

Minutes accepted and approved.

Motion made by: Chairperson Poelker

2<sup>nd</sup> by: Member O'Grady

In Favor: 5 Opposed: 0 Absent: 0

Signed and Dated: *Sandra Allen 8/4/2022*

## **Town of Windham Planning Board Meeting**

Thursday, July 21, 2022

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

Board Members Absent:

Also Present: Brendan O'Brien, Anne Stowell, Maria Elena Papson, Rosanna Mostaccivolo, Joseph Agarenzo, Scott Ouimet, Robert Greifeld, Dusan Popovic, John Yannucci, Patricia Charbonneau, Eric Goettsche, Jordan Braren, Peter Lopez, Bridget Lopez, Guillaume Dufresnoy, D Sidiropoulos, Ann Evans, Jonathan Mart, K Sidiropoulos, Lillianne O'Brian, Arlene Kucan, Pat Higgins, Natasha Schuster, Drew Schuster (see attached 1)

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

The Windham Fire Company asked to address this Board regarding a comment made at an earlier meeting. The statement from Mr. Goettsche went as follows: "Thank you for allowing us to come up to talk about some concerns that we have. We're volunteers here in our local fire dept. We give up a lot of time, these gentlemen here (referring to the two gentlemen standing beside him) are our Assistants, they put in hundreds and hundreds of hours of training, after that training they come back and give us drills. And we go to meetings every month, we go to drills every month. So, they put in a lot of time, and they do a lot of things for this community. These are the guys that come out at 2:00 in the morning, they go to landing zone calls, they go to ambulance calls when somebody needs to get lifted out of a house because ambulance crew can't do it. These are the guys that put in a lot of time. I have thirty guys down at the firehouse right now that are very upset and very concerned. Apparently at the last Planning Board meeting the Chairman here said that the Windham Fire dept. is in disarray. So, I want to hear it from him what does he mean by disarray and can he back up those statements?"

Chairperson Poelker apologized saying that was the wrong wording, "what I was trying to convey was there were changes in leadership and it had nothing to do with personalities, just a different program. I will be happy to come to the next meeting and address everybody, it was a wrong choice of words."

MINOR SUB-DIVISION: Sidiropoulos 3 Begley Rd TM# 78.00-3-26. At a prior meeting it was suggested that the sub-division be redesigned for easier sewer and water hook-up. Reviewed new map and subdivision delineation. Suggested adding "Utility Corridor" to the final map on the narrow portion for the sewer and water hook-up.

MINOR SUB-DIVISION: Riordan 296 Hensonville Tax Map 96.13-1-11. Reviewed maps and documents. Requested copy of the deed. Received Letter to Represent. Mr. O'Brian explained that the back lot would not be land-locked because he will put a ROW on his property to the back lot. Requested a copy of the deed for the lot where O'Brian will permit the ROW.

Motion to recess the Planning Board meeting at 7:30 PM was made by Member Lane, seconded by Chairperson Poelker with an all-in favor.

Motion to reopen the Planning Board meeting at 7:35 PM was made by Member Lane, seconded by Member Jaeger with an all-in favor.

PUBLIC HEARING - SUB-DIVISION: Greifeld 798-2 Mitchell Hollow Road TM# 46.00-2-69.1 and 47.00-2-1. Ouimet stated that at the last meeting a neighbor requested a septic be move, DEP also requested the septic be moved because there is enough land to do so. The septic for Lot 3 has been moved to the other side. The plans were resubmitted to the DEP, they have reviewed everything and have no major comments. Letters were received and read for the record. (see attached 2)

PUBLIC HEARING – MINOR SUB-DIVISION CONTINUED: Bruce McNab Elm Ridge Road TM# 96.00-5-88.1 and 96.00-5-88.2. No Public in attendance. Ouimet conveyed that they are waiting for the common driveway agreement which is being drafted by the attorney.

SIGN PERMIT: Windham Ventures - Pat Higgins 5104 State Route 23. Reviewed new sign design which will be approx. 3 X 7. Raised wood letters, wood background with same coloring letters. A couple Members met Higgins at the proposed site location. The sign application will be taken under review.

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.

Chairperson Poelker asked if anyone had anything NEW to comment on. At this time Ms. Lopez read from the letter submitted and attached to the 7/7 meeting (see attached 3). She complained that it took her only 10 mins to contact fire and ambulance and that it has taken over 3 weeks for Kaaterskill to get through to them. It has been pointed out several times that it is not the responsibility of the Fire Dept. to determine the regulations and safety of the roads. Ouimet explained that the new road and driveways all fall within all the regulations and guidelines. Galway Road residents complained about Galway Rd being too narrow, it was explained that they would have to take that matter up with the Town Board. Member Lane stated that the Comp Plan says no homes on peaks, Ouimet showed on the map that the property does not even go up to the peak, and the highest house is over 40 feet below the ridge line, there are other houses above them including Lopez's house. Ms. Papson expressed concern about the smaller lots, Ouimet explained that the smallest proposed size is 3.7 acres and that a house with well and septic can be built on a 1-acre lot and that technically the applicant could have submitted subdivision plans for more than double the number of lots being proposed.

