

Minutes accepted and approved.

Motion made by: Chairperson Poelker

2nd by: Member O'Grady

In Favor: 5 Opposed: 0 Absent: 0

Signed and Dated: *Sandra Allen* – 9/1/2022

Town of Windham Planning Board Meeting

Thursday, August 4, 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: Lilli O'Brian, Brendan O'Brien, K Sidiropoulos, D Sidiropoulos, David Elua, Maria Elena Papson, Brian Hughes, Brendan Hughes, Gail Quan, Dusan Popovic, Al Khazer, Emily Greifeld, Bob Greifeld, Greg Thorpe, Mickey Begley, Pat Higgins, Bridget Lopez, Robert Lynch, Alan Trinkle, Pete Lopez, John Valachovic, Jack MacDonald, John MacDonald, Marianna Leman (see attached 1) Also present Tal Rappleyea and Mary Beth Bianconi

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

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. Applicant added suggested wording, "Utility Corridor" to the final map on the narrow portion for the sewer and water hook-up. Motion to approve was made by Member Jaeger, seconded by Member Jordan with an all-in favor.

MINOR SUB-DIVISION: Riordan 296 Hensonville Tax Map 96.13-1-11. Reviewed maps and documents. Received and reviewed copy of the deed, no deed restrictions. 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. Reviewed a copy of the deed for the lot where O'Brian will permit the ROW, no deed restrictions. Motion to set Public Hearing for September 1, 2022, at 7:05 PM was made by Member Lane, seconded by Chairperson Poelker with an all-in favor.

MINOR SUB-DIVISION: James MacDonald 281 Old Road TM# 79.00-1-11, 79.00-8.2, 7900-8.112. Mr. Valachovic reviewed the proposed project. Subdividing 18.58 acres into 4 lots 3.27, 6.17, 4.98 and 4.16 acres. Reviewed the map. New road requires a revised application to a Major Sub-Division. Kaaterskill will bring in Lead Agency packets at the meeting.

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. Motion to approve was made by Member O'Grady, seconded by Member Jordan with 3 in favor and 2 opposed. Filled in local approval cert for DOT application.

PUBLIC HEARING - SUB-DIVISION: Greifeld 798-2 Mitchell Hollow Road TM# 46.00-2-69.1 and 47.00-2-1. Waiting for comments from Lead Agency request. Valachovic reviewed the septic changes requested by

a neighbor and DEP. Septic main overflow is now approx. 300 feet and the secondary further away. The unlabeled structures are four-bedroom single family residences, when buildings were rearranged, omitted labels was an oversight. Requested a new map showing the new septic location and labels on all structures.

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. Valachovic conveyed that they are waiting for the common driveway agreement which is being drafted by the attorney and DEP septic approvals. Member O’Grady inquired about the major work happening at the location presently, Valachovic will have to get back to this Board with that information.

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. Proposed project is approximately 130 acres on both sides of Galway Road subdivided into 12 lots of varying sizes.

Letters were read for the record. (see attached 2)

Chairperson Poelker asked if any other attorneys were in the room? Poelker stated that this Board had a meeting with the Town Attorney, Rapplelea, to explain the legalities of the Laws on record and the use of the Comprehensive Plan as guidelines. Poelker used the term “pontificate” when referring to Mr. Lopez. Lopez then objected to the term, asserting that the Chairman was a “loose cannon,” and that Poelker “tends to debate as testimony it is offered and uses personal insults like pontificate.” Poelker and Lopez exchanged more words. The Town Attorney then clarified that a Public Hearing is strictly for gathering information regarding public comments and concerns.

