

Minutes accepted and approved.

Motion made by: Member Jaeger

2<sup>nd</sup> by: Member Lane

In Favor: 5 Opposed: 0 Absent: 0

Signed and Dated: *Sandra Allen* – 9/15/2022

## Town of Windham Planning Board Meeting

Thursday, September 1, 2022

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

Board Members Absent:

Also Present: Brendan O’Brien, Nancy Jordan, James O’Sullivan, Anita Buyers, Danielle Frank, John Carey, Teresa Higgins, Neal Higgins, Darrin Elsom, Vincent Dawdy-Narvvez, Frank Hull, Danielle ?(see attached 1) also present Thomas Hoyt

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

PUBLIC HEARING – MINOR SUB-DIVISION: Riordan 296 Hensonville Tax Map 96.13-1-11. Received Certified mail receipts. Chairperson Poelker read the notice for the record. Mr. O’Brien reviewed the proposed project for the Public. Someone from the public asked what the size of the lot is presently and what will be the size of the two subdivided lots. Member Jordan answered say presently it is 2.3 acres, Riordan is going to keep 1.74 acres and sell the .56 to O’Brien who owns the adjacent lots. Completed part II of the short EAF. Motion to classify SEQR as Unlisted was made by Chairperson Poelker, seconded by Member Jaeger with an all-in favor. Motion to close the Public Hearing was made by Chairperson Poelker, seconded by Member Jordan with an all-in favor. Motion to approve as presented was made by Member Jaeger, seconded by Member Jordan with an all-in favor.

Motion to recess the Planning Board meeting at 7:15 PM was made by Chairperson Poelker, seconded by Member Jordan with an all-in favor.

Motion to reopen the Planning Board meeting at 7:40 PM was made by Member Jordan, seconded by Member Lane with an all-in favor.

SITE PLAN: James O’Sullivan 139 Slater Rd TM# 97.00-5-23. Proposed project is a two-car garage with similar color and siding as the existing house on a slab foundation. Reviewed maps, documents, and pictures. The garage is well beyond the setback requirements. Requested a larger map showing setbacks, well and septic. Motion to set Public Hearing for September 15, at 7:05 PM was made by Member Jaeger, seconded by Member Lane with an all-in favor.

SITE PLAN: Neal Higgins 7 Schafer Dr TM# 96.00-5-40. Proposed project is single family residence, prefab, 2 bedroom and 2 baths. Requested site plan map with setbacks and a rendering of what the house will look like outside. Has access to Town water. Reviewed the septic map.

**SKETCH PLAN:** Carol Lynes Manor Dr TM# 78-15-1-13. Proposed project is a small single-family residence 12 X 44 on 0.17 acres. Has access to Town sewer. Will have a drilled well. Kaaterskill did a Boundary Survey and after the survey, a neighbor erected a new fence on the Lynes lot which must be resolved. Requested an Approval Letter regarding the EDU.

**MAJOR SUB-DIVISION:** James MacDonald 281 Old Road TM# 79.00-1-11, 79.00-8.2, 7900-8.112. Subdividing 18.58 acres (3 lots) into 4 lots 3.27, 6.17, 4.98 and 4.16 acres, lot 4 will have ROW to lots 1 & 3. Reviewed the map. Elsom reviewed the project and explained that the road will only go a portion of the way and then will become a driveway to have minimal impact on wetlands. Wetlands have been delineated, perk test have been done with DEP present, Road Maintenance and shared Driveway Agreements are being drawn up. Lead Agency packets went out after last meeting.

**SUB-DIVISION:** Greifeld 798-2 Mitchell Hollow Road TM# 46.00-2-69.1 and 47.00-2-1. Proposed subdivision, 200 acres parcel to four lots of 7 acres, 3.5 acres, 2.5 acres and remaining 187 acres. Although the Public Hearing was closed at the 8/15 meeting an email was read for the record because it was posted on that date prior to the meeting time, the letter was regarding the ROW and it connecting to the new proposed road creating a thru-way and more traffic over the very narrow ROW. (see attached 2) This Board will do research on this matter. Received DEP septic and stormwater approvals. Drafted Road Maintenance Agreement.

**PUBLIC HEARING – MINOR SUB-DIVISION CONTINUED:** Bruce McNab Elm Ridge Road TM# 96.00-5-88.1 and 96.00-5-88.2. Subdividing 2 lots into 4 lots. No Public in attendance. Received DEP septic approval and Driveway Agreement. Motion to approve as presented to date was made by Chairperson Poelker, seconded by Member O’Grady with an all-in favor.

