

Minutes accepted and approved.

Motion made by: Holdridge

2nd by: Jaeger

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

Signed and Dated: Sandra Allen 5/1/2025

Town of Windham Planning Board Meeting
Thursday, April 17, 2025

Board Members Present: Chairperson: Lisa Jaeger
Members: Claudia Lane, Nathan Holdridge
Thomas Poelker via phone
Recording Secretary: Sandra Allen

Board Members Absent: Mike Troccoli

Also Present: See attached

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

MINUTES: Motion to approve April 3rd minutes was made by Lane, seconded by Holdridge with 4 in favor and 1 absent.

SITE PLAN: Eastwind TM# 79.00-4.1.1. Proposed project is to add a greenhouse-like structure for social gatherings and a permanent Airstream trailer food truck nearby. Both to be placed where the old building that burned was located. Reviewed the maps, documents and designs. The food truck will be off grid, no water, electric or gas lines. The “greenhouse” is ? x ? sq. feet and will be used for indoor eating and events. This board will do further research on both the greenhouse and food truck.

SITE PLAN: Susan and Barry Smith. Proposed project is the addition of a stand alone 2 story garage. The downstairs for cars and the upstairs consisting of 2 rooms and a bathroom. Will have its own driveway. This Board requested a map showing setbacks, well and sewer connections and a copy of the deed. Applicant will apply for EDU for sewer.

PUBLIC HEARING CONT/SITE PLAN: David Elua 738 Mitchell Hollow Rd. Proposed project is to add 4 one-bedroom, 1,300 sq ft A-frame houses for family and guests. The lot is 60 acres with an existing single-family residence. The guest houses will be on 3.5 acres at the far end of the lot. Applicant’s Engineer explained changes made after comments and concerns from the Public at the last meeting. First change is the driveway was reduced from 20 feet to 15, map now shows tree plantings on both sides of the driveway, 98 trees at least 5 feet tall at planting and, staggered for more coverage. Enlarged the septic tank to 2,000-gallon capacity, also enlarged the leach field by 20%. Dark sky lighting placement also on map. Met with County Highway Superintendent and there is no need for culverts but Applicant will be putting one in to mitigate any future problems. Reduced the area of disturbance by moving the cabins closer to each other and removing the hammerhead at the end of the driveway.

At the request of Mr. Delaney, the letter he submitted earlier this week be attached to the minutes. Delaney and other neighbors are seriously concerned about the septic system because the area is very wet and most

of the nearby properties have raised systems. There are also concerns about the proximity to Madbrook. Delaney also commented on the height of the proposed A-frames and the amount of light that would be coming from the huge windows and the lights along the driveway. Motion to close the Public Hearing for oral comments but open for written comments until the May 1st meeting was made by Jaeger, seconded by Holdridge with 4 in favor and 1 absent.

Elua Cabins documents are available on the Town Website at:
<https://townofwindhamny.com/boards/planning-board/>

PUBLIC HEARING CONT/SUBDIVISION/SITE PLAN: Ziad Barghash, Windham Skye, CR 10, TM# 46.00-1-22. Proposed project presented to the public which is 107.9 acres subdivided into 30 lots. No Public in attendance for this project. Kaaterskill will be performing 3 flow test and have a list of neighbors they will be asking to participate in monitoring their wells, this Board asked that all communication and test results be documented. Motion to close the Public Hearing was made by Poelker, seconded by Holdridge with 4 in favor and 1 absent. Wording for the preliminary platt approval will be written with language designed between the Town appointed Engineer, Yagelski and the Town attorney, Rappleyea.

Windham Skye documents are available on the Town Website at:
<https://townofwindhamny.com/boards/planning-board/>

SITE PLAN/SUBDIVISION: Windham Mountain Master Plan, South Street. Signed site plan maps. Motion to approve the limited clearing of the birch trees as detailed in the email provided by Ouimet was made by Poelker, seconded by Jaeger with 4 in favor and 1 absent.

Windham Mountain Master Plan documents are available on the Town Website at:
<https://townofwindhamny.com/boards/planning-board/>

Meeting was adjourned at 8:40 PM on a motion by Lane, seconded by Holdridge with 4 in favor and 1 absent.