More letters were read (refer to attachment 2)

Ms. Bianconi, from Delaware Engineering, explained the processes that have occurred to this point: application was submitted with short form EAF, application was resubmitted as a Major Subdivision with a full EAF, SEQR circulation was included in the Lead Agency packets to the following agencies – DEP, DEC, and Army Corp of Engineers. DEC will issue SWPPP, DEP will review septic systems and SWPPP, and Army Corp of Engineers review wetlands. Perks have been done and the DEP has sent Inspectors and will continue to inspect the project. The Windham Planning Board does not have the authority to approve septic systems, DEP is the only agency with the authority to approve or deny septic systems. Bianconi continued with explaining the drilling of private, residential wells, well drillers are required to be licensed by the state and must meet the standards for a residential home. Regarding the request from the Public to do hydrology testing, in general, ground water wells in the Catskills, particularly in Windham, the reason one day well water is clear and the next it could turn red is due to clay and this is Mother Nature at work and not necessarily what anyone else did. Wells over time, especially here in Windham, can produce less water and they can become red with clay or iron. As for the Comprehensive Plan, the Town of Windham has had one since 2002 when the City of NY recommended all Towns and areas have land use laws and/or zoning regulations. SEQR review (EAF forms) states “consider whether or not the application is in conformance with the Comprehensive Plan”, so it is an important consideration to the community. However just because there is a new or updated Comprehensive Plan doesn’t mean it has any more weight than the one written in 2002. A Comprehensive Plan describes and discusses issues related to the quality of life in the community and its future and has an Action Plan associated with it. One of the top recommendations it has is to strengthen land use. Not having zoning has limitations on regulating growth in an area. Comprehensive Plans are aspirational, it is a guideline. Zoning controls the location, scale, and nature of land development. So, it says what can go where, how big and what can it do, is it residential, commercial, industrial, etc. In the State of NY zoning is the only way that any community can control what happens on private property. On other points that were spoken about: first is precedent setting, approving

an application of ANY use whether sign permit, site-plan or subdivision DOES NOT set a precedent for any future applications.

Town Attorney Rappleyea indicated that “every application is different than the one before it or after it. It has a different location, topography, it has different water, etc. Secondly if we change our existing laws, which is highly recommended, and do not adopt zoning that would mean we have a different ‘rulebook’. The laws that we have now are the rules that must be adhered to now. We are controlled by the laws we have on the books; the Comprehensive Plan is a guideline for what we want to do in the future.”

Bianconi continued saying NYS has two very fundamental things in the State Constitution in terms of land, first we are a Home Rule State which means that the level of government that is closest to you as the landowner is the one that gets to say what happens on your property. Second, we are a Property Rights State which means that when someone owns real property they have an expectation of use, enjoyment, and profit from that property within the bounds of whatever the regulations are of their closest unit government, which here is the Town of Windham. Property owners have the expectation that within reason they can develop their properties. In conclusion we have a set of laws today that include subdivision laws which is relevant to this project. This is the law we have, it may or may not be in conformance with the Comprehensive Plan that was just adopted but these are our subdivision laws. Until the Town Board changes it these are the rules that must be followed.

Mr. Lopez wanted to be heard before the Public Hearing was closed. He stated “there is caselaw where Judges have reversed decisions regarding cases where approved project were inconsistent with the Town Masterplan and not in the public interest. And there are tenets and guidelines that are explicit guidance in the Comprehensive Plan that could be viewed by the courts when they review your decision making irrespective of the laws. The other piece I would say is that this is where the Town would have to be careful as well, because if in fact there are tenets of the Comp Plan that the Town for whatever reason wishes to disregard the Town is going to have to explain ‘Why Not’ to the court, why are you not adhering to those specific tenets expressed in the Comp Plan. The last thing that we want is to see the Town, the Developer, and others subject to delay, more cost and a lot of acrimony.”

Attorney Rappleyea responded that “this Board, Ms. Bianconi and I, whatever determination we make, will be fully developed on the record because whatever decision we make has to be rationally connected to the record, there has to be a rational basis for the determination because that is the way courts look at it. That standard is, did you act arbitrary and capricious? How do they determine that? Is your decision based on the record. If it is based rationally on the record, even if the court would find something different, they are going to stick with the decision because it’s our Town, it’s Home Rule. So, yes to your point (Lopez) we don’t have to stay slavishly to the Comp Plan but in those situations where we don’t then we show why, everyone of these points will be in writing and based on the record.”

