

Minutes accepted and approved.

Motion made by: Lane

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

In Favor: 4 Opposed/Recused: 0 Absent: 1 Vacant: 0

Signed and Dated: *Sandra Allen* 4/17/2025

**Town of Windham Planning Board Meeting**  
Thursday, April 3, 2025

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

Board Members Absent:

Also Present: See attached

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

MINUTES: Motion to approve Mar 6<sup>th</sup> minutes was made by Troccoli, seconded by Poelker with all in favor. Motion to approve Mar 20<sup>th</sup> minutes was made by Jaeger, seconded by Troccoli with all in favor.

MINOR SUBDIVISION: Windham Foundation 4 County Route 65A, TM# 96.00-5-48. Proposed subdivision is 31.034 acres lot to two lots of 7.200 acres and 23.834 acres. Reviewed maps and documents. Motion to set Public Hearing for May 5, 2025 at 7 PM was made by Troccoli, seconded by Holdridge with all in favor.

PUBLIC HEARING/SITE PLAN: David Elua 738 Mitchell Hollow Rd. Read Notice for the record. Received certified mail receipts. Applicant described the proposed project to the Public which 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 with existing large trees as a buffer with the neighbors on adjacent lots with dark sky lighting. Concerns from the public: Lights from cars in driveway glaring into the neighbor's house. A major concern is the septic system and how wet the area is and concerns regarding the setbacks of the reserve septic area. How is the runoff handled? Answer is it runs downhill to Mad Brook. Where is the setback for Mad Brook measured from? Answer edge of the stream bank. When were perks done? Approximately June of this year with the DEP which was 3 mins per inch. Additional traffic is also an issue. Neighbors don't want people parking on their properties and they are concerned about damage to their property during building stages. This Board requests the applicant contact the power company regarding underground electric. Motion to recess the Public Hearing was made by Lane, seconded by Holdridge with all in favor.

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

PUBLIC HEARING/SUBDIVISION/SITE PLAN: Ziad Barghash, Windham Skye, CR 10, TM# 46.00-1-22. Read Notice for the record. Received certified mail receipts. Proposed project presented to the public which is 107.9 acres subdivided into 30 lots, explained steps for well testing and coordinating with neighbors. Major concern is the close proximity to neighbors' wells. Ms McShane recited state and local laws regarding well and setbacks to leach fields, and water table. Very big concern from all the neighbors and the water table and how this project will affect the quality and quantity of their water supply. As requested by McShane please see attached. Motion to recess was made by Jaeger, seconded by Troccoli with all in favor

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. Troccoli recused himself due to conflict of interest. Reviewed the Resolution for Conditional Site Plan Approval of Windham Master Plan Adventure Center. Motion to approve was made by Poelker, seconded by Jaeger with 4 in favor and 1 abstain. Reviewed the Resolution for Conditional Site Plan Approval of Windham Master Plan Residential Development. Motion to approve was made by Poelker, seconded by Lane with 4 in favor and 1 abstain.

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

Meeting was adjourned at 8:46 PM on a motion by Jaeger, seconded by Troccoli with all in favor.

Respectfully Submitted via recording,

Sandra Allen, Recording Secretary

# Town of Windham Planning Board

## Attendance Log

Date: April 3, 2025

**Please PRINT Your Name Clearly** (Name Only)

Name row 1	Name row 2
William Frenberg	
Paula Scarey	
Gail Donahue	
Scott Ginnatt	
Paula Delaney	
DANIEL RUSOM	
David Elua	
Inna Elua	
George Elua	
Henry M. Jaen	
S. Smith	
B. Smith	
Henry Ralay	
Ant Anzick	
RICHARD TOLLNER	
Chip Seaman	
MATT Rodrigue	
CATHERINE McSHANE RUSS	
ERIC BARKHART	





NEW YORK STATE DEPARTMENT OF HEALTH  
Bureau of Water Supply Protection  
Flanigan Square, 547 River Street, Troy, New York 12180-2216

