in favor and 1 absent.

PUBLIC HEARING – Helmut Phillipp, Thunderbird Terrace TM# 78.18-1-3. Notice was read for the record. Receive Certified Mail receipts. Mr. Phillip presented the project to the public. No Public in attendance. This Board reviewed all the maps, drawings, and documents. Motion to close the Public Hearing was made by Chairperson Poelker, seconded by Member Lane. Motion to approve as presented was made by Chairperson Poelker, seconded by Member O'Grady with 4 in favor and 1 absent.

SKETCH PLAN: Dennis O'Kane 7 & 8 East Rd, West Winds Estate TM# 96.00-7-10 & 96.00-7-9. Reviewed plans to add extensions to existing structure which is two (attached) townhouses used as a single-family dwelling. Applicant proposes adding two bedrooms (one to either side). Reviewed maps and new drawings. Applicant inquired if he could add an additional 2 feet to each room going from 14 to 16 feet wide, answer was as long as it does not encroach on the setback area. Applicant is ready to move on to site-plan.

SITE-PLAN: Michala Metzler 165 Galway Rd TM# 79.00-1-30 Bespoke Wedding Venue. Applicant claimed she was misinformed regarding what was needed to comply with the laws and restriction for her wedding venue. This Board said, NO, you were not misinformed, you and your representative were both given the site-plan checklist several times. Metzler claims when she called the office she was told all that was required was a fee for the tents and that this Board never told her what she needed other than the driveway.

[She used this same excuse when she first appear on Sept 2, 2021: Metzler Wedding/Event Venue- Michelle Metzler, Owner, of 165 Galway Rd Windham NY, responding to letter from Windham Town attorney Gardner they were operating an illegal business/ in violation of running

a wedding/event business on her property without approval from planning board. Owner explained she called the town and was told the only town requirement for a putting up a large tent on her property was paying a \$100.00 fee. The owner didn't know she needed to get Site Plan approval to operate. She rents her backyard space, not her home. The renters bring their own cater, portable bathrooms and carry their own insurance. She and her husband bought in 2017 with their 5 children. When Covid hit, they came to Windham full time and needed to find away to survive financially. They came up with the idea to rent out their property to host gatherings. They had two weddings 80 people and 108 people, so far and there are two more on the books. October 1st, 2021 and October 9th, 2021. Poelker said he would talk to the Town Board to seek their input regarding their upcoming bookings; cancelling them would cause them a financial hardship. In the meantime, Metzler's spoke with Darin Olsom of Kaaterskill Engineering and will look to retain his company services to help them with their Site Plan application, but they are backed up with current business but mentioned because they use portable toilets the DEP wouldn't be involved. Metzler wants to comply, she brought map of property that shows where parking is, tent location and how it runs. She wantsto be cooperative going forward and want to live here permanently. They have alerted their neighbors of what they are doing, trying to run low key business. Meztler intention is to have 5 events a year, not a big commercial business. Name of their business is called Bespoke, and they advertize on Instagram. Metzler will return to complete their site plan application.]

Metzler then stated that she does not want to continue with the wedding venue project but then went on to say she wanted to fulfill her June and July weddings that she has booked. This Board informed her that if she wants to do ANY weddings she must comply with the laws and regulations for commercial use site-plans. At this point she stated that if she can't fulfill her obligations and is sued she will sue the Town of Windham.

Member Lane explained to Metzler that she has already gone way beyond what she is allowed to do and has gone beyond the Hardship Waiver given in 2021 and that we still don't have any of the information or maps that we requested at the Sept 2 meeting.

Chairperson Poelker also explained again that the map presented is not a site-plan map just an areal view with some drawings on it. He went on to explain, once again, that there are several other issues that needed to be addressed:

- 1) Fire access for fire trucks
- 2) food truck location
- 3) times for food to be setup
- 4) liquor permit
- 5) noise level
- 6) restroom location and when will be dropped off and removed
- 7) outdoor lights
- 8) lights for parking lot
- 9) insurance
- 10) trash removal
- 11) tent permit each event
- 12) any signage
- 13) clean (tent break down)
- 14) hours of operation
- 15) will the house be used
- 16) will the pool house be used
- 17) projection of the pool
- 18) WEBSITE has you using the house