The Public continued to express the same concerns expressed at the three previous meetings. Clearing of trees and destabilizing the mountain, answer there will be deed restriction, and the DEP will be monitoring all construction concerning this property. The existing house was mentioned again, answer the owner has been issued violations and further inquiries on that matter will have to be taken up with the Town Building Inspector/Code Enforcer. Electricity was brought up again and as answered previously, it is the responsibility of NYSEG to provide adequate electricity. Will the lots be able to be further subdivided, again no, there will be deed restriction and notes on all maps submitted to the County. To have adequate water for the Fire Dept. in case of fire, each lot should be required to have a pond, Ouimet reminded the Public that after the first meeting when comments and concerns touched on this issue that a pond and dry hydrant was added to the design which will benefit all of the existing residents as well as the proposed subdivision lots.

Chairperson Poelker motioned for the Public Hearing to be closed but other Members wanted to keep it open one more meeting for SEQR and after the Fire Chief was able to review the plans and submit any comments. Some of the Public and a couple Board members suggested waiting until Zoning Laws are put in place but it was explained that you cannot enforce laws to a present project that do not yet exist, there is an existing Subdivision Law on record and this project is complying to the existing laws. The Comprehensive Plan was once again referred to and that it should be used as a guide. A motion to continue the Public Hearing was made by Chairperson Poelker, seconded by O'Grady with an all-in favor.

Additional letters attached. (see attached 4)

Ouimet asked if this Board had any concerns so that they could also be addressed while he reviewed all the public comments and concerns. Unfortunately, there were too many people talking while leaving the meeting and talking to some of the Board Members individually to clearly record any response from the Board. After it quieted down Member Jaeger asked how much of the clearing and houses will be seen in Galway? Ouimet said the existing house and two proposed houses one of which is where the dilapidated trailer presently sits. Ouimet was asked to present to the owner of possibly combining the two smaller lots into one larger lot. Ouimet said there are lots that he, Bonfiglio, is keeping and will not be built on. He went on to say that, even though Bonfiglio said that of the lots he plans on selling he would be happy to sell any or all of them to his neighbors which they can then leave vacant, he has had no response from any of them. After the trailer is removed the only house that will be seen from Galway is the existing house. This is the house that the applicant did unapproved improvements to and has received violations. For the record the Town does not have people tear down the house as suggested by his neighbors, but they are issued violations and fines, and must be inspected by the Code Enforcer and brought up to code when necessary. Ouimet said that Bonfiglio does regret doing that but there was some miscommunication because he thought, as he was told, he was renovating and within the regulations and did not require permits. The Building Inspector did not know the roof was being raised, therefore did not convey the need for permits. Bonfiglio did not add another floor, just raised a very steep pitched roof so that the room could be fully used. Going forward Kaaterskill is on-site weekly doing inspections. One of the Neighbors who left the room with others, after the motion to continue the Public Hearing, came back in and asked if we were still discussing this project. It was explained to him that the Engineer wanted to know if this Board had concerns they wanted him to address and that that was what was being discussed. He, the neighbor, implied that they were told to leave but that was not the case and was invited to stay and listen even though he had been in and out of the room several times since leaving the first time and could hear everything this Board was discussing.

MINUTES REVIEWED: Motion to approve June 2, 2022, minutes was made by Member Lane, seconded by Member O'Grady with an all-in favor. Motion to approve June 16, 2022, minutes was made by Member Jaeger, seconded by Member O'Grady with an all-in favor

Meeting was adjourned at 8:55 PM on a motion by Member Jaeger, seconded by Chairperson Poelker with an all-in favor.

Respectfully Submitted,

Sandra Allen, Recording Secretary

# Town of Windham Planning Board

## Attendance Log

Date: July 21, 2022

Please Print Your Name Clearly (Name Only)

Brendan O'Brien		
Anne Stowell		
Maria Elena Pagon		
Rosanna Mostacciolo		
JOSEPH AGARENZO		
Sat Vimet		
Robert Greife II		
DUSAN POPOVIC		
ohryannucci		
Patil Charbonneau		
ERIC GREFFEL		
Jordan Braren		
Peter Lopez		
Brandon Lopez		
GUILLAUME DUFRESNOY		
Sidiropoulos		
Ann Evans		
Jonathan Mart		
Sidiropoulos K.		
Lillianne O'Brien		
Arlene Kucar		
Pat Higgins		
Natasha Threlkeld		
Jew Shusko		

90.1

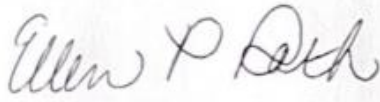
Ellen and Merrill Roth  
78 Brick Row Extension  
Athens, NY 12015  
ellenproth@gmail.com

To whom it may concern:

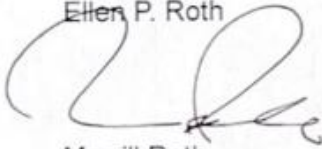
This letter is in support of the proposed Greifeld Subdivision located on Mitchell Hollow Road in the Town of Windham, Greene County, NY. We owned a house in Windham for 25 but are still Greene County residents who recently moved to Athens. We understand the project seeks to subdivide 71.8± acres into three new residential lots and one remaining lot and the proposed lots would consist of new single family residential cottages. We believe this is a great project for the Town of Windham and will help support local businesses.

Thank you.