**MAJOR SUB-DIVISION:** 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. Received DEP septic and stormwater approvals. Received Road Maintenance Agreements for North & South roads. Waiting for Resolution for Town Attorney Rappleyea.

Member O’Grady read for the record a Letter to the Editor that will be published in the next edition of the local paper. (see attached 3) O’Grady commented that “we’re taking things one project by one project and the big picture gets lost until you look out and suddenly there are buildings everywhere. We are being faced with a flood of proposals. The writer speaks about a way of slowing things down. As one of the people on the Comprehensive Planning committee and now the Zoning committee, this all for naught! Do we care about this Town? I do. But the decisions we are forced to make are not in keeping with the Comprehensive Plan, we have to do what is stipulated in the Law.” (Poelker interjected “And that’s where people’s property rights come in”) “And that’s where the word Moratoriums come in, until we get a break on this we are going to be flooded with more and more things. Word gets out, ‘Oh, they’re going to have zoning in Windham! Let’s hurry up the pace’. So, I for one, as a Planning Board Member, just want to register my concern. As the author of the letter stated, ‘We need to see the BIG picture’, that’s what a Comprehensive Plan is for. I for one don’t feel like there’s any support. Again and again people are going and doing things without proper permitting, there’s no enforcement, I’m tired of it. I’m not the only one, I’m speaking for a large number of people in this Town that are very concerned.”

Poelker stated “The other part of the dilemma is many of these people come here looking for a little privacy, looking for something a little bigger, looking for to get out of the Metropolitan area, and it falls in line with these subdivisions and who’s buying them. Higher end people who come up here and do recreational summertime and ski area.”

O'Grady "But we're not going to have any affordable housing for the people who work and live here. What we're looking at is the Westchesterization of Windham."

Member Lane commented saying "I agree completely."

Member Jaeger added "What hasn't been touched on is that NYCDEP is buying a large chunk Windham's land. So, we're getting pushed to the point where we only have an X amount of land PERIOD! So, it either gets developed and stays private or it gets sold to the City, this is where we're at! So, do we want to continue to grow, do we want to stay stagnant, do we want to cap? These are very big discussions to be having."

Poelker asking O'Grady "You say we're not being supported, by whom?"

O'Grady "I already mentioned that the Planning Board is not getting code enforcement [support]. How many times has that issue come up?" Other Board Members added their agreements. "And as far as development going on, like we said, we have to abide by the rules."

Jaeger "so you're saying Death by a Thousand Cuts".

O'Grady "I'm saying we're not looking at the Big Picture."

Member Jordan added "It's hard because there's the philosophy and there's what is actionable, that's where zoning comes in, zoning is actionable. We're at an impasse."

O'Grady "We need time. And when you build all these luxury estates by people who live away, we're turning this place into a ghost town. And if you've not been to places like Sun Valley or Ketchum, all of these places across the country, these resort towns, they turn into ghost town in the off season. And the same problem, you can't find workers, they have to live 2 hours away. We're making a bigger and bigger problem for ourselves. Well, that's all I have to say."

Jaeger "Very passionate, and I appreciate it. I think that's why we're all here, because we love Windham."

Lane "Absolutely".

MINUTES REVIEWED: Motion to approve August 4, 2022, minutes was made by Chairperson Poelker, seconded by Member O'Grady with an all-in favor. Motion to approve August 18, 2022, minutes was made by Member Lane, seconded by Member Jordan with an all-in favor.

Meeting was adjourned at 9:20 PM on a motion by Member Lane, seconded by Chairperson Poelker with an all-in favor.

Respectfully Submitted,

Sandra Allen, Recording Secretary

Sign-in Sheet

Sept 1

Brendan O'Brien

Nancy Jordan

JAMES O'SULLIVAN

Anita Byers

Danielle Frank

John Carey

Teresa Higgins

Neal Higgins

DARRAN KELSON

Vincent Dandy-Narvaez

Fran K Hull

Daniel Higgins

THOMAS HOYT

Please read and enter this into the record.

We would like the board to deny the use of the existing rights-of-way upon issuance of any new building permits for subdivision. The existing right-of-way was only intended to access one single-family farm house. It was not designed for construction traffic or multiple lots.

