

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924

April 21, 2011

Members Present:

Reynell Andrews
Lee Bergus, Acting Chair
Susan Cleaver
David Gawronski
John Lupinski
Giovanni Pirragalia

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, PB Engineer
Ed Garling, PB Planner
Richard Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney

Absent: Ralph Huddleston

MINUTES – The PB approved the minutes of its meeting of April 7, 2011.

Zalunski – Extension of Phase I Conditional Final Approval. Extension of Phase II & III Conditional Preliminary Approval.