TECHNICAL GUIDANCE FOR DESIGNERS AND DEVELOPERS  
OF REALTY SUBDIVISIONS:

Guidance Regarding Individual Water Supply Criteria  
for Lots in Proposed Realty Subdivisions

GENERAL

Well water quantity and quality should be determined from representative test wells when individual drilled water wells serve lots in proposed realty subdivisions. Drilled wells with an open bore hole or a gravel packed screen are the preferred on-site water source for individual lots in proposed realty subdivisions. Consideration should be given to increasing minimum separation distances by up to 50% in order to protect individual water supply wells from contamination utilizing aquifer water that enters the well water system at less than 50 feet below grade.

NUMBER OF TEST WELLS

It is recommended and also required by 10NYCRR Part 74, Section 74.5(c) that individual wells produce an average yield of 5 gallons per minute (gpm) of potable water. A review of representative test wells (i.e., one or more) with accompanying well logs, water quality and reliable well yield data is recommended to adequately evaluate the choice of on-site water source. Whenever any test well produces a sustained yield of less than 5 gpm, additional test wells may be appropriate on additional lots or every proposed lot to assure that the average sustained yield of all wells is at least 5 gpm.

Wells with sustained yields of less than 2 gpm should not be considered for approval for proposed lots in a realty subdivision.

Well drillers may attempt to increase production from low yield wells through hydrofracturing.

Hydrofracturing frequently produces water quality problems and may not improve long term well yield. Hydrofracturing should only be undertaken where no adverse effects on the aquifer and/or nearby wells will occur and upon the professional recommendation of a consultant engineer or hydrogeologist. Only water from a potable source (e.g., preferably a public water supply meeting the drinking water standards) should be used for hydrofracturing to prevent direct contamination of a potable aquifer.

The following number of representative drilled test wells are recommended: one on-site well for five to ten lots; two on-site wells for 11 to 20 lots; three on-site wells for 21 to 30 lots, etc. Existing drilled wells within 500 feet of a proposed realty subdivision may be used as representative test wells for that development when soil conditions at each location are similar. If any existing drilled wells within 500 feet of a proposed realty subdivision have sustained yields of less than 5 gpm, it is recommended that additional test wells be installed on additional lots or on every proposed lot to assure that the average sustained yield of all wells is at least 5 gpm. On-site drilled test wells may be used as designated lot wells.

None of the homes in immediate vicinity meet 5gpm - no way they are getting 30 of them... they wouldn't get one!!

How many holes will be drilled before they accept they will never meet

How many of our homes will be destroyed?



## TOWN OF WINDHAM SUBDIVISION REGULATION LAW

### ARTICLE I

#### GENERAL PROVISIONS

##### SECTION 1. AUTHORITY

By authority of the Resolution of the Town of Windham adopted pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Windham is authorized and empowered to review and approve Plats for the subdivision of land in the Town of Windham.

##### SECTION 2. JURISDICTION

Land within the Town of Windham may be subdivided into lots, blocks, or sites, with or without roads or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations, and only if the approved Plat is duly filed in the Office of the County Clerk of Greene County, New York. Construction, excavation, filling, regrading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision sketch plan shall have been approved by the Planning Board.

##### SECTION 3. POLICY

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things:

- A) That land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood, or other menace, and without resulting in significant and/or irreparable damage to the ecology of the area in which it is located;
- B) That proper provisions shall be made for surface drainage, water supply, sewage and other needed improvements;
- C) That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties or roadways;
- D) That roads shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to follow the natural contours of the land;
- E) That proper provisions shall be made for open spaces for parks and playgrounds.