Sincerely,



Ellen P. Roth



Merrill Roth

①

Bridget Lopez  
Maria Elana Papsen  
Alan & Sarah Trinkle  
The Kunofsky family

June 22, 2022

Dear Windham Planning Board, Windham Town Board, Windham Code Enforcement Officer, Town of Windham Attorney, and Windham Highway Superintendent:

The purpose of this letter is to convey the serious concerns we and many of our neighbors continue to have about the proposed subdivision on Galway Road in Windham, New York.

Many of us continue to be upset about the limited time we had to respond to the letters we received or were made aware of. Several concerned neighbors were unable to attend the meeting due to lack of timely notice. The letters were dated May 23, 2022 and by the time they were received, only a week's notice was provided. It should also be noted that the letters were received on a Friday before a holiday weekend. One week does not allow home/land owners sufficient notice to respond and make arrangements to attend a meeting. We are therefore requesting that the Town Board change the notice requirement to 30 days.

We are also expecting that town leaders and elected officials act responsibly in order to protect residents/visitors when such an extensive development is being proposed outside of the hamlet in a quiet, charming section of town with only 14 houses on a small, dead-end road. We sincerely appreciate the thoughtful and professional engagement conducted by the Windham Planning Board at the meetings held on June 2, 2022 and June 7, 2022. We also acknowledge the efforts of our Windham Highway Superintendent who, we were told, dedicated many hours over the course of several days during his busy work schedule looking for the owner in order to stop the work being completed at the proposed site as a result of the owner not receiving the required permitting.

As you are aware, the new owner at the Galway site renovated the existing house without proper permitting. Photos have been provided of the structure prior to and following the renovation. The Town of Windham Tax Assessor also has photos ((before and after renovation) for you to view. A second floor was clearly added to the structure and a new driveway was added. This was obviously a major renovation, yet neither the owner nor his contractor followed a process that is in place to protect the residents and visitors of Windham. In addition to this failure to comply with town and state requirements during the renovation process, large amounts of mud were accumulated and left on Galway Road while construction was being completed. This mud presented hazards and obstacles for current residents and visitors. Once again, this issue was addressed by the Highway Superintendent. Thank you again, Gary.

Galway Road is frequently patrolled by the Town of Windham Police and DEP Police. We observe these vehicles on Galway Road on a regular basis. A building permit is

supposed to be prominently posted during construction. One was not, yet the project continued.

Following this blatant failure to comply with town and state regulations, the owner, who was working with Kaaterskill Engineering, began construction of a new road without seeking proper permitting. On June 2, 2022 a representative from the engineering firm stated that they were unaware of this road construction, yet they must have visited the site regularly in order to develop the plans and specifications for the set of detailed plans they created and presented on June 2, 2022. This unapproved road construction resulted in large trees being uprooted, damage to existing stone walls, a new culvert being placed in the town right of way and loads of new gravel dumped and spread out. The Town Road was also damaged.

We are aware that DEP officials visited the site on June 3, 2022 in order to inspect the damages after complaints were made.

Please address the following questions: Has the owner faced any consequences for all of the above offenses (completing a major renovation without permitting, creating a driveway without permitting, installing a culvert in the town right of way, building a road without proper permitting, leaving large amounts of mud on Galway Road, and damaging Galway Road?) Will the tax payers of Windham be responsible for the repair work required for the damage to Galway Road or the necessary removal of the culvert? Did taxpayers pay for the removal of mud as a result of the renovation project? How can we be assured that the building that was renovated is safe if construction was not approved and monitored by the Code Enforcement Officer? Did a licensed electrician complete the electrical work? How do we know if the wiring is safe? This could be a serious fire hazard and therefore a safety concern for all. Since the homeowner expanded the building, is the septic system appropriate for the larger home? If it is not, the failure may result in ground water contamination and potentially impact neighbors' drinking water supply. We suspect that the system is outdated and undersized and not in compliance with DEP and NY State Health Department septic system requirements.

We expect that the owner will have to apply for and be granted a building permit and that the Code Enforcement Officer will inspect the construction as he would have if the owner was just beginning the project. This is a matter of public concern and we expect a full public accounting of how the town brought the owner into compliance.

In addition to the renovation of the house, at the June 7, 2022 Windham Planning Board Meeting, Kaaterskill Engineering addressed many of the concerns that were brought to the attention of the Planning Board and Town Board on or before June 2, 2022. Following their presentation, we continue to have major concerns about this massive development.

After reviewing the January 2022 Town of Windham Comprehensive Plan, it is apparent that we are not alone in desiring balanced and responsible development. According to the plan, 58% of the people in Windham are in favor of zoning and only 9% of the residents oppose it. One of the recommendations in the 2002 Comprehensive Plan was to create a "Zoning Advisory Committee." On page 54, the plan clearly states, "Now more than ever, the Town of Windham should consider stronger land use controls (including zoning) to assist with planning for future growth in a more proactive manner, rather than reacting to development proposals as they appear before the Town for approval." In our previous letter we asked if this committee existed. We were recently informed that this committee is now being formed. Why has it taken 20 years to respond to public wishes? Our small, rural Old Road and Galway neighborhood may now suffer because regulations were not put in place earlier to protect residents and visitors.

Water-In order to respond to neighbors' concerns regarding the impacts on water quantity and quality, the engineer stated simple distance requirements for the siting of well and septic systems. This response has no bearing on understanding the area's hydrology. This type of response was insulting and irresponsible and does not address the issue. When a new well was constructed on Galway Road (much further away than 250 feet) water quantity and quality were impacted for others. This resulted in lack of water, undue stress, and a financial burden. This is a MAJOR concern that MUST be addressed. We expect a hydrology report to ensure that the quality and quantity of neighbors' water supply are not impacted by this luxury home development.

