

Minutes accepted and approved.

Motion made by: Member Jaeger

2nd by: Member Poelker

In Favor: 5 Opposed: 0 Absent: 0

Signed and Dated: *Sandra Allen 7/21/2022*

Town of Windham Planning Board Meeting

Thursday, June 16, 2022

Board Members Present: Chairperson: Thomas Poelker
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 Trzepakzka, 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 septs 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 for 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

Town of Windham Planning Board

Attendance Log

Date: June 16, 2022

Please Print Your Name Clearly (Name Only)

FRED METEGER		
Andrew Foeller		
GAIL QUANT		
DUSAN POPOVIC		
Sax o-rimet		
DANNEN ELSOM		
JOHN CARRE (LILLYS)		
Robert Greffelt		
Margfrances Brabazon		
JIM BRABAZON		
Patricia Kucan		
Patricia		
Brian McArthur		
Bridget Lopez		
Russell Telham		
John Vanucci		
KATHLEEN VANUCCI		
Alan Trinkle		
Sarah Trinkle		
Thomas Chase		
BLAIS CHASE		

June 10, 2022

Dear Windham Planning Board and Windham Town Board:

My immediate family and I along with several other relatives and friends are all homeowners on Galway Road, Old Road and Stavros Road in Windham for well over 40 years and just recently became aware of this situation. The purpose of this letter is to convey the serious concerns we have about the proposed subdivision on Galway Road and lack of time allotted to us to respond and voice our concerns of this proposed project.

We are hoping that the town of Windham and our elected officials will look to protect not only the existing residents but also the new homeowners in our area when such an extensive development is being proposed in our beautiful town.

Would appreciate the following questions/concerns be addressed:

1. On which side of the road is the proposed sub division?
2. How large are the proposed lots?
3. Will there only be 12 lots or will the town allow the development to expand?
4. Can these 12 lots be further subdivided in the future?
5. Are the proposed homes single family or multi-family dwellings? *no*
6. Is the development purely residential or for mixed use?
7. What efforts are going to be made to control noise, visual impacts, and light pollution?
This development is being proposed on a road with approximately 12 private homes. This proposed single project will double the number of homes on Galway Road.
8. What efforts are going to be made to mitigate traffic impacts including reducing the current speed limit and unlicensed recreational vehicles on not only Galway Road but also Old Road where there are several homeowners with small children walking/playing in the street?
9. Who is currently in charge of inspecting this project to insure that all rules and regulations are followed? A road is already being constructed where there is a rust colored discharge in the ditch.
10. Will all utilities be under grounded?
What efforts will be made by the developer and NYSEG to avoid putting additional demand on transmission lines to avoid blackouts? The Galway and Old Road areas have a history of power outages.
11. Will this proposed sub division/development affect the water quality/quantity for existing residents?

In addition, we, as residents, are all concerned about the increasing potential for fire hazards should such a large development be approved. For our safety and the safety of preserving our properties, we hereby request that the town looks to protect its residents and it's beautiful acreage by installing fire lines with fire hydrants in the vicinity, or in the alternative require that each property install a pond and dry hydrant of sufficient scale to ensure that firefighters have the ability to suppress fires in the vicinity.

We are also concerned about the loss of charm, character and quality of life in our neighborhood. We therefor additionally request that consideration be made by the board for each property to have deed covenants:

1. Limiting the clearing of standing timber;
2. Precluding the development of accessory structures that could be used as additional dwelling units;
3. Preventing further subdivision of any approved parcel, and
4. Restricting the use of each parcel for single family residential purposes..

Once again, I, my family, friends and neighbors share these concerns and truly expect our town board to represent us by looking out for us by acting responsibly with this and other future developments in order to protect the beauty and charm of our town as well as the quality of life for the residents who enjoy the peace and beauty Windham offers.

Sincerely,
George Stavroulakis
7 Stavros Road
Windham, NY 12496