Lopez continued saying his “goal was to highlight the importance of the plan whether adhered to or not and if not, why not and for the record it is offensive.” He again brought up doing a hydrology test, visual impact and building on ridge for exposure, fire suppression and that it has been an issue in the area. He recommends to the Town, in the subdivision to determine what water supply will be needed to supplement the Fire Dept with their tankers.

When asked to respond to this issue, Volunteer Firefighter, Thorpe, said they are not engineers and they are not for or against any development but what is really needed are newer vehicles, presently they have a twenty-year-old pumper, a ladder truck is needed due to all the taller than 3 story buildings going up where Firefighters have no access to rescue people. The 5-story building never should have been approved without a ladder truck. He also expressed the opinion of many other Firefighters that these new developments should be sharing the wealth and providing new trucks and upgrading equipment. Thorpe continued saying

he feel very strongly that somebody should be buying new vehicles for both Windham and Hensonville. It's very important, our stuff is old, and the area keeps growing. Thorpe's other concern was regarding the roads, the dangerous and sometimes unpassable winter road conditions. When we have major snow storms the County can't keep up on them [the roads], DOT can't keep up on them, and private roads depend on private contractors who can't keep up on them. We have one four-wheel drive truck, being unable to get past snow and ice blocked roads all we can say as we sit at the other end of the road is "yep, I'm pretty sure it's on fire but we can't get there," because we don't have a four-wheel drive pumper and we just have to let it burn. Asking our opinion, we can't guarantee that we can make it up any road in winter conditions.

Mr. Trinkle also commented on the safety of the roads and how narrow Galway Road is. Ms. Lopez asked about the driveways, which is not part of this subdivision project. Bianconi assured people that the private road meets all current regulations and has significant turn arounds for large vehicles.

Mr. Lopez asked who assures that the private road is built to spec and how do we know the road will be maintained properly. Valachovic answered that a road maintenance agreement is being written by Bonfiglio's Lawyer and that the building of the road is under the jurisdiction of other agencies.

Chairperson Poelker Read the Resolution for the record. (see attached 3)

Motion to accept the Resolution was made by Chairperson Poelker, seconded by Member Jordan with an all-in favor. Motion to close the Public Hearing was made by Member Lane, seconded by Chairperson Poelker with an all-in favor.

SKETCH PLAN: Brian Hughes State Route 296 TM# 96.00-1-43. The proposed project is to build 5 Town Houses, which will be 10 residential homes on 2 lots. The 2 lots together equal approx. 1.7 acres, wooded lots across from Hotel Vienna. It is recommended that Hughes speak with the Town Board get their opinion on the project and to find out about additional EDU's.

MINUTES REVIEWED: Motion to approve July 7, 2022, minutes was made by Member O'Grady, seconded by Member Jordan with an all-in favor. Motion to approve July 21, 2022, minutes was made by Chairperson Poelker, seconded by Member O'Grady with an all-in favor.

Meeting was adjourned at 10:05 PM on a motion by Member Jaeger, seconded by Member Lane with an all-in favor.

Respectfully Submitted,

Sandra Allen, Recording Secretary

OFFICIAL

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Town of Windham Planning Board

Attendance Log

Date: August 4, 2022

Please Print Your Name Clearly (Name Only)

Lilli O'Brien		
Brendan O'Brien		
Kosta Spiridakis		
Daphne Spiridakis		
David ELIA		
M. Papas		
BRUN HUGHES		
BRENDAN HUGHES		
GAIL SWAN		
D. POPONC		
Al Hanger		
Emily Griefeld		
Ben Griefeld		
GREG TROPE Windham Hose		
Mickey Bagby Windham Hose co		
Pat Higgins		
Bridget LOPEZ		
Robert LYNCH		
Alan Trinkle		
Pete Lopez		
John Klaim		
Joe Kymec Davis		
Jim Macaulay		
Marianna Lemay		