As we continue to read and study the January 2022 Comprehensive Plan we have become more confident that the proposed project goes against the primary goal of the plan which is to "provide a balance between the need to accommodate future growth and the need to preserve the quality of life and natural resources that make Windham a special place to live (Windham Comprehensive Plan, p. 1).

Let us point out some key concerns:

On pages 57-60 of the January 2022 Comprehensive Plan, 8 major goals and several objectives for each are listed. Town approval of this proposed housing development would not meet any of these goals. Let's look at Goals 1, 2, and 4 in particular.

Goal #1. "Promote growth that is in keeping with the Town's character." "Maintain local control over land use while promoting quality commercial and residential growth that is in keeping with the existing character of the town."

**This proposed development is not keeping with the existing character of the town, Galway Road is a quiet, charming dead-end road with 14 homes. This single development almost doubles the number of homes in a very quiet and charming neighborhood.**

1.1 "Concentrate future growth and development in the designated hamlet areas and locations with access to centralized water and/or sewer infrastructure."

**This proposed development is not located in the hamlet and does not have access to centralized water and/or sewer infrastructure.**

1.2 "Ensure that any new development is in keeping with the Town's historic character and preserves the scenic beauty upon which the tourism industry depends."

**This proposed development does NOT preserve the scenic beauty upon which the tourism industry depends.**

1.3 "Protect scenic vistas and limit development on ridgetops."

**The engineering company has not provided proof that the proposed homes will not impact scenic views. Where will these luxury homes be seen from? It further appears that homes will be constructed at the top and near the top of ridges. This project will DEFINITELY impact views on Galway.**

1.4 "Strengthen existing land use laws and explore creative land use tools and incentives that encourage low impact development."

**The proposed addition of 12 homes does not encourage "low impact development."**

1.5 "Encourage the creative use of properties in residential areas to support the tourism economy, while protecting public safety and mitigating potential impacts on neighboring properties."

**We do not feel that this proposed development protects public safety (fire and rescue) and may have impacts on neighboring properties (water, noise, traffic, future largescale development)**

Goal #2. "Provide a range of housing opportunities for residents by approving the affordability and quality of local housing."

**This proposed 12 home development describes "luxury" homes which does not meet any of the identified 7 objectives in the January 2022 Comprehensive Plan under Goal # 2.**

Goal #4. "Protect open space and natural resources while allowing for orderly growth and development, particularly in the hamlet areas."

4.1 "Concentrate future growth and development in the designated hamlet areas and locations with access to centralized water and/or sewer infrastructure. "

(See above)

4.2 "Improve the town's resiliency and reduce the potential damage caused by floods and other natural disasters."

**We have concerns about stormwater runoff and damage to Galway Road and Old Road during storms, floods, and/or natural disasters.**

4.3 "Foster a sense of stewardship along streams and watercourses and support efforts to maintain or improve fisheries resources."

**Failure to comply with numerous regulations does not "...foster a sense of stewardship along streams and watercourses..."**

4.4 "Encourage "working landscapes" where undeveloped land may be actively used in agricultural or forestry production."

**This project only proposes to break land into smaller parcels which makes it more difficult to obtain this objective.**

On page 56, The Comprehensive Plan also clearly highlights several "Issues and Opportunities."

"Windham's economy is tourism based and new development should not detract from the natural resources and scenic views upon which this industry depends."

**This proposed plan "detracts from the natural resources and scenic views upon which the industry depends."**

"Significant investments have taken place to provide centralized water and sewer service in the hamlet areas, and future development should be concentrated in those areas with public infrastructure."

**This 12 home development is not located in the hamlet area with access to public infrastructure.**

"...viewshed protection and enacting land use controls regulating the density, placement and type of development on steep slopes and ridgelines should be a high priority for the future."

**This proposed development will include development on steep slopes and ridgelines.**

Windham Mountain generates significant demand for second homes, which has driven up home prices and made it difficult for full time residents to find affordable housing.

**A luxury home development of this size does not address this issue. Windham needs affordable housing to attract full time residents. Windham needs full time residents to enter the workforce, attend our school, and stimulate the local economy.**

On page 61 the January 2022 plan states that the listed 8 goals and corresponding objectives, "...will guide future development and help the town achieve its desired vision. That vision will only be realized if the plan is properly administered and implemented."

We are expecting that all town officials properly administer and implement the essential components of the Comprehensive Plan in order to help protect the residents and visitors of Windham while simultaneously enabling the town to achieve the vision they have so clearly identified.

We understand that zoning has not been approved in Windham. Town Law, however, allows Town Boards to regulate land use. According to Chapter 62, Article 16, Section 272-A, 11(a) "All town land use must be in accordance with a comprehensive plan..."

Furthermore, Town Law 263 states, "Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population...Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."

