**Town of Windham Planning Board Meeting**

Thursday, June 16, 2022

Board Members Present: Chairperson: Thomas Poelker

Minutes accepted and approved.

Motion made by: Member

2nd by: Member

In Favor: Opposed: Absent:

Signed and Dated: Sandra Allen

Members: Lisa Jaeger, John O’Grady

Recording Secretary: Sandra Allen

Board Members Absent: Matthew Jordan, Claudia Lane

Also Present: Fred Metzger, Andrew Foeller, Gail Quan, Dusan Popovic, Scott Ouimet, Darrin Elsom, John Carey, Robert Greifeld, Margfrances Brabazon, Jim Brabazon, Arlene Kucan, Pat Higgins, Brian McArthur, Bridget Lopez, Russell Pelham, John Yannucci, Kathleen Yannucci, Alan Trinkle, Sarah Trinkle, Pavel Trzepaczka, Chris Chase (see attached 1)

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

Lot-Line Adjustment: Schnedler/Farmhouse Lodge - O’Shea/Farmhouse Lodge TM# 98.00-1-20 Farmhouse Lane and Christian & Alexis Schnedler TM# 98.00-1-19 625 Route 56. Reviewed documents and maps. Received Approval Letter from Town Attorney, Rappleyea. Motion to approve as presented as made by Chairperson Poelker, seconded by Member Jaeger with 3 in favor and 2 absent.

PUBLIC HEARING – MINOR SUB-DIVISION: Bruce McNab Elm Ridge Road TM# 96.00-5-88.1 and 96.00-5-88.2. Received Certified Mail receipts. Reviewed maps, documents, and septic locations for the Public. Public concerns regarded setbacks from stream and wetlands. Wetlands were reviewed by Norbit and designated on map. All setbacks are to code. The neighbors stated that the stream and rock wall are located on their property and to alert this Board and the Applicant that during Irene there was major flooding. Received DEC response letter to Lead Agency, read letter for the record. Engineer addressed the DEC comments: a stormwater permit through DEP note will be added to lots 1 and 2 map, the septic systems have hundred 100feet setbacks as required and Engineer is designing an erosion control plan, map shows shared driveway for lots 2 & 3 which will be addressed with a shared driveway agreement, driveway on lot 3 crossing a watercourse this will be addressed by spanning it. Chairperson Poelker asked if there will there be any deed restrictions? Elsom will ask McNab about restrictions such as no commercial use. Reviewed SEQR, motion to classify SEQR as Unlisted Action was made by Member Jaeger, seconded by Chairperson Poelker with 3 in favor and 2 absent. Motion to approve Negative Declaration was made by Chairperson Poelker, seconded by Member Jaeger with 3 in favor and 2 absent. Motion to recess the Public Hearing was made by Member O’Grady, seconded by Member Jaeger with 3 in favor and 2 absent.

LOT-LINE ADJUSTMENT - UPDATE: Boulder Brook Properties. Received Approval Letter from Town Attorney, Rappleyea. Reviewed maps and documents. Reviewed SEQR, motion to classify SEQR as Unlisted Action was made by Member Jaeger, seconded by Member O’Grady with 3 in favor and 2 absent. Motion to approve Negative Declaration was made by Chairperson Poelker, seconded by Member Jaeger with 3 in favor and 2 absent. Motion for conditional approval was made by Member Jaeger, seconded by Member O’Grady with 3 in favor and 2 absent; conditional approval is Elsom will deliver new maps to be signed and stamp with minor changes, changes being including a box for this Board to sign and stamp and the removal of houses, driveways and septics and just showing the lot-line adjustments.