Gmail - Fwd: FW: BoardRE: Galway Road Project

8/4/22, 3:28 PM

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From:
Sent: Wednesday, August 3, 2022 12:34 PM
To: WindhamPlanningBoard
Cc: Bridget Lopez; windhamtownclerk@gmail.com; windhamtownboard@gmail
Subject: BoardRE: Galway Road Project

Dear Windham Planning Board, Windham Town Board

I am writing this letter to again communicate my disappointment of the Galway Road development plan which goes against the comprehensive plan

which was developed to protect our town. People attending the public hearing were told to discuss certain issues with the town board by ourself which I feel is inappropriate. This governing body should be communicating about serious issues such as a twelve luxury home development that goes against our towns

Master Plan. That being said, myself and a neighbor attended a town board meeting on July 14, 2022 and were informed that the planning board must use the comprehensive plans a guideline. This was communicated at the July 21, 2022 meeting and the Chairman was adamant about moving the project forward disregarding our statement from the Town Board.

I am also extremely upset and frustrated that our letters of disapproval have not been formally been read at the last two public hearings, however letters of approval of a much smaller project were formally read. Furthermore, when myself and other concerned residents tried to access the minutes they were not properly updated. New York State law mandates that the public bodies post their meeting minutes on line within a fourteen day period. The minutes from the planning board are not being posted within this time frame and the town board minutes have not been updated since May within the time frame, which makes it impossible for the public to see that the Town Board expects the planning board to follow comprehensive plan unless someone goes directly to the Town Hall. Failing to post the minutes does not give the Town the information they need to respond to these significant issues that will set a precedent for any new developments moving forward. You cannot close the public hearing until the public has been informed. You have a legal obligation to inform the public.

Please formally read this letter at the August 4th meeting and make it a matter of public record.

Sincerely John and Kathleen Yannucci and Robert and Marjorie Schugman

Sent from Mail for Windows

From: WindhamPlanningBoard
Sent: Thursday, July 14, 2022 3:03 PM
To: JOHN
Cc: windhamtownclerk@gmail.com; Claudia Lane; John P. O'Grady; Lisa Jaeger; Matt Jordan; Tom Poelker; Win Super; Tal Rappleyea
Subject: Re: Galway Road Project

Hi John,

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August 4, 2022

Dear Windham Planning Board, Windham Town Board, Land Use Committee and Windham Town Attorney:

The purpose of this letter is to communicate my continued concerns regarding the 12-luxury home project on Galway Road in Windham.

1. I emailed a lengthy and detailed 7-page letter on July 6, 2022 at 12:12 AM. The concerns in this letter were not addressed at the July 7, 2022 meeting. I later learned that the letter was not received by Planning Board members until July 21, 2022. Sufficient time was provided to print and distribute this letter for the members for the meeting on July 7, 2022. Furthermore, there was a motion to end the public hearing on July 21, 2022. The secretary commented that there were no new concerns. I was present and therefore able to ask about all of the concerns discussed in the letter dated June 22, 2022 and emailed on July 6, 2022. If I was not present, the public hearing may not have been recessed. Additionally, this very detailed letter will most likely not be included in the July 7, 2022 minutes which are still not available on the website. These minutes should have been posted by July 21, 2022. If the letter is included in the July 21, 2022 minutes (even though the issues in this letter were not addressed at this meeting), the minutes will not be available to the public until August 4, 2022 at the latest. As of noon today, they were not available. The public must have access to minutes in order to be informed about public meetings, and they require time to respond. Please allow the public adequate time to review the minutes that were not available within the window required by law.

2. The minutes from June 16, 2022 are incorrect. "Lopez read from the Comprehensive Plan and stated that she does not feel this project does not comply." This is not accurate. I do not feel this project is in accordance with the Town's Comprehensive Plan. The minutes also identify some of me and my neighbors' primary concerns but did not include our concerns regarding growth outside of the hamlet in areas that do not have access to centralized water and/or sewer infrastructure. Please review the tape. I believe I mentioned this issue as it is the most obvious reason why this project is not in accordance with the Comprehensive Plan. If I am correct, please amend these minutes, and notify the public immediately regarding these significant errors. Again, before we close the public hearing, these issues must be addressed. The public must be provided with accurate and timely information.