Town Law 263 "...to secure safety from fire, flood, panic and other dangers; promote health and general welfare..." -We strongly believe the town must exercise this authority in order to protect the safety and welfare of the residents and visitors of Old Road and Galway Road. A local fire chief and assistant chief have highlighted several concerns surrounding this project. The road will be steep which causes problems for fire trucks and other emergency vehicles as they attempt to respond to fires and other emergencies. The road will have to be privately maintained by its owners. Our snow and ice season is long and difficult. How will they maintain a road on a consistent basis? Plowing and sanding will be required consistently. Maneuvering emergency vehicles is difficult on long and steep roads. The local department has voiced concerns about Windmont, Club Road and the road leading to the east side of Windham Mountain. At a recent large structure fire at the end of Galway Road there was not enough water on site. The home burned to the ground. Where is the water supply and how accessible will it be to each of the 12 homes especially during the winter months? These homes will more than likely be weekend

homes which means owners will not be present on a regular basis. This makes responding to these events more dangerous because someone will not always be present to report a fire. Furthermore, when mutual aid equipment is damaged on the way, at or when returning from a Windham fire or other emergency, the town is responsible for these damages. This occurred at the structure fire on Galway. If a truck is totaled as a result of poor road conditions, it can take up to 2 years to replace it. This impacts the public safety of all residents. And what if one of our emergency responders is injured or killed when responding to a situation on a steep, snow covered and/or icy road? If the local fire chiefs are concerned about these issues, we should all be concerned as well. When these issues were passionately communicated on June 7, 2022, we feel that our concerns were diminished by the engineer who made a brief statement about road specifications.

Town Law 263 "...to prevent the overcrowding of land; to avoid undue concentration of population..." 12 homes on one development should be considered overcrowding and does not avoid undue concentration of population. The engineer commented about the number of acres that will remain forest and failed to speak about almost doubling the number of homes on a small, rural, dead-end road. Other large landowners on Galway could preserve forests and construct numerous homes as well. Maintaining forests does not address adding this number of homes in a concentrated area. We must not overcrowd our small, rural roads. This type of development does not preserve "the character of the district" or encourage "the most appropriate use of land..." (Town Law 263). Furthermore, the engineer for the proposed 12 luxury home development, stated that town officials were not concerned about the traffic and that the estimated calculations showed an increase of 10 cars. This response to our concerns appears extremely irresponsible. How can 12 homes result in 10 cars? Most homes have at least 2 cars. This does not include guests, recreational vehicles, delivery trucks, construction vehicles... How are these calculations made?

In closing, it should be noted that we have never complained about any other development on Old Road or Galway Road. Any construction thus far has been responsible and has had a low impact to current residents. We have consistently welcomed new neighbors over the years. This large scale, luxury home development is alarming to us for many reasons.

We appreciate the thoroughness and engagement of the Windham Planning Board members thus far and the efforts of the Windham Highway Superintendent.

We are optimistic that all of our concerns will be addressed by the town leadership during the recess period and that we will be provided with responses to all of our concerns on or before the July 7<sup>th</sup> meeting.

Thank you in advance for your time and attention and to your dedication to our spectacular town and the residents and visitors of Windham.

Sincerely,

Bridget Lopez  
36 Galway Road  
Windham, NY 12496

Maria Elana Papson  
41 Galway Road  
Windham, NY 12496

Thank you in advance for your time and attention and to your dedication to our spectacular town and the residents and visitors of Windham.

Sincerely,

Alan & Sarah Trinkle  
439 Old Road  
Windham, NY 12496

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How are these calculations made?

In closing, it should be noted that we have never complained about any other development on Old Road or Galway Road. Any construction thus far has been responsible and has had a low impact to current residents. We have consistently welcomed new neighbors over the years. This large scale, luxury home development is alarming to us for many reasons.

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Thank you in advance for your time and attention and to your dedication to our spectacular town and the residents and visitors of Windham.

Sincerely,  
The Kunofsky Family

vehicles as they attempt to respond to fires and other emergencies. The road will have to be privately maintained by its owners. Our snow and ice season is long and difficult. How will they maintain a road on a consistent basis? Plowing and sanding will be required consistently. Maneuvering emergency vehicles is difficult on long and steep roads. The local department has voiced concerns about Windmont, Club Road and the road leading to the east side of Windham Mountain. At a recent large structure fire at the end of Galway Road there was not enough water on site. The home burned to the ground. Where is the water supply and how accessible will it be to each of the 12 homes especially during the winter months? These homes will more than likely be weekend homes which means owners will not be present on a regular basis. This makes responding to these events more dangerous because someone will not always be present to report a fire. Furthermore, when mutual aid equipment is damaged on the way, at or when returning from a Windham fire or other emergency, the town is responsible for these damages. This occurred at the structure fire on Galway. If a truck is totaled as a result of poor road conditions, it can take up to 2 years to replace it. This impacts the public safety of all residents. And what if one of our emergency responders is injured or killed when responding to a situation on a steep, snow covered and/or icy road? If the local fire chiefs are concerned about these issues, we should all be concerned as well. When these issues were passionately communicated on June 7, 2022, we feel that our concerns were diminished by the engineer who made a brief statement about road specifications.

Town Law 263 "...to prevent the overcrowding of land; to avoid undue concentration of population..." 12 homes on one development should be considered overcrowding and does not avoid undue concentration of population. The engineer commented about the number of acres that will remain forest and failed to speak about almost doubling the number of homes on a small, rural, dead-end road. Other large landowners on Galway could preserve forests and construct numerous homes as well. Maintaining forests does not address adding this number of homes in a concentrated area. We must not overcrowd our small, rural roads. This type of development does not preserve "the character of the district" or encourage "the most appropriate use of land..." (Town Law 263). Furthermore, the engineer for the proposed 12 luxury home development, stated that town officials were not concerned about the traffic and that the estimated calculations showed an increase of 10 cars. This response to our concerns appears extremely irresponsible. How can 12 homes result in 10 cars? Most homes have at least 2 cars. This does not include guests, recreational vehicles, delivery trucks, construction vehicles...

