

PLANNING BOARD: TOWN OF MONROE  
MONROE, NEW YORK

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Public Hearing in the Matter of:

DAVIES FARM LLC

Pursuant to Sections A65-6 of the Code of the  
Town of Monroe and 276 of the Town Law  
To consider the granting of preliminary  
subdivision approval for a 40 lot cluster  
subdivision on 44.7 acres.

Lot designated on the Town of Monroe tax map as  
Parcel 31-1-2.4 at Orange Turnpike. And a  
wetlands permit, if required.

-----X  
September 15, 2009  
Senior Citizen Center  
Monroe, New York

B E F O R E:

CHARLES FINNERTY Chairman

PAT CAPPOLA  
TYLER ETZEL, JR.  
DENNIS MCWATTERS  
PETER REILLY

LESLIE DOTSON Planner  
MICHAEL MURPHY Engineer  
PAT MALANAPHY Secretary

Robert J. Cummings, Jr. RPR  
Court Reporter

-PROCEEDINGS-

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2 CHAIRMAN FINNERTY: Please take notice that  
3 the Planning Board of the Town of Monroe will  
4 hold a public hearing on the 15th day of  
5 September 2009 at the Monroe Senior Center,  
6 Monroe, New York upon the application of Davis  
7 Farm Limited Liability Corporation, pursuant to  
8 section A65-6 of the Code of the Town of Monroe  
9 and 276 of the Town law to begin to consider the  
10 granting of a preliminary subdivision approval  
11 for a 40 lot clustered subdivision intended to be  
12 located on 44.7 acre lot, appearing on the Town  
13 of Monroe Tax Map at parcel 31-1-2.4, Orange  
14 Turnpike. And a wetlands permitted if so needed.

15 MR. SWEENEY: Good evening. Do you want me  
16 to use that?

17 MR. ETZEL: We have a list right there.

18 MR. SWEENEY: For the record, my name is Jim  
19 Sweeney. I am here on behalf of the applicant,  
20 together with very competent professionals who  
21 will speak to the project presented to the board  
22 and the public and who are far more knowledgeable  
23 on the technical aspects. I am going to turn it  
24 over to Mark Siemers with regard to thereto.

25 MR. SIEMERS: Thank you. Proposed

-PROCEEDINGS-

1  
2 subdivision contains 40 proposed lots. The lots  
3 are configured in a clustered subdivision  
4 approximately 45 acres. The clustered  
5 development proposes building lots between  
6 15,000 square feet and 23,300 square feet.

7 This layout allows for a large area of the  
8 property to be contained in an open space. And  
9 that open space is approximately 21 and 1/2  
10 acres.

11 The parcel is located along Orange Turnpike  
12 between Hawkshurst Road and Reynolds Road. The  
13 project's northeast boundary shares a boundary  
14 with the Village of Monroe and the previously  
15 approved Woodrow Estates subdivision.

16 CHAIRMAN FINNERTY: which is called Preswick  
17 Gardens.

18 MR. SIEMERS: I will continue to reference  
19 that as Woodrow, if that's okay.

20 The project will gain access off of Orange  
21 Turnpike, which is located here on the map  
22 (indicating).

23 There is a proposed through road which will  
24 traverse the property and connect into Woodrow  
25 subdivision via a 50 foot right-of-way that was

*-PROCEEDINGS-*

1  
2 provided when the project was approved. There  
3 will be a small loop road located along the  
4 through road and a small cul-de-sac also located  
5 along the through road to gain access to the  
6 additional lots.

7 The storm water on the project site will be  
8 brought to the proposed storm water ponds via  
9 storm water infrastructure, which will have curb  
10 drains and piping. There will be a small storm  
11 water pond located close to the entrance of  
12 Orange Turnpike. This pond will be utilized  
13 strictly for water quality in accordance with New  
14 York State DEC and Town regulations. There will  
15 be a larger pond located up near the connection  
16 with Woodrow Estates. The larger pond will be  
17 utilized for water quality, as well as detaining  
18 the proper amount of water to allow for the same  
19 flows to come off the site as in the existing  
20 condition.

21 The ponds will be outletted into an existing  
22 wetland which runs through the open space area,  
23 which the open space area helps protect these  
24 wetlands. There is an existing drainage course  
25 which runs through these wetlands and the storm

-PROCEEDINGS-

1  
2 water will continue to flow through that existing  
3 drainage pattern.