3. The June 16, 2022 minutes state that I voiced concerns about protecting the viewsheds. A priority of the Comprehensive Plan is to protect scenic vistas. A member of your board shared my concern and asked the engineering firm for something regarding this, and the engineer agreed. The engineering firm has not yet provided a visual impact study. Once again, there was a motion to end public hearings on July 21, 2022, and we had to remind the board that we still had no visual impact statement. This was requested by the Planning Board and still not provided after several weeks. We cannot move forward without this.

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4. The June 2, 2022 minutes state, "A very big concern from all was regarding the water supply." I brought up this serious issue again at a later meeting on behalf of Mrs. Papson who was not present. The answer that we were provided with was the distance between wells and septs. In the letter dated June 22, 2022 and emailed on June 6, 2022 that was just received by members on June 21, 2022, I again highlighted this issue and requested a hydrology report. I know of other residents on Nauvoo Road who recently wrote a letter regarding the same concerns. Can we please have a hydrology report to eliminate the stress that people have about their water supply? As stated before, a well more than 250 feet away significantly impacted the water supply and quality of a concerned neighbor in the past.

5. Legislation S.4704-a/A1108-a mandates that governing bodies with websites must post meeting minutes online within 14 days of a meeting. The July 7, 2022 minutes were not posted within this time frame. The public therefore did not have sufficient time to respond. Town Board minutes have not been updated since May. Two of our members attended the July 14, 2022 Town Board Meeting and report that the Town Board stated that the Planning Board must use the Comprehensive Plan as a guideline. They are correct. However, the public cannot see this information online because those minutes were not available within the mandated 2-week period. The public must have access to this very significant information before this process can move forward.

6. The NY Division of Local Government Services states:

"Adoption of a comprehensive plan under the current State zoning enabling provisions is voluntary. If a city, town or village chooses to utilize the process, the resulting plan may range from a set of policy or vision statements to a very lengthy document composed of many subject-specific component plans (e.g., components relating to transportation, natural resources, historic resources, or population statistics). Once an actual plan is adopted, however, all land use regulations must be in accordance with it. This usually means (though it is not mandated) that plan adoption is followed by the adoption of a series of zoning laws designed to "implement" the comprehensive plan. For these communities, then, the statutory requirement that zoning be in accordance with a comprehensive or well-considered plan refers to the comprehensive plan pursuant to Town Law, §272-a, Village Law, §7-722 or General City Law, §28-a, as the case may be. For those communities which choose not to adopt a comprehensive plan pursuant to these statutes, the traditional court-fashioned definition continues to apply." (Zoning and the Comprehensive Plan, Page 9).

"Once a comprehensive plan is adopted using the State zoning enabling statutes, all land use regulations of the community must be consistent with the comprehensive plan. In the future, the plan must be consulted prior to adoption or amendment of any land use regulation. In addition, other governmental agencies that are considering capital projects on lands covered by the adopted comprehensive plan must take the plan into consideration. New York requires that zoning be adopted in accordance with a well-considered or comprehensive plan. This requirement reflects both underlying constitutional considerations and a public policy that views zoning as a tool to plan for the future of communities. Over the years, the New York courts have defined the



comprehensive plan to be the governing body's process of careful consideration and forethought, resulting in zoning that is calculated to serve the community's general welfare." (Zoning and the Comprehensive Plan, Page 10)

"Benefits of a comprehensive plan

- Provides a process for identifying community resources, long range community needs, and commonly held goals
- Provides a process for developing community consensus
- Provides a blueprint for future governmental actions"

(Zoning and the Comprehensive Plan, Page 10)

"During the 1990's the zoning enabling statutes were amended to provide a process for adoption of a comprehensive plan—a formal planning document that can provide goals and objectives for the community. Once the plan is adopted, the community's land use regulations must be consistent with it. For those communities that choose not to adopt a formal plan according to the statutes, the requirement that zoning be "in accordance" with a comprehensive plan still applies, but the long- standing, court-fashioned definition of comprehensive planning continues. (Zoning and the Comprehensive Plan, Page 11).