How are these calculations made?

In closing, it should be noted that we have never complained about any other development on Old Road or Galway Road. Any construction thus far has been responsible and has had a low impact to current residents. We have consistently welcomed new neighbors over the years. This large scale, luxury home development is alarming to us for many reasons. We appreciate the thoroughness and engagement of the Windham Planning Board members thus far and the efforts of the Windham Highway Superintendent. We are optimistic that all of our concerns will be addressed by the town leadership during the recess period and that we will be provided with responses to all of our concerns on or before the July 7<sup>th</sup> meeting. Thank you in advance for your time and attention and to your dedication to our spectacular town and the residents and visitors of Windham.

Sincerely,

Russell Pelham  
36 Galway Rd Windham, NY 12496

Russell Pelham Executor/Caretaker of  
461 Old Rd Windham, NY 12496

Joseph Pelham  
36 Galway Rd Windham, NY 1249

Same letter by  
different date  
& Signatories



Sandra Allen <windhamplanningboard@gmail.com>

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**FW: Windham Luxury Estates 161&125 - Planning board meeting 7/21**

1 message

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**windhamnytownclerk@gmail.com** <windhamnytownclerk@gmail.com>  
To: windhamplanningboard@gmail.com

Tue, Jul 19, 2022 at 12:18 PM

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**From:** Alan J. Trinkle <alan.trinkle@gmail.com>  
**Sent:** Tuesday, July 19, 2022 12:09 PM  
**To:** Windhamnytownclerk@gmail.com  
**Subject:** Windham Luxury Estates 161&125 - Planning board meeting 7/21

Hello,

This is for the planning board so please let me know if I should be using a different email address. - don't want to waste your time.

Hi Planning Board,

I was able to attend the last Town Board meeting (thanks for that direction) and wanted to share some items with you. Primarily because we were able to lay to rest a couple concerns from the wider group.

1. **Unpermitted upgrades:** Current unit (not just road) on property that was remodeled/added to is under review of the inspector/permit officer (apologies if not correct terminology). The point being that the builder will be held accountable to the permitted ways of the town.
2. **Comprehensive Plan:** Zoning committee is being set up and funded as a priority. In the meantime, correct in that this is not law but it was stated that this should be used as guidance for the town decisions.
3. **Notice Period:** The idea of more notice (7 days) will go back to the Town Board advisory committee who may then propose a change (30 days for example) back to the Town Board for a vote.

I know there are still outstanding safety concerns that may be covered on Thursday but I wanted to help check off some of the other items for the broader group.

I unfortunately cannot be present due to family travel but wanted to say thanks again for your time & direction.

Alan Trinkle  
439 Old Road  
(914)299-9372



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Rd

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**Maria Elena PAPSON** <luquejosh@aol.com>

Tue, Jul 12, 2022 at 10:03 AM

To: WindhamPlanningBoard <windhamplanningboard@gmail.com>, Windhamtownclerk@gmail.com, windhamweekly@gmail.com

Dear Windham planning board, windham town board, and windham weekly,

This is maria Elena Papson at 41 Galway Rd.

We had a planning board meeting last Thursday and we discussed the development of 12 luxury homes on our road.

This process began acquiring permits. They gutted and built additional floor on a cottage without permitting, and began a road without a proper permit. It tells me that we can do what we want in this town.

I asked what penalties did this developer received? Will the cottage be torn down? Were there any fines given?

Our community, here on our road, sent letters and none of these letters were read aloud. Mitchell Hollow Rd development (smaller than the Galway rd? letters were

All read.

I have written emails and I am not getting any response. I was told at the planning board meeting that they do not have any jurisdiction about this project and that is not what they do. I was told to now go to the Town Board.

It seems to me that nothing is being done to preserve the safety of the Windham Community.

All in Windham should read the Comprehensive Plan. All in Windham must attend these meetings.

Could someone, please, get in touch with me?

917-860-8649

Thank you,  
Maria Elena Papson

Sent from Maria Elena



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Rd, another letter

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**Maria Elena PAPSON** <luquejosh@aol.com>

Tue, Jul 12, 2022 at 10:32 PM

To: The Mountain Eagle <mountaineaglenews@gmail.com>, windhamweekly@gmail.com, WindhamPlanningBoard <windhamplanningboard@gmail.com>, Windhamtownclerk@gmail.com

Cc: luquejosh@aol.com, elias\_papson@yahoo.com, Andreas Papson <drepapson@gmail.com>

**Date:** July 12, 2022 at 3:03:52 PM EDT

**To:** Maria Elena PAPSON <luquejosh@aol.com>

**Subject:** Re: Galway Rd

Dear Windham Planning Board, Windham Town Board, Windham Code Enforcement Officer, New Comprehensive Plan Committee and Windham Weekly,

This is Marie Elena Papson at 41 Galway Rd.

There was a planning board meeting last Thursday (July 7, 2022) where we again discussed the development of 12 luxury homes on our small, quaint rural road.