4 The water on-site will be supplied by  
5 individual wells located on each lot. Well  
6 testing has been completed on these wells, a  
7 certain number of these wells. And the wells  
8 have demonstrated average to well above average  
9 capacity in this area with normal draw down.

10 Additionally, the sewer will be handled with  
11 a central sewer system infrastructure. The sewer  
12 system will be run gravity to a location  
13 approximately near the Woodrow subdivision. At  
14 that point a connection will be made into the  
15 Orange County Sewer District system via either a  
16 gravity connection flow, if an easement can be  
17 gained over this existing lot here (indicating)  
18 which currently isn't constructed, or it will  
19 connect into a pump station and be pumped with a  
20 force main back up the existing right-of-way  
21 going into Woodrow.

22 Preliminary discussions have been held with  
23 the Orange County Sewer District on which route  
24 we can take there, and we are working with them  
25 on that.

-PROCEEDINGS-

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2           ultimately the sewer system will be approved  
3 by the Orange County Sewer District and the New  
4 York State DEC.

5           This project has been in front of the board  
6 for quite a while and gone through a very  
7 thorough review for both environmental and  
8 technical issues.

9           At this point I will turn it back over to  
10 the board for questions.

11           MR. SWEENEY: The board might remember, and  
12 the public should be aware that this project has  
13 integrated itself with what was known as the  
14 woodrow project and Preswick Gardens with respect  
15 to the interconnection that you see here. There  
16 was a great deal of dialogue and cooperation by  
17 the Village Planning Board when the woodrow  
18 Estates project was approved 3, 4 years ago that  
19 accommodated the desires of the Town Planning  
20 Board for what I will call the Rye Hill Road  
21 bypass or the -- I am not sure it has a name at  
22 this point, but it's the alternate to Rye Hill  
23 Road, and this would be the southerly terminus of  
24 that road and, as I say, both boards cooperated  
25 quite a bit on this and so did the owners of the

-PROCEEDINGS-

1  
2 property to accommodate the desires of this board  
3 to accommodate that road and that configuration.

4 Also with regard to the proposed entrance  
5 onto Orange Turnpike, that's a whole separate  
6 permit process with the Orange County Department  
7 of Transportation, or whatever they are called at  
8 the moment.

9 So, with that, I will turn it back over to  
10 the board.

11 CHAIRMAN FINNERTY: Okay. Tom Ladka.

12 MR. LADKA: Yeah, I live at 1345 Orange  
13 Turnpike and I have been there for 33 years. And  
14 I understand that they are talking about an  
15 access road next to my property.

16 Since I have been there for the 33 years in  
17 that area when I first moved here, 1977, I could  
18 sit on my porch and count three cars going by  
19 from the curve of Orange Turnpike at Mombasha to  
20 the curve which is by the bed and breakfast by  
21 the pond.

22 Now, I understand there is a road going  
23 alongside my property, is that correct? 1345 is  
24 there some type of access road will be there? I  
25 know they surveyed it.

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MR. SWEENEY: Not on your property, no.

MR. LADKA: Not on my property, no, sir, but there is an access road.

MR. ETZEL: Next to yours, yes.

CHAIRMAN FINNERTY: Yes.

MR. LADKA: My point is in the 33 years that I have been there, I witnessed a school bus accident where two children, maybe three, I don't recall exactly, were killed. The road has been made better after the accident.

I also witnessed on the curve by the bed and breakfast a boy being killed - a friend of mine - in his car, swerved across coming up towards Mombasha. And I don't know how many accidents there has been on the road since I have been living there for the 33 years. One night a volkswagon bus, it was the wintertime, turned over from my property with the roof to the ground. A neighbor and I, Chris, had to go up and assist the guy out of the car.

Now, my point is that when we first moved here, 1977, and we wanted two access driveways to our property of our choice to come into our property, we were not allowed by the Town to do

*-PROCEEDINGS-*

1  
2 this. We had to have one access driveway which  
3 is split - one going to Chris, my neighbor's  
4 property, and one to mine.

5 Now you are putting a road there where the  
6 line of sight is very poor from Mombasha down to  
7 the curve by this bed and breakfast where the  
8 traffic now, as I say, I could count the cars  
9 going by in an hour on one hand when I first  
10 moved, since the influx of people into the area,  
11 that road is very difficult. As far as I am  
12 concerned, it's a speedway for the youth of the  
13 area. There is a motor vehicle that goes by  
14 every night about 10:00, about 95 miles an hour  
15 it sounds like. And I think we were asking for  
16 trouble. We almost would have to consider  
17 putting a light as far as to satisfy my situation  
18 with that access road.