My concerns:

Based on this research, the town must use the Comprehensive Plan as a "blueprint." This plan has identified specific goals and objectives based on community consensus and was adopted by the Town.

New York courts have defined the Comprehensive Plan to be the "governing body's process of careful consideration and forethought, resulting in zoning that is calculated to serve the community's general welfare. "

Windham's Comprehensive Plan clearly states the community's consensus that we must "Concentrate future growth and development on the designated hamlet areas and locations with access to centralized water and sewer." (January 2022 Comprehensive Plan page —)

This is an EXTREMELY SPECIFIC description.

This development is clearly located outside of the hamlet in an area that does not have access to public infrastructure. If the Planning Board agrees that this development is in accordance with the Comprehensive Plan then we will never be able to stop major developments like this outside of the hamlet. How can future zoning be in compliance with the same plan and not allow these developments outside of the hamlet? If this type of development is considered in accordance with the plan now, then the governing bodies will not be able to deter any other developments like this with or without zoning.

I love this town and have lived here my entire life. This is not just about Galway Road and my neighbors. Please consider what your decision will result in for the future of our town. Your decision will clearly set a precedent. Your decision must be in compliance with the master plan adopted by the town. The language is very specific.

Sincerely,



Bridget Lopez



Sandra Allen <windhamplanningboard@gmail.com>

Windam Planning Board Meeting - August 4, 2022

1 message

Aj Marine <ajbrandt56@yahoo.com>

Thu, Aug 4, 2022 at 4:35 PM

To: "windhamnytownclerk@gmail.com" <windhamnytownclerk@gmail.com>, WindhamPlanningBoard <windhamplanningboard@gmail.com>

Dear Board Members,

I Joseph Agarenzo of 88 Galway Road will not be able to attend the board meeting tonight because I am out of state and scheduled for jury duty this week. However, in my absence, I will still like to voice my concerns about the 116 Galway Road project so I ask kindly to read my letter during the coming meeting.

The following are the issues and concerns of my family and the majority of the residents on Galway Road:

1) The Town of Windham Comprehensive Plan might be in conflict with the planned subdivision at 116 and 125 Galway Road. Below are some of the comprehensive plan goals and how the project goes against those goals.

a) *"The primary goal of a comprehensive plan 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."* This large subdivision could destroy quality of life and natural resources and the natural scenic beauty of this mountain.

b) *"Make roads more walkable & safer for pedestrians/bicycles/runners."* Galway Road is narrow roadway with no shoulder and will be dangerous with the addition of traffic and pedestrians.

c) *"Overdevelopment & lack of zoning."* Twelve subdivisions of this proterity, we feel, is overdevelopment of a rural area.

d) *"Protection of the viewshed of surrounding mountainsides"* will be null and void with twelve houses and a snaking 28 foot wide road winding up this mountain side off of Galway Road.

2) The building of additional wells and septic systems above our homes could cause our wells to be contaminated and/or decrease water supply, so I would like to know if a hydrology report has been completed and does it show an impact to my property.

3) How will the town and county planning boards enforce environmental policies and/or regulations to prohibit the possible future subdivision owners from cutting their trees down creating a deforestation of the mountain, and has a visual impact statement been completed.

I would like to thank you for your attention and support in helping the residents of Galway Road in getting these concerns and questions answered.

Sincerely, Joseph Agarenzo
88 Galway Road
Windham, New York

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July 30, 2022

Dear Windham Planning Board and Windham Town Board,

My wife and I would like to add our perspectives on a proposed development at the end of Galway Road and on economic development in general in Windham.

We live at 299 Nauvoo Road. Although we are not direct neighbors of the proposed development, we live close by, on the other side of ridge the development will go on. We built our house on the early 1980's and have lived in the town full time since 1990.