PUBLIC HEARING MAJOR SUB-DIVISION CONTINUED: Windham Luxury Estates formerly known as Catskill Holdings Windham LLC aka Bonfiglio 116 & 225 Galway Rd TM# 79.00-1-40. Representative Ouimet reviewed the project for the Public. Proposed project is approximately 130 acres on both sides of Galway Road subdivided into 12 lots of varying sizes. Received an additional letter from a neighbor, Chairperson Poelker read for the record. (see attached 2)

Ouimet addressed the comments and concerns of the neighbors starting with the illegal driveway/roadway that was put in and the removal of trees from the roots. A Highway work permit was granted to clean up the entrance and the culvert to correct the damage that was done and will seed and mulch the area where trees were removed. Lots will be strictly single-family homes and there will be deed restrictions that dictate the types of homes that can be built, the amount of clearing that can be done on each lot, and no future subdivisions. Regarding water issues, he discussed the water usage per home. To address the erosion there is an erosion and settlement plan that is in accordance with the state standards, and it will be reviewed by DEP. Ouimet also stated that Kaaterskill will also be making weekly inspections once construction begins. Regarding traffic Ouimet spoke with the Highway Superintendent and he stated he has no concerns about traffic impact. Fire safety will be addressed by putting in a pond and dry hydrant. Applicant has reached out to NYSEG who stated that they will supply electric; any/all new electric will be underground. Ouimet included that the Engineers, Delaware Engineering, hired by the Town reviewed all the environment impact for this project. (see attached 3)

Kaaterskill addressed DEP comments and resubmitted for review. DEP will give final approval after this Board finishes SEQR and gives final approval. The Public had the same comments and concerns as the prior meeting. Lopez read from the Comprehensive Plan and stated that she does not feel this project does not comply. The main concerns of the neighbors are the density, the viewshed and public safety. Elsom responded saying that newer road being put in are to the regulations and will accommodate fire vehicles, Bonfiglio will be protecting the viewshed and density with deed restrictions such as no more than 2 acres per lot can be cleared and no subdivision of lots. Elsom added that of the 130 acres 100 acres will remain untouched with the deed restrictions.

Motion to recess Planning Board meeting and open an Executive Session at 8:40 was made by Chairperson Poelker, seconded by Member O’Grady with 3 in favor and 2 absent.

Motion to close the Executive Session and reopen the Planning Board meeting at 8:50 was made by Member Jaeger, seconded by Member O’Grady with 3 in favor and 2 absent.

WINDHAM LUXURY ESTATES continued – This Board will recess the Public Hearing to review public comments and consult with the Town Attorney, Rappleyea as well as Delaware Engineering, the Town Supervisor, and Highway Superintendent. Motion to recess was made by Chairperson Poelker, seconded by Member Jaeger with 3 in favor and 2 absent.

SIGN PERMIT: Windham Ventures - Pat Higgins 5104 State Route 23. Reviewed documents and pictures. This Board requires more research on the location, type of sign and design and will meet with the Town Attorney, Rappleyea as well as the Town Supervisor, and Highway Superintendent. Higgins requested a conditional approval so that he can start the DOT process, this Board does not know anything about needing a DOT permit and will add it to the research. Higgins stated that he meets all the requirements and does not know why he can only get a conditional approval. He was informed that it might not conform to the Comprehensive Plan. He was given approval to start the DOT part but must come back before this Board for full and final approval and he cannot put anything up or in the ground until then. Motion for conditional approve was made by Chairperson Poelker, seconded by Member O’Grady with 3 in favor and 2 absent. Conditions for the approval are stated above.

SUB-DIVISION - UPDATE: Greifeld 798-2 Mitchell Hollow Road TM# 46.00-2-69.1 and 47.00-2-1. Still waiting for the new MAJOR subdivision application and the FULL EAF to send out Lead Agency packets. Ouimet requested a Public Hearing fo the next meeting. Motion to set Public Hearing for July 7th at 7:05 PM was made by Chairperson Poelker, seconded by Member Jaeger with 3 in favor and 2 absent.

MINUTES REVIEWED: July 2, 2022, minutes table, not enough Board Members tonight who were present on July 2, 2022.

Meeting was adjourned at 9:30 PM on a motion by Member O’Grady, seconded by Member Jaeger with 3 in favor and 2 absent.

Respectfully Submitted,

Sandra Allen, Recording Secretary

Text

Description automatically generated

Text

Description automatically generatedText, letter

Description automatically generated