19 Now I know Preswick Village has an entrance  
20 onto Orange Turnpike, but the line of sight is  
21 much straighter. And I think you have got a  
22 better shot.

23 If you take the distance from Mombasha, the  
24 curve up there and the curve down with the cars  
25 that are coming down here, and I know you can get

-PROCEEDINGS-

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2 reports from the police because they are pretty  
3 good about monitoring, they are trying their  
4 best, the troopers and the Town police. But I  
5 think we have to consider something about this  
6 access road.

7 CHAIRMAN FINNERTY: Our traffic consultant,  
8 who is not here this evening, but will certainly  
9 read the transcript and discuss this, will check  
10 with AASHTO and everything else as to the sight  
11 distances, and there are minimums - you can't put  
12 in a sections unless there is a certain distance.  
13 Mike?

14 MR. MURPHY: Yes, sight distances are  
15 related to highway speeds. The higher the  
16 roadway speed, the longer the sight distances  
17 need to be. At this access point they have --

18 MR. LADKA: 45 miles an hour right there.

19 MR. MURPHY: They have a sight distance of  
20 almost 600 feet to the right as they pull out,  
21 and about 500 feet to the left as they are  
22 pulling out.

23 MR. LADKA: And that's acceptable you are  
24 saying?

25 MR. MURPHY: Yes, it is.

-PROCEEDINGS-

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2 MR. LADKA: Well, I would like you's to come  
3 over and spend a night at my house and listen to  
4 the traffic.

5 You are talking about an influx of people  
6 using that road. Everybody found out about the  
7 shortcut from Monroe to Route 17. Nobody knew  
8 about it years ago. It took me about 5, 6 years  
9 to find out about it, and I live on it. And I  
10 had to go to the firehouse in the Bronx everyday  
11 that I worked and somebody told me, why are you  
12 that way, Tom, you can go around the corner onto  
13 Orange Turnpike. Now it's like a highway. And  
14 you have got a lot of speeders on that road. The  
15 cops will tell you.

16 CHAIRMAN FINNERTY: There will be accident  
17 reports reviewed.

18 MR. LADKA: Thank you. I am also concerned  
19 about the water. We had our wells tested, and we  
20 never got a report personally from the people  
21 that tested it. We were told we are going to get  
22 reports.

23 That's all I really have to say.

24 CHAIRMAN FINNERTY: If I may, I don't know  
25 that if your assumption was that you were getting

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reports. The reports are available in Town Hall under Freedom of Information.

MR. LADKA: No, I thought we would get written reports.

CHAIRMAN FINNERTY: If you want, they are available now. We can put them on the counter in Town Hall.

MR. LADKA: I would like you to mail them to me. I mean I thought that's what I was getting.

CHAIRMAN FINNERTY: well, I thought my offer was pretty good.

MR. LADKA: It is good, sure. I have to go downtown and get something from you. I am at home. I was told I would get it. I would expect you to mail it to me; that's the way I work.

who wants the microphone?

CHAIRMAN FINNERTY: Elaine?

MS. LADKA: When we moved up, there was a ditch put in behind our house so that the water wouldn't come down along our property. What's going to happen to that ditch?

And another thing about the road, I can go up to the top of the driveway and stand there 2, 3, 4 minutes sometimes before I can even cross

-PROCEEDINGS-

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2 the street to get my mail; that's how much  
3 traffic. And you are telling me a road over  
4 there isn't going to really do much damage or  
5 much? It's not really going to do anything?

6 what about putting the road out towards Rye  
7 Hill where there is no traffic over that way?

8 CHAIRMAN FINNERTY: There is a second road  
9 out towards Rye Hill.

10 MS. LADKA: why do you need one on Orange  
11 Turnpike.

12 CHAIRMAN FINNERTY: Mark, do you want to  
13 comment on that? I don't want to be playing the  
14 developer on this.

15 MR. SWEENEY: what do you want comment on?

16 CHAIRMAN FINNERTY: The one road versus the  
17 two access points.

18 MR. SWEENEY: It's your policy for double  
19 access. It has been for as long as I have been  
20 before this board, which is about 30 years.