Respectfully Submitted,

Sandra Allen, Recording Secretary

Town of Windham Planning Board

Attendance Log

Date: April 17, 2025

Please PRINT Your Name Clearly (Name Only)

Name row 1	Name row 2
Scott Orinetti	
Tina Elia	
George Elia	
David Elia	
DARREN ELSON	
Daniel Delaney	
Mary T. Reilly	
Henry M. Jaen	
Aming Warraich	
Daniel Cipriani	
Shon Sued	
RICHARD TOLLNER	
Barry Smith	
GIS BARNHART	
Anthony Barnhart	

Windham Planning Board Questions

Re: Questions on Elua Project – 4 A Frames @ 738 Mitchell Hollow Road

Dear Windham Planning Board,

Thank you for the opportunity to ask questions as a follow up to the April 3 Planning Board Meeting regarding the Elua Project.

As the property owners bordering the south boundary line of the Elua property with the septic field being 100' from the brook that this project borders, we are concerned that the septic field as currently designed may not adequately support four one-bedroom houses with two bathrooms each outlined below.

Noted on the Septic System Design provided is percolation test data that was performed August 16, 2024. Windham experienced extremely low levels of rainfall in the summer of 2024 which resulted in near drought conditions could thus impact the perc rate.

The area being evaluated is near a stream bed and from personal observations over many years, is known to have a high-water table. We know the water table of the area well. Attached is a photo taken April 4, 2025 where you can clearly see standing water in the area. The last rain was April 2, 2025 and standing water continues to be observed. These are typical conditions during much of the year due to high ground water. The Cabin Septic System Design plans on sheet #2 state in Shallow Absorption Trench Notes: " 5) Do not install pipes in wet or impervious soil."



Friday
10:12 AM



This area has a high-water table that must be considered in septic design.

Due to the drainage characteristics of the soils in this area of Mitchell Hollow Road (MH Rd), every property that borders this project, 700 MH Rd, 708 MH Rd, 718 MH Rd, 730 MH Rd were all required to install raised bed septic systems which was determined to be the appropriate Septic Field design for the area. The 2 bedroom property at 708 MH Rd has a raised septic and is approximately 200' from the proposed conventional shallow trench plan system. The 700 MH Rd raised field is approximately 240' distance and 718 MH Rd raised field is less than 300' away.

As required per DEP Guidelines and Appendix 75-A Wastewater Treatment Standards – (Statutory Authority: Public Health Law, 201 (1)(I) effective March 16, 2016):

(a) Site Investigation (2) There must be at least four feet of useable soil available above rock, unsuitable soil, and high seasonal groundwater for the installation of a conventional absorption field system (75-A.8(b)).

(c) Soil Investigation and (1) The highest groundwater level shall be determined and shall include the depth to the seasonal high groundwater level.

- 1) How has the seasonal high groundwater level been considered in designing the current proposed shallow trench septic system?

We request to review the data generated per the NYC DEP Requirements* including:

The Deep Soils Test Exploration performed in the primary SSTS area and in the reserve SSTS area and any groundwater monitoring data representing conditions during the wet season to demonstrate the location of seasonally high groundwater level.

*(NYC DEP Applicant's Guide to Subsurface Sewage Treatment Systems, Appendix C pages 20, 21, 22)

- 2) Currently Cabin 1 which is 40' from the Mitchell Hollow Partners LLC (MHP) property line is situated to have the living room side of the 35' tall A Frame face southeast which is facing directly towards MHP property. This side of the building is composed almost entirely of glass windows. This would cause our property to be illuminated whenever interior lights are turned on. During the daylight and at night, standing on MHP lawn, we would be looking directly into the living area and loft of Cabin 1 building and the occupants of the building would be looking directly at MHP property which would now be illuminated by the interior lights of this building. We request that the orientation of Cabin 1 to face east towards the stream. This would be advantageous to both parties.
- 3) During the planning meeting April 3, David Elua acknowledged that he would plant 5' tall evergreen trees along the borders in a manner that would reduce the light, noise and view impact of adjoining properties. What type of trees will be planted? What is the spacing distance of these trees (how dense)? We request that trees should be planted along the entirety of the southern property line from Mitchell Hollow Road on the west to the stream to the east.
- 4) Since it will take years for the trees to grow and fill in to achieve the desired screening effect we request that a 6' tall solid fence be installed by David Elua along the southern property line shared with MHP until the planted trees at least achieve the necessary size and density.

Thank you for your consideration.

Sincerely,

Daniel Delaney
John Delaney
Mary T Reilly
Mitchell Hollow Partners
700 Mitchell Hollow Road, Windham, NY

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