

Minutes accepted and approved.

Motion made by: Jaeger

2<sup>nd</sup> by: Holdridge

In Favor: 5 Opposed/Recused: 0 Absent: 0 Vacant: 0

Signed and Dated: *Sandra Allen 8/3/2023*

## Town of Windham Planning Board Meeting

Thursday, June 15, 2023

Board Members Present: Chairperson: Thomas Poelker,  
Members: Nate Holdridge, Lisa Jaeger  
Recording Secretary, Sandra Allen

Board Members Absent: Claudia Lane

Also Present: Scott Ouimet, Bob McLynn, Phyllis Parrish, Jim, Mariann Brigham, Brendan Dougher, Charmaine Rusin, Eric Vaughn, Nick Bove, Lori Torgersen, Debra Bunce, John Bunce (see attached 1)

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

**PUBLIC HEARING - MINOR SUBDIVISION:** John Bunce 127 Brainard Ridge Rd TM# 95.09-1-17.2. Proposed project is one existing lot is approx. half an acre to be subdivided into two lots approx. .3 acres each. Read Notice for the record. Received Certified Mail receipts. Bunce explained the project to the public. Read email from Michael Arad. (see attached 2) This Board review the maps and documents. Motion to close the Public Hearing as made by Jaeger, seconded by Poelker with 3 in favor, 1 absent and 1 vacant. Motion to approve with the condition of the easement between lots 12B and 12C was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant.

**SIGN PERMIT:** Charmaine Rusin, Living Faith Community Church. Sandwich board style sign, white background, black letters, 36 X 30. It was explained that sandwich boards permits are for 2 years and must reapply if they keep the sign. Motion to approve as presented was made by Poelker, seconded by Holdridge with 3 in favor, 1 absent and 1 vacant.

**SITE PLAN:** Bob McLynn, Mountain King Brewery State Route 23 TM# 79.00-6-6. Proposed project is a 5600 sq foot brewery with a tasting room. It has septic and a well on 7 acres. Requested maps showing the entire lot and neighbors, all the structures, well and septic.

**SITE PLAN:** Greg and Sheila Mayer TM# 78.00-6-59 and 78.00-6-57. It is before the board for two sewer connections. Reviewed the map. ROW off Hickory Hill Rd. to both lots. Received copy of the deeds, overhead map to show location, Approval Letter from the Town re: sewer hook-up for Lot 78.00-6-59 and Letter to Represent. Reviewed the deeds and maps. Proposed project for 78.00-6-59 is to build a single-family residence, there is a well and sewer hook-up approval. Motion to set Public Hearing for July 6 at 7:05 PM was made by Jaeger, seconded by Holdridge with 3 in favor, 1 absent and 1 vacant.

**SKETCH PLAN:** Nick Bove 61 State Route 296 TM# 79.00-4-79.2. Received copy of deed. Reviewed pictures, shed has already been placed on lot. Bove agreed to paint/stain shed brown to match building as requested. Motion to approve with conditions, paint/stain shed brown to match building and must be

within setback requirements was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant.

SITE PLAN: Evan Schieren Windham Escape LLC, Route 296 TM# 96.00-1-14. Still waiting for DEP.

SITE PLAN: Windham Cove Brian Hughes State Route 296 TM# 96.00-1-43. Applicant is going from 4 buildings with 2 units each to 2 buildings with 3 units each.

PUBLIC HEARING – SUBDIVISION/SITE PLAN: Lysy Mill Street TM# 78.00-1-6.112. Reviewed the project. Once again Ms. Brigham expressed strong concerns regarding flooding, wildlife and wetlands, she brought in a myriad of flood maps and wetlands and again requested that it be reduced to 4 lots instead of 5. Motion to close the Public Hearings was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant. Motion to classify SEQR as Unlisted was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant. It was suggested to make the buildings look more rustic. Long EAF parts 2 and 3 were completed, motion to classify NegDec was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant. Motion to approve with conditions - Any changes to plans will require an amended site plan approval, the wetland boundary is to be delineated with a fence and signs, Kaaterskill Associates will be responsible for doing inspections and making sure everything is built correctly and the Town Engineer will also have the ability to inspect the site, Kaaterskill Associates should check on the site after any significant storm events during construction, move the driveway on lot two so it will be a little further from the adjoining lot's driveway – was made by Poelker, seconded by Jaeger with 3 in favor, 1 absent and 1 vacant.

MINUTES REVIEWED: Motion to approve June 1<sup>st</sup> minutes was made by Jaeger, seconded by Holdridge with 3 in favor, 1 absent and 1 vacant.

Meeting was adjourned at 9:52 PM on a motion by Jaeger, seconded by Poelker with 3 in favor, 1 absent and 1 vacant.

Respectfully Submitted,

Sandra Allen, Recording Secretary

# Town of Windham Planning Board

## Attendance Log

Date: June 15, 2023

Please Print Your Name Clearly (Name Only)

Scott Swinet	
Bob Mclynn	
Phyllis PARRISH	
Mike Wintley	
Marianne Brigham	
Bella Doyha	
Charmaine Rusin	
Eric Vaughn	
Mike Bu	
LORI TORGERSEN	
Debra Buvel	
John Buvel	

**Michael Arad** <michael@michaelarad.com>

Mon, Jun 12,  
3:33 PM

to WindhamPlanningBoard@gmail.com, allajoutov@yahoo.com, dlopresti191@gmail.com, Mannixpd@gmail.com

To the Town of Windham Planning Board,

I am writing in regards to the proposed subdivision of lot 95.09-1-17.2 by my neighbor John Bunce. My name is Michael Arad and I own the adjacent lot at 123 Brainard Ridge Road (lot 95.09-1-49).

The subdivision Mr. Bunce is proposing would create a lot that is composed almost entirely of the parking pad adjacent to my townhouse. This parking pad has been in continuous and open use as a parking pad since the construction in the 1980s of my townhouse and adjacent two units (lot 95.09-1-48 owned by Alla Joutovsky, aka 121 Brainard Ridge Road, and lot 95.09-1-16 owned by Denise D. LoPresti and Thomas Mannix, aka 119 Brainard Ridge Road). Our three units jointly comprise one structure that was built in the late 1980s by Brainard Ridge Realty under the leadership of Dick Jordan. All three of us use this parking pad to park our vehicles when we are in Windham.

As these three units have been using this parking pad for parking for many decades it is my understanding that an implied easement exists for this use, and that we have a right to continue to use this area for parking moving forward. I personally have been using this parking pad since 2014.

I have discussed this matter with Mr. Bunce who relayed that he was aware of our use of this parking pad when he purchased the property from Mr. Ciampa (who had purchased the property from Mr. Jordan long after he had constructed the parking pad).

I do not object to Mr. Bunce subdividing the lot. I can understand that the purchasers of the house he recently constructed at the western edge of this lot have no interest in assuming liability for any accidents that might happen on this lot and are likely asking for it to be removed from the purchase.

I do want to make sure the planning board understands this implied easement issue and that the new lot Mr. Bunce is proposing on the eastern portion of the lot will be burdened with an easement and likely unbillable given the cliff that exists directly above it to the north of the parking pad.

If I can answer any questions by phone during your meeting please do not hesitate to call me at 917-696-9398. I am also available to answer any questions by phone or email in advance of the meeting.

Yours respectfully,

Michael Arad