21 MS. LADKA: Then why couldn't we originally  
22 have two separate driveways?

23 CHAIRMAN FINNERTY: That's two access points  
24 for a development. That is not two access points  
25 for a single lot.

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MS. LADKA: what's the difference?

MS. DOTSON: Orange County highway --

MS. LADKA: You were so tough 33 years ago about driveways and traffic and everything else.

MS. DOTSON: Ma'am, the Town has nothing to do with that - that's the County that controls the curb cuts. It was not the Town. Different agency entirely.

MS. LADKA: well --

CHAIRMAN FINNERTY: Next, Joan Heitczman?

MS. HEITCZMAN: Joan Heitczman. I own the bed and breakfast on Orange Turnpike.

when we applied for our use permit, we had to have 650 feet sight clearance left and 650 feet right before we could get our use permit from the County. It's a County road; am I right about that?

CHAIRMAN FINNERTY: Yes.

MS. HEITCZMAN: It's a County road.

And this gentleman is talking about the traffic on Orange Turnpike already. There is no way you can convince me that people coming around that corner, and someone is stopping to make a left-hand turn onto this new road that we are

-PROCEEDINGS-

1  
2 talking about here, that there is not going to be  
3 an accident there every single day of the week.  
4 It's 45 miles an hour.

5 And also, as this gentleman said, whenever  
6 there is a back up on the Thruway, we get buses  
7 coming down Orange Turnpike all the time. It is  
8 a steady stream of traffic from 5:00 on until  
9 9:00 at night. There are times when I have to  
10 wait ten minutes, and I am quite a ways down the  
11 road, to get out of my driveway at certain times  
12 of the day to make a left-hand turn. I think you  
13 are looking for a serious problem. We have  
14 already had, as this gentleman said, a number of  
15 deaths, and you are going to be looking at a  
16 whole lot more deaths on this road. And I don't  
17 think that's a very good thing for this  
18 community. I think it's something that you  
19 really need to take a better look at.

20 I also have an issue with the wells. I will  
21 come down and get my report. We thought they  
22 were going to be mailed. And we have noticed a  
23 lessening of water. We had a lot of water this  
24 year, but less water pressure than we have had in  
25 the past. I might have to have my well tested

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again.

And the other issue that I have that I would like to speak about is personally on my own property. I am concerned about my pond. We are going to be putting in a whole lot of drainage ditches and whatever. You are going to affect my pond and my pond is my pond. The stream that comes into my pond, is that going to be affected? Am I going to have effluent? Am I going to have garbage coming into my pond?

That property is very important to me and very important to the people who come and stay at my bed and breakfast. I don't want it end up not being there any longer. I think that is something that we need at a take a look at also. Thank you.

CHAIRMAN FINNERTY: Thank you.

Mark, do you want to comment on that? We just basically we have policies that are supposed to handle that.

MR. SIEMERS: Basically what is feeding your pond is coming from down -- the project shouldn't affect your pond at all. We have done a full drainage report and it's been fully reviewed by

-PROCEEDINGS-

1  
2 the Planning Board engineer's office. And we  
3 have gone through many rounds of comments to  
4 finalize.

5 MS. HEITCZMAN: Is it possible to get a copy  
6 of that report?

7 CHAIRMAN FINNERTY: Certainly.

8 MS. HEITCZMAN: I would like to see that.

9 MR. SIEMERS: Okay.

10 CHAIRMAN FINNERTY: Sutini Ngadimas.

11 MS. NGADIMAS: My I name is Sutini Ngadimas,  
12 and this is my husband.

13 We just move here two years ago and our  
14 property, which is 16 Preswick Drive, which is  
15 the new subdivision. I just want to know how  
16 much space I have between my backyard and the new  
17 subdivision; that's the question number one.  
18 Because those are all 44 lots which is going to  
19 be occupied one acre, so I just want to know  
20 exactly how far from our property line, because  
21 we do have a rock between our backyard and the  
22 new property, so that the question number one.

23 CHAIRMAN FINNERTY: would you identify your  
24 lot?

25 MS. NGADIMAS: 16 Preswick Drive.

-PROCEEDINGS-

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MS. DOTSON: Can you come up to the map?

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MR. SWEENEY: Where?

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MR. SIEMERS: The closest one is 155 feet.

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MR. SWEENEY: House to house, 155 feet.

6

CHAIRMAN FINNERTY: What lot is it?

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MR. SWEENEY: I don't know what lot it is.