As long-time residents of Windham, we have always appreciated the quality of life in the town, which we hope can be preserved by controlled economic development without unduly taxing town resources. Since there is no zoning in Windham, we worry how economic development will affect our quality of life.

Being outside the hamlet of Windham we have our own well water and septic system. When we first drilled our well in 1984 we had great clear unfiltered water. Roughly 15 years later, out of the blue, our water suddenly turned red and we had to install an expensive filtration system. Clearly there was someone building houses and drilling wells that changed our aquifer. We wonder what future development could affect our well water as well as others. Could a significant development on the ridge overlooking our house effect our water? Who is monitoring that? During hurricane Irene storm water off the ridge caused part of our septic field to wash away. Could a major development on the ridge effect the volume of storm water runoff? Who is monitoring that? Is that part of the DEP approval process?

Building development also impact the ascetics of the quality of life – noise, smoke and sight lines. Again, we are worried because the town has no restrictions that can reasonably regulate those.

Finally, we worry about the resources that will have to be provided by the town and county to support future economic development. Will the fire department have enough capacity? Will the town have to expand water and sewer services?



Will the town have to expand ambulance service? Will the county expand fly car service? And, of course, the answer to all those questions will require more money and higher taxes.

We believe in economic development but in a controlled way that benefits everyone in the community.

Thanks for listening to our concerns.

Bill and Dee Dee Haltermann

299 Nauvoo Road
Windham, NY 12496



Sandra Allen <windhamplanningboard@gmail.com>

Galway Road Project

harris Adam <harriskuno@gmail.com>

Thu, Aug 4, 2022 at 4:26 PM

To: Sandra Allen <windhamplanningboard@gmail.com>

Dear Planning Board,

Thank you for taking time to carefully review the Galway Road project. Considering the size and scope of the development we are still concerned the project is not in accordance with Windham's comprehensive plan. Has there been an impact study of the project (safety, environmental, etc..)?

Thank you again for your responsiveness and diligence in reviewing this project.

Sincerely,
Harris Kunofsky



Sandra Allen <windhamplanningboard@gmail.com>

Letter Attached For Tonight's Meeting

1 message

WYLD BLU <music@wyldblu.com>

Thu, Aug 4, 2022 at 1:57 PM

To: Windhamplanningboard@gmail.com, windhamtownclerk@gmail.com

Good Morning,

Please see attached PDF letter for inclusion in tonight's meeting. I am unfortunately unable to attend the meeting as I have to work -

I am asking that my concerns be read aloud aloud and to please make this letter part of the public record.

Also, please be sure that all addressees receive a copy of my letter.

Kindly email/reply so that I know you received this.

Thanks So Much!

planning board letter-08-03-22.pdf
53K

(12)

August 3, 2022

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

THE PURPOSE OF THIS LETTER IS TO AGAIN COMMUNICATE MY DISAPPROVAL FOR THE PROPOSED DEVELOPMENT OF 12 LUXURY HOMES ON GALWAY ROAD.

My letter of 7/21 was acknowledged via email, however, it was NOT read aloud at the meeting as requested. We are concerned about letters not being read - are they being included as part of the record? We cannot verify if they are, insofar as the Minutes from meetings held on July 7 and July 21 are not readily available and are NOT posted anywhere on the Town's website. There are many of us who work evenings and cannot attend meetings, and rely on the website to remain informed and stay current.

1. As per Town of Windham's Subdivision Laws, this proposal is classified as a MAJOR SUBDIVISION; which states: *"Particular attention SHALL be given to the requirements of the Master Plan."* AND to require that major subdivisions: *"are not in conflict with any provision or portion of the Master Plan, Zoning ordinance if such exists, or these regulations."*

2. The Plan clearly states: *"Development in the designated hamlet areas and locations with access to centralized water and sewer."*

3. Our Town Board has publicly stated: *"The Planning Board must use the Comprehensive Plan as a Guideline."*

4. We don't yet have formal zoning; in lieu of that, we Adopted our Comprehensive/Master Plan.

AND, If we ever adopt zoning, NEW YORK STATE STATUTES **REQUIRE** THAT ALL LAND USE LAWS IN A MUNICIPALITY BE CONSISTENT WITH THE COMPREHENSIVE PLAN:

"All zoning must meet the Comprehensive plan requirements."