They now have two accesses over our properties, one through the Suda property, 20 feet wide by 50 feet long, near bridge. The other is existing or 10 feet wide over Tripsas' property, then through Suda/Lohman property to access Griefeld's barn, now a house.

Although their representative proposed at the last board meeting to put in a driveway from their new road to the barn, Mr. Greifeld will not commit to when or if at all this will be done. The use of rights-of-way with their new road will in essence make a loop of unregulated traffic and will overburden our driveway. Furthermore, there is no maintenance agreement, and upkeep of the driveway has been done by Suda for the last 22 years.

Now is the time to correct a past problem. Since they are going to build a new road through their property, that flag lot will no longer be land-locked, and there is no legitimate reason to need a right-of-way through our lands. Any maps or deed research can be obtained through myself or Richard Tollner, Windham tax assessor.

Screening of new lots:

This should be seriously considered by the Planning Board. As I stated at a July meeting, the location of new proposed subdivision lots in relation to our commercial business and agricultural activities is a recipe for disaster. There needs to be a minimum of 50 feet, preferably 70 feet of a forever wild buffer to our south property line. This would be beneficial to prevent future complaints regarding view and noise.

For the record, approximately two and a half years ago, before any talk of subdivision, I had asked Mr. Greifeld if I could buy a 70-foot strip of his land around my property and was rejected with no talk of price per acre or future purchase.

Fire numbers:

New numbers should be issued to the Greifeld subdivision. The old system was confusing, to say the least, and now with two driveways it will be almost impossible to determine which lot coincides with which number. Furthermore, neither Betty nor myself object to a new subdivision as long as there are protections for us as full-time residents. We do not feel that these requests are unreasonable, but feel they are more of a financial issue.

Thank you for your consideration,  
Chris Suda and Betty Lohman

OFFICIAL

From: **Treetop Agency** <[treetopagencycorp@gmail.com](mailto:treetopagencycorp@gmail.com)>

Date: Wed, Aug 24, 2022 at 12:21 PM

Subject: Windham Comprehensive Plan

Hello,

This note is written in context of the ongoing Galway Road project but highlights broader discrepancies with current decisions being made across the town. My hope is that you'll take these points into consideration as you continue to cover the story.

Thanks for your time,

Alan Trinkle

Two main points:

1. Each property is unique (voted on that way) which ignores the change going on at a broader scale
2. The Comprehensive Plan is being positioned as a future view, ignoring the desires of the people now

1) Broader Scale:

- Doubling the number of houses on Galway Road has been the topic of discussion but in reality ignores the properties in the immediate area and around town. Context being that:
  - There is another large property being sold on Galway Road and it has been said that this will be subdivided again.
  - In the same meeting 7/21, another subdivision on Old Road (281, less than a mile from Galway) was proposed.
  - You can easily see how looking at it as one property leaves the area open to not only doubling but tripling, in a very short time period.
- Town-wide resource keeping up. Safety is a concern at this particular property given the road width and overall elevation gain but also as a broader town.
  - The volunteer fire department is already stretched with human and physical resources. With the continued rapid growth of the town and seemingly devalued purpose of the Comprehensive Plan, I'm sure the people would love to see more attention to our emergency services group. They are behind and effectively being asked to play catch up as growth occurs by following outdated laws and guidelines.

2) Comprehensive Plan has a varied interpretation of its purpose

- Despite all of the resources developing the new plan and time spent reflecting the desires of its population, it's still being referenced as something that doesn't have "any more weight than the one written in 2002"
- When making decisions at a planning level, it's written "consider whether or not the application is in conformance with the Comprehensive Plan." There is ambiguity in this as the chairperson has said he believes this subdivision is in alignment. Separately, this "helps increase the tax base". With all of that, there is yet to be clarity on how this property or others line up with the Comprehensive Plan. My interpretation is that the proposed 12 units alone:
  - Does not encourage "low impact development."
  - describes "luxury" homes which does not cover "a range of housing opportunities for residents by approving the affordability and quality of local housing."
  - is outside the purpose to "Concentrate future growth and development in the designated hamlet areas and locations with access to centralized water and/or sewer infrastructure"

There are several points to this but the linking factor is that between the planning board, town board, or whomever the jurisdiction sits with need to be empowered to take greater control now. Not wait until it's too late; buildings up & we're still referencing guidelines from 20 years ago. If more time is needed, then a temporary moratorium should be considered.