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CHAIRMAN FINNERTY: I have got three that

9

face out to Orange Turnpike. The second lot in

10

on --

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MS. NGADIMAS: Question number two; I would

12

like to know who is the builder, Toll Brothers or

13

who is the builder?

14

MR. KATONAH: Davies Farm, LLC. I am Bruce

15

Katonah, director of development.

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MS. NGADIMAS: Thank you.

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MR. LADKA: I have another question, if I

18

may?

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MR. ETZEL: Sure.

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MR. LADKA: I was just wondering about my

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well, the access road, and this is off the top of

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my head, is going to be about 30 or 40 feet from

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my well cap, which is on the left hand side of my

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home facing off of Orange Turnpike at the top of

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the property. I wonder if there is a -- I know

-PROCEEDINGS-

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2 it's supposed to be about 100 feet away from the  
3 home, but what about a road as far as my well cap  
4 and the access road, if you know what I am  
5 talking about?

6 MR. SWEENEY: Ask him.

7 CHAIRMAN FINNERTY: We will locate your well  
8 and make sure.

9 MR. LADKA: You located it?

10 CHAIRMAN FINNERTY: We will locate your well  
11 and get an answer.

12 MR. LADKA: Thank you.

13 CHAIRMAN FINNERTY: Any further questions?

14 Mr. Dolis?

15 MR. BROWER: He doesn't need a microphone.

16 MR. DOLIS: Ed Dolis. Just a quick  
17 question; Preswick Gardens exits onto Orange  
18 Turnpike and Reynolds Road. Now with the  
19 additional 40 homes that are proposed to be built  
20 and I understand there will be a connecting road  
21 from Eagle Ridge to Preswick; how does that  
22 affect Reynolds Road because there is an exit  
23 onto Reynolds Road, but 40 more cars, what does  
24 that mean to Reynolds Road, would that be more  
25 traffic to that road?

-PROCEEDINGS-

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2 CHAIRMAN FINNERTY: That was all covered in  
3 the GEIS which was done many years ago  
4 thoroughly.

5 MR. DOLIS: Well, the GEIS also said that  
6 there would be a road connecting Mine Road and  
7 Reynolds Road there would be a concern, so I  
8 don't know what happens now.

9 CHAIRMAN FINNERTY: No, that is not out of  
10 the question. That will happen. That's still  
11 part of it.

12 MR. DOLIS: My question is still the 40  
13 additional cars, potentially having the ability  
14 to exit onto Reynolds Road, does that mean more  
15 traffic and how much, what impact?

16 CHAIRMAN FINNERTY: The question was asked.  
17 We will have the traffic department review it.  
18 Going? Going?

19 MR. BROWER: Ward Brower.

20 With regard to this gentleman's well, it's  
21 down grade of that proposed highway?

22 MR. LADKA: Yes.

23 MR. BROWER: What are we doing about the  
24 wintertime salt? We have had a number of cases  
25 in the Town of Monroe where pre-existing wells

-PROCEEDINGS-

1  
2 have been contaminated by highway salt, actually  
3 further away from where he is.

4           Getting onto Orange Turnpike, I mean just  
5 coming out of Hawkshurst, the pre-existing road  
6 which is not a thoroughfare, just those local  
7 residents - that's going to affect the site right  
8 there. And now making this a thoroughfare  
9 connecting Rye Hill? That's a disaster in the  
10 making.

11           Thank you.

12           CHAIRMAN FINNERTY: Okay. No more  
13 questions?

14           I will take a motion to close the public  
15 hearing.

16           MR. ETZEL: I will make a motion.

17           CHAIRMAN FINNERTY: Tyler. Second?

18           MR. CAPPOLA: Second.

19           CHAIRMAN FINNERTY: Pat.

20           May we have a vote?

21           MR. McWATTERS: Aye.

22           MR. ETZEL: Aye.

23           MR. REILLY: Aye.

24           MR. CAPPOLA: Aye.

25           CHAIRMAN FINNERTY: Aye. Carried and so

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ordered.

Thank you.

MR. SIEMERS: Thank you.

MR. SWEENEY: Thank you.

I HEREBY CERTIFY THE FOREGOING TO BE  
A TRUE AND ACCURATE TRANSCRIPT OF  
THE WITHIN PROCEEDINGS

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ROBERT J. CUMMINGS, JR., RPR  
COURT REPORTER

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