"Once an actual plan is adopted, all land use regulations must be in accordance with it."

- DOS.NY.GOV

5. Has it gone through the SEQR Process? Is there an Environmental Impact Statement?
If so, where is it publicly posted/accessible?

• **Our Master Plan was adopted to provide a basis for this and future actions affecting the development of our community.**

• **All building permits for construction issued after the adoption of the Comprehensive Plan must be in accordance with the land-use elements of that plan.**

• **Our officials must honor the Comprehensive Plan to guide their decision.** The final decision on this proposal will provide the foundation for which future similar proposals must be governed by.

• **We all have MANY unanswered questions and concerns that, until they are adequately and appropriately clarified, this proposal should not be considered or approved.**



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RESOLUTION OF THE PLANNING BOARD
TOWN OF WINDHAM

SEQR
WINDHAM LUXURY ESTATES SUBDIVISION

August 4, 2022

WHEREAS, in early 2022, the Town of Windham Planning Board (“the Planning Board”) received an application for a Major Subdivision together with a SEQR Long EAF Part 1 and Preliminary Plat; and,

WHEREAS, the Planning Board conducted a Sketch Plan Conference with the Applicant’s Engineer; and,

WHEREAS, in consideration of the application materials and sketch plan conference discussion, the Planning Board preliminarily classified the Windham Luxury Estates Subdivision as an Unlisted action under SEQR involving more than one agency in review, permitting and/or funding of the action; and,

WHEREAS, the Planning Board adopted a resolution to act as Lead Agency and circulated the resolution to the other involved agencies; and,

WHEREAS, the Planning Board has reviewed materials related to the proposed project and conducted a review for the purpose of determining the significance of the project per 6 NYCRR Part 617.7, and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the Long Environmental Assessment form (attached); NOW THEREFORE,

BE IT RESOLVED

1. More than 30 days has elapsed since the circulation for concurrence on Lead Agency status and no other involved agency expressed an interest in acting as Lead Agency, therefore the Town of Windham Planning Board is hereby deemed Lead Agency.
2. Review of the project elements reveals that the proposed subdivision is an Unlisted Action with respect to SEQR.

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RESOLUTION OF THE PLANNING BOARD
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3. Review of Parts 1 and 2 of the Long EAF reveal that no moderate to large impacts have been identified. As a 12-lot residential subdivision, several small impacts may occur that considered in the context of mitigation measures are not severe and will not result in significant negative consequences. These include:
 - a. Impacts on Land - the implementation of subdivision will involve clearing of vegetation, construction of roads, structures, wells and septs, power lines, and drainage systems. Given the plans for the development of the site and requirements for utilities and stormwater controls, the potential impacts on land are small.
 - b. Impacts on Surface Water - the project will involve the need to install a culvert to carry an access road over an existing stream which will be reviewed and permitted by the USACOE. Because the nature of this impact is very minor (approx. 4,345 SF) and design and installation of the culvert will be in conformance with best practices under USACOE permitting, the impact is small.
 - c. Impacts on Ground Water - the subdivision proposes the installation of on-site wells and septs. Groundwater will be used for potable purposes and returned to the water table through the leach fields constructed as part the septic systems, the design standards and approvals for which are protective of groundwater quality. Given the small quantity of water demand and discharged of treated wastewater, the potential impacts to the environment are small.
4. As a result of the foregoing considerations, these potential impacts are all considered minor or small and will not result in significant adverse environmental impacts. Therefore, the Windham Luxury Estates Subdivision determination of significance is hereby a Negative Declaration.
5. This resolution shall take effect immediately.

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RESOLUTION OF THE PLANNING BOARD
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RESOLUTION OFFERED BY:

Michael Chamian

RESOLUTION SECONDED BY:

Matt Jordan

VOTE:

Unanimous