

Appendix 2

Summary of Public Comments Made During the Public Hearing Prepared by Delaware Engineering

Town of Windham Planning Board

Windham Mountain Sporting Club

Hearing

April 5, 2012

Opened 7:30 PM on Motion of the board

Ray Olsen – Bagley Road – Windmont Developer – Gated Community

In Southeast Naples, there are 80 mountaintop communities that have survived and flourished for 1000 years. How is this possible? These communities offer clean air, water, safety, security, etc. Mr. Olsen applauded Mr. Wilcock for his visionary proposal.

Mr. Olsen also stated that water and sewer are needed on Mitchell Hollow Road. He asked if NYCDEP rules govern how quickly the mitigation fees will be used to expand sewer and water on Mitchell Hollow Road.

Tim Woods, Windham Mountain Partners

Mr. Woods stated that Windham Mountain is pro growth and pro development and while Windham Mountain is not collaborating for the development of the WMSC project, he wished Mr. Wilcock luck. Mr. Woods also stated that Windham Mountain has reviewed the DEIS and wishes to reserve the ability to comment on the project in the future.

Alan Higgins, Trucking Company

Mr. Higgins stated that he believes that WMSC is an environmentally sensitive project that should be supported due to the resulting construction and operation jobs that will be generated for local people.

Joe Damrath, NYCDEP

Mr. Damrath read a prepared statement. He stated that DEP has numerous concerns regarding the DEIS. He read a description of the project and stated that the project is located within the Schoharie Watershed which provides 1 billion gallons of water a day to 8 million people in NYC and 1 million people in upstate NY. DEP's role is to protect water quality which DEP has the authority to do so pursuant to Watershed Rules.

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DEP has conducted a review of the stormwater and wastewater collection aspects of the DEIS. DEP will fully participate in the SEQR process and will submit written comments. The Lead Agency must take a hard look at the project and ensure that there will be no impacts to environment. As an Involved Agency, DEP wishes to engage in an ongoing dialogue with the Lead Agency to ensure that mitigations are appropriate and adequate.

DEP has identified impacts to water resources in the DEIS. Erosion and sediment control is required for 160 acres of disturbance. There will be water quality impacts associated with the loss of forested cover and change in drainage patterns. The introduction of impervious surfaces will exacerbate erosion that is prevalent due to the site soil types. Groundwater recharge impacts have been identified. An increase in the volume of stormwater offsite has been identified and the DEIS does not address these impacts to water resources.

DEP has reviewed the proposed sanitary sewer system and identified an impact in that trenches dug to install the collection system could drain groundwater. This aspect of the project should be coordinated with the stormwater plan. The sanitary sewer system should meet town or other appropriate standards, and management and ownership of system should be defined in the EIS.

DEP also identified secondary impacts to water quality. DEP commented that 10% full time occupancy is not conservative. The DEIS should evaluate secondary impacts based on 100% full time residential use and 100% occupancy because the project does not include a restriction on full time occupation. Because of this, the number of school children, traffic generated, highway impacts and wastewater treatment demands are underestimated in the DEIS.

Mr. Damrath stated that DEP will file detailed written comments prior to deadline.

Tom Poelker

Mr. Poelker asked who requested that the comments were read at the hearing?

Joe Damrath

Mr. Damrath stated that he was speaking for the agency.

Tom Poelker

Mr. Poelker stated that DEPs comments were overstepping jurisdiction their jurisdiction, many not having to do with water quality impacts such as the number of school children that the project might generate.

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Joe Damrath

Mr. Damrath stated that any part of the DEIS can be reviewed by anyone. The DEPs comments were prepared by many on staff.

Tom Poelker

Mr. Poelker stated that DEP's comments are not based on water quality impacts but an anti growth agenda.

Joe Damrath

Mr. Damrath stated that he personally did not want the DEP comments to be read at the hearing to be specific because the comments are out of context. He stated that the full written comments will be directed towards water quality protection. Further, Mr. Damrath agreed that the comments regarding the Windham School District were inappropriate.

Tom Poelker

Mr. Poelker agreed that the comments regarding the school district were highly inappropriate. He questioned if these comments were prepared by DEP lawyers, the commissioner or the mayor?

Joe Damrath

Mr. Damrath stated that many on staff at DEP conducted separate reviews of the DEIS including aspects of secondary growth that can affect water quality. However, the comments regarding the school district is not a water quality impact.

Tom Poelker

Mr. Poelker stated that development projects are subject to undue scrutiny by DEP when DEP should be focused on addressing flooding in the watershed which is a much more significant problem and environmental impact.

Carl Gonzalez, Councilman Town of Windham

Councilman Gonzalez stated that the community is challenged by the sour economy and impact from last year's flooding, so the project is welcome. However, aside from taxes, he questioned what other benefits will the community realize?

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Kevin Franke – response

Mr. Franke noted that, in addition to taxes, the project will contribute its fair share towards the consolidation of the town water system and that the project provides an opportunity for the Town to make consolidation of the water system a reality. To summarize, Mr. Franke stated that the project will make a fair share contribution to the water system consolidation project and major additional tax revenue.

Ray Olsen

Mr. Olsen requested that the Town Attorney review Article 2 of the NYS Constitution which provides that agencies may not interfere with any other local government. He stated that DEP is acting in conflict with the State Constitution. He further questioned on what authority the DEP can issue its comments.

Dick Jordan, Brainard Ridge, Enclave, etc.

Mr. Jordan stated that development projects in the Town of Windham generate significant tax revenues. He stated that the Enclave is located on 2.5 to 3 acres of land and Whisper Creek generates is located a 2 acre on parcel and together these developments generate more than one million dollars in taxes. The WMSC project will generate significant taxes with little demand for services.

Stacy Post, Town of Windham Police Dept.

Chief Post inquired as to whether the project will increase need for police officers, would the community be gated and will private security be provided?

Tom Wilcock – response

Mr. Wilcock stated that while there will be a degree of private security provided on site, there will be some increase in the police force workload as a result of the project.

Hearing no additional comments, a motion to close public hearing was made by Chairwoman Maureen Anshanslan, seconded by Board Member David Weiman and adopted by unanimous voice vote at 8:37 PM.