The developer began his project failing to acquire necessary permits. He gutted an existing house and built an additional floor. Two bedrooms and a bathroom were added. A new driveway was also constructed. No permits were acquired during this process. He then began a road without a proper permit. Several of us have expressed concern, asked to see building permits and have made the town and DEP aware. The road construction was halted but we have received no additional information regarding penalties and valuable information such as if the septic and electric meet the necessary standards.

All of this tells me that people can do what they want in this town.

They can come in and not follow town and state regulations and then be permitted to pursue a major housing development?

We get told at the Planning Board meetings that much of this has to do with the town board and to let them know. We have but nobody responds

to us.

Furthermore, following the June 16 meeting and prior to the meeting on July 7, 2022, many of us sent letters again opposing the development on Galway and none of these letters were read aloud. Why? Our letters were read on June 2, 2022. Why not now? On July 7, 2022 when reviewing a subdivision for only 3 homes on Mitchell Hollow Rd (much smaller than Galway Rd) all letters were read aloud to the public.

I have written emails and I am not getting any response. I was told at the planning board meeting that they do not have any jurisdiction about this project and that is not what they do. I was told to now go to the Town Board. Here I am again. Where are the responses to our concerns in the letter we recently sent not only to the planning board but to the town board, town attorney and Code Enforcement Officer?

It seems to me that nothing is being done to preserve the safety and charm of the Windham Community.

All in Windham should read the Comprehensive Plan. Our town leaders must follow this well thought out plan created to protect our town. All in Windham must attend these meetings.

Could someone, please, respond to me in writing addressing all of my concerns?

Thank you,  
Maria Elena Papson

Sent from Maria Elena



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Road Project

1 message

Thu, Jul 14, 2022 at 6:31 PM

**harris Adam** <harriskuno@gmail.com>  
To: Sandra Allen <windhamplanningboard@gmail.com>

Dear Windham Planning Board,

This is a follow up to a previous letter expressing concern over the Galway Road project. We want to ensure the project is within the stated goals of Windham's comprehensive plan. As highlighted by others it seems this large scale project doesn't follow the goals of the comprehensive plan. We want to ensure Galway Road and Windham maintains its wonderful tranquility and charm and have concerns over this large scale project.

Thank you for your time and understanding. in reviewing the process, safety, and scope of this project.

Sincerely,  
Harris Kunofsky



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Luxury Home Development

1 message

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**Ann Evans** <mommay1958@gmail.com>  
To: windhamtownclerk@gmail.com  
Cc: WindhamPlanningBoard@gmail.com

Tue, Jul 19, 2022 at 1:51 PM

Dear Windham Planning Board, Windham Town Board and new comprehensive plan committee members:

I am writing to you to express my concerns with the 12 luxury home development on Galway Road. I have been a resident of Windham for 25 years and I'm working very hard to keep my home here for my three children and grandchildren. We moved to Windham because of the charm of the community. If we do not stop these major developments we are going to lose what we call Windham. I am expecting that the leaders of our town stay true to the comprehensive plan. These developments should remain close to the hamlet of Windham and the ski area. We cannot continue to allow developments like this on small, rural roads outside of town.

Please protect Windham. Please follow the comprehensive plan that was written to protect our town. A development like this goes against our own comprehensive plan.

I am also concerned about fire and rescue. We need to protect the people who look out for our safety and welfare 24 hours a day and the valuable equipment that they must maintain.

I expect this letter to be read at the public hearing on July 21, 2022 and formally be made a matter of public record.

Sincerely,  
Ann Evans

July 20, 2022

Dear Windham Planning Board, Windham Town Board and  
Members of the Comprehensive Plan/Zoning Committee:

**The purpose of this letter is to communicate my disapproval for the proposed development of  
12 luxury homes on Galway Road.**

I am unfortunately unable to attend the meeting on Thursday the 21st.  
Please read my concerns aloud. Please make this letter part of the public record.

I have been a full-time resident, raised my family, been an active community member and supporter of our beloved town for more than 22 years. I have watched it change and grow in very positive ways over the years. Protecting the charm of our community, our valuable natural resources and unscathed beauty are key components in what has made our community thrive.

I strongly feel that we need to pay close attention to, and uphold the goals and objectives so carefully outlined in the Town's Comprehensive Plan:

*"The Comprehensive Plan is a document that provides direction in making land use, development, and other long-range planning decisions in the town."*

The people of Windham were actively involved in creating this plan and it was put into place to define and protect our *collective clear vision for Windham's future*. The Plan was adopted to safeguard existing assets and ensure a future that protects our precious resources, and the goals, interests and integrity of our community.

Our leaders must follow this plan which includes NOT allowing developments outside of the Hamlet. Let's not encourage nor allow the avaricious extraction of wealth out of our community. This mindset has proven to hollow out rural areas and irreversibly transform and degrade that which is in our power to protect. To allow this to proceed is a direct failure to uphold The Plan and a failure to our mutual commitment.

We are all well aware that increases in housing density on private lands adjacent to forests and watershed adversely affect recreation, wildlife, water resources, and other critical communal benefits. Increased wildfire ignitions and management costs, impacts on our highway department, police, fire and rescue (especially during the winter), habitat fragmentation, are all inherent factors and warrant serious consideration.