Metzler stated that she was told in a letter from the previous Town Attorney Mr. Gardner that she could fulfill her obligations for her booked weddings. At this point a copy of the letter from Gardner was pulled from her file and read for the record. The Gardner letter dated December 21, 2021, states: *As has previously been expressed to you the Town of Windham does desire to work with you, but all rules and regulations must be adhered to. Would you please contact the building inspector and/or the Planning Board to bring the premises into compliance with all rules and regulations as soon as possible. Obviously the coming of Spring will lead to a new season of business, and all rules and regulations must be adhered to prior to that time.* (see attached 2)

Then Metzler said that she was given permission to fulfill her commitments the last time she attended a meeting (Sept. 2, 2021 – see above). However, at that time she claimed she only had 2 weddings booked which were scheduled for October 2021. Chairperson Poelker explained that this project is too complex and has been ongoing for too long for another special acceptance waiver. Metzler was very aware that no other weddings were to be booked without complying.

At this point Metzler was told she cannot have any weddings at this venue until she has complied with all laws and regulations and has full approval. Mr. Lopez, her neighbor who accompanied her, stated that he fully understood what was needed and would help Metzler.

SIGN PERMIT: Gianna's Creations Bakery 4802 State Route 23. Received Letter to Represent. Reviewed all documents and pictures. Black and pink lettering, small pink logo on white background, double sided, to be added to existing sign structure. This Board requested that all the lettering be black and the logo to remain pink. Levine said yes, it will be all black lettering on white background and pink logo. Motion to approve with the requested changes was made by Member Lane, seconded by Member Jordan with 4 in favor and 1 absent.

SITE-PLAN: Christman's Windham House Golf Shop 5742 State Route 23 TM# 77.00-3-7. Reviewed all the documents, map, and pictures. Applicant is rebuilding the Golf Shop after fire destroyed the previous building. It will be rebuilt on the north side of State Route 23 to avoid significant traffic increase since 2020 due to covid, and the building will be in the same design as existing structure of the resort. Motion to classify SEQR as Unlisted was made by Chairperson Poelker, seconded by Member Lane with 4 in favor and 1 absent. Motion to set Public Hearing for April 21, 2022, at 7:05 PM was made by Member O'Grady, seconded by Member Lane with 4 in favor and 1 absent.

SITE-PLAN: Maiia Varvus 14 Maplecrest Rd TM# 96.18-1-6. Reviewed documents, maps, and pictures. Applicant brought in information regarding the geodome structures which she previously emailed to this Board and again explained it is only for the use of her family and that the structures will only contain a bedroom and bathroom. This Board explained that the design of the structures does not fit with the existing structures of the neighborhood, and it is requested a different style be presented for review. Chairperson Poelker gave her son Roman his information to help find a more desirable design.

MINUTES REVIEWED: Motion to accept March 17, 2022, minutes was made by Member Lane, seconded by Member Jordan with 4 in favor and 1 absent.

Meeting was adjourned at 8:15 PM on a motion by Member Jordan, seconded by Member O'Grady with 4 in favor and 1 absent.

Respectfully Submitted,

Sandra Allen, Recording Secretary

Town of Windham Planning Board

Attendance Log

Date: April 7, 2022

Please Print Your Name Clearly (Name Only)

H. Philipp		
PAUL HENNESSY		
JOHN GAROF	LILLYS	
LISA Levine	Gianna's Creations Bakery	
DENNIS O'KANE		
Melie Vorvul		
Roman Vorvul		
R DE GUCHTEMBERG		
Michale Metzler		
Peter + Patsy Lopez		
BRIAN CHRISTMAN		
Roman Va		

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December 21, 2021

Mayan Metzler
2003 Broadway
New York, New York 10023

Re: 165 Galway Road, Windham, New York

Dear Mr. Metzler:

I again am writing to you in my capacity as Town Attorney. It has again been brought to my attention that the premises located at 165 Galway Road in the Town of Windham continues to be used on a commercial basis as a wedding and event venue. I have been advised by other officials of the Town of Windham that you have yet to fully comply with all rules and regulations as are lawfully allowed for this to happen.

As has previously been expressed to you the Town of Windham does desire to work with you, but all rules and regulations must be adhered to. Would you please contact the building inspector and/or Planning Board to bring the premises into compliance with all rules and regulations as soon as possible. Obviously the coming of Spring will lead to a new season of business, and all rules and regulations must be adhered to prior to that time.

Yours very truly,

Larry F. Gardner

LFG:jcj
CERTIFIED MAIL RRR