With  
D.O.H.  
Guidelines  
page 1



#### SECTION 4. PURPOSE

These Regulations are adopted for the following purposes:

*Solid reasons  
why proposed sub:  
Does NOT meet these  
Town Regments*

- A) To protect the public health, safety and general welfare of the Town by providing for adequate light and air, and security from fire, flood and other danger.
- B) To guide the future growth and development of the Town, in accordance with the Comprehensive Plan, when, and if adopted.
- C) To protect and conserve the value of the land throughout the Town.
- D) To insure that public and private utilities and facilities are of sufficient capacity to serve the proposed subdivision.
- E) To insure proper legal descriptions and monumenting of subdivided land.
- F) To establish reasonable design standards and procedures for subdivisions and resubdivisions.
- G) To prevent the pollution of air, water and land. To assure adequate drainage facilities; to safeguard water tables; and to encourage the preservation and management of natural resources in the Town.
- H) To encourage open space through the design and layout of the land.
- I) To insure that the natural contours of the land will be followed in the design and layout of subdivisions.

*Art 1  
Sect 4  
purpose*

#### SECTION 5. AMENDMENTS

These regulations may be amended by the Planning Board after Public Hearing on such amendments and subject to approval, by Resolution of the Town Board. Any proposed preliminary subdivision Plat which has not received sketch plan approval prior to the effective date of an amendment to these Regulations, or any conditionally approved preliminary subdivision Plat where an application for Final Plat approval has not yet been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these regulations.

#### SECTION 6. WAIVERS OR MODIFICATIONS

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the application of certain procedural or substantive requirements of these regulations, or the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the



TOWN OF WINDHAM

TOWN OF WINDHAM SITE PLAN REVIEW LAW

PROPOSED AMENDMENTS

**Local Law # 2 of 2023**

**SITE PLAN LAW FOR THE TOWN OF WINDHAM**

**Supersedes Local Law #4 of 2006, Local Law # 3 of 2002, and Local Law # 2 of 1989**

**ARTICLE I**

**Introductory Provisions**

**Section 1.010 - Enactment:** The Town Board of the Town of Windham, New York does hereby ordain and enact the Town of Windham Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of the Town Law.

**Section 1.020 - Short Title:** This local law shall be known as the "Site Plan Review Law." The Town of Windham is hereinafter referred to as the "Town."

**Section 1.030 - Intent and Purpose:** Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the Town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.

It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and human-related resources of the Town, by regulating the alteration of land within the Town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land alterations but to allow all land alterations which will meet the standards set forth in this local law.

**SECTION 1.040 - Authorization of Planning Board to Review Site Plan:**

The Planning Board is hereby authorized to review and approve or disapprove site plans for land development within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

**ARTICLE II**

**Application and Definitions**

**SECTION 2.010 - Applicability of Review Requirements:**

**A. Applicability.** All land alterations occurring after the adopted date of this local law within the Town shall require site plan review and approval before being undertaken, including but not limited to the following:



**TOWN OF WINDHAM SITE PLAN REVIEW LAW  
PROPOSED AMENDMENTS**

**SECTION 7.010 - Enforcement Officer:**

The Town Board shall appoint an enforcement officer to carry out the duties by this local law or by any additional regulations adopted pursuant to Section 6.020 thereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

**SECTION 7.020 - Further Regulations by Planning Board:** The Planning Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law. The adoption of such further rules and regulations shall be subject to Town Board approval.

**SECTION 7.030 - Integration of Procedures:** Whenever the circumstances of proposed development require compliance with Site Plan Review Law and with any other local law, ordinance or requirement of the Town, the planning Board shall attempt to integrate, as appropriate, Site Plan Review as required by this local law with the procedural and submission requirements for such other compliance.

**SECTION 7.040 - Enforcement:** Any person, corporation, partnership, or local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not more than Two Hundred Fifty (\$250.00) Dollars or by penalty of Two Hundred Fifty (\$250.00) Dollars to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

**SECTION 7.050 - Effective Date:** This local law shall become effective upon filing with Secretary of State.

Yes -  
The planning  
Board DOES  
have the  
authority