In addition, I am very disturbed to learn that the developer never received permitting for a recent major renovation project – a complete disregard and lack of respect for our Town's regulations and process! And, there is still an unanswered question as to whether the renovated structure has an approved and properly functioning well and septic system. Further, the tributary that runs through the property goes through the Windham Path and directly into the Batavia Kill.

Why would he be permitted to build more?

The decision to whether or not to allow this to proceed provides you, our trusted leaders, the opportunity to set a firm precedent NOW and thus avoid having to deliberate future similar proposals.

Approval goes against our vision for our future. Development like this must stop and we must protect our homeland and the safety and welfare of our residents and visitors. To disapprove would signify a meaningful commitment to our community, and the sustainable beautiful future that we all envision.

Sincerely,



Alana M. Pierro



Sandra Allen <windhamplanningboard@gmail.com>

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**Fwd: A message for the Supervisor from the Town of Windham Website.**

1 message

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**Win Super** <windhamnysupervisor@gmail.com>  
To: windhamplanningboard@gmail.com

Thu, Jul 21, 2022 at 3:48 PM

FYI  
Sent from my iPhone

Begin forwarded message:

**From:** Theresa Charbonneau Pelham <wordpress@townofwindhamny.com>  
**Date:** July 21, 2022 at 3:20:27 PM EDT  
**To:** windhamnysupervisor@gmail.com  
**Subject:** A message for the Supervisor from the Town of Windham Website.  
**Reply-To:** tesstuna57@gmail.com

To: Supervisor

Name: Theresa Charbonneau Pelham

Email: tesstuna57@gmail.com

Message: Hello all members of Planning Board

...Wanted to give feed back to project on Galway Rd. I am concerned and troubled over the amount of proposed homes that my sister Bridget Lopez has informed me about that an entity wishes to build.

...We feel our hamlet must be considered with much more care as we must progress in a very different way then in our past. We must enter this new world with not only our intellect but also our intuition,common sense and our hearts. You all have a really big job and I honor your commitment to this town.

..With much respect

...Tess Charbonneau Pelham

...P.S. Please read at meeting this evening as I have family obligation..Thank you

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This e-mail was sent from a contact form on Town of Windham



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Road

1 message

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JOHN <johnny44@hotmail.com>

Tue, Jul 19, 2022 at 4:36 PM

To: "windhamplanningboard@gmail.com" <windhamplanningboard@gmail.com>, "windhamtownclerk@gmail.com" <windhamtownclerk@gmail.com>

Dear Windham Town Board, Windham Planning Board, and new Comprehensive Plan Committee,

My wife and I attended the Town Board meeting on July 14th with our neighbor. At that meeting the Town Supervisor, Tom Hoyt, assured us that the developer on Galway Road would be held accountable for the work that he completed without proper permitting. We are all very concerned about the septic. Two new bedrooms and a bathroom were added and we are unsure about the septic. Is my water safe? He also informed us that the planning board should be using the Town's January 2022 Comprehensive Plan for guidance as they review projects such as the Galway Road luxury home development.

We are expecting that all Planning Board members review the Comprehensive Plan and follow it as they make decisions about this development and other future developments that go against the goals and objectives listed in the plan.

We have articulated many of these concerns both in writing and verbally at meetings. The Town Board clearly stated that you needed to use this for guidance. Keep large developments like this near the hamlet of Windham and not in our quaint neighborhoods. Protect the charm of this beautiful community for residents and visitors.

In closing, we are very concerned about the future of Windham. We need responsible planning. Everyone must be concerned about developments like this. We must also emphasize and make certain that any new roads are safe for our important emergency responders. These valuable professionals must be consulted in a timely manner as we are making these decisions. Failing to contact them is again irresponsible.

Sincerely,  
John and Kathleen Yannucci  
Bob and Margie Schugman

Sent from my iPhone



Sandra Allen <windhamplanningboard@gmail.com>

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## Galway Road

2 messages

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JOHN <johnny44@hotmail.com>

Tue, Jul 19, 2022 at 4:27 PM

To: "windhamplanningboard@gmail.com" <windhamplanningboard@gmail.com>, "windhamtownclerk@gmail.com" <windhamtownclerk@gmail.com>

Dear Sandra,

Thank you for your timely reply and we appreciate your honesty. We understand that everyone makes errors.

We are formally requesting all of the meeting minutes about the Galway Road project. We are requesting that these be printed for us to review. We can pick them up at the Town Hall and would like to have them prior to Thursday's meeting. I am also formally requesting that my letter be read aloud at Thursday's meeting. It is a public hearing and we feel that the public needs to hear my concerns whether I am present or not.

Sincerely,

John and Kathleen Yannucci  
and Bob and Margie Schugman

Sent from my iPhone

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WindhamPlanningBoard <windhamplanningboard@gmail.com>

Wed, Jul 20, 2022 at 12:52 PM

To: JOHN <johnny44@hotmail.com>

Dear John, Kathleen, Bob, and Margie,

All the minutes are available on the Town website - <https://www.townofwindhamny.com/agendas-and-minutes/planning-board-minutes/>

- so they are available to everyone.

And you will note that every letter and email we receive is attached to the minutes for the record and for public viewing.

Again, I apologize for missing yours and it will be printed out for the next meeting.

Regards, Sandra

[Quoted text hidden]

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Sandra Allen  
Windham Planning Board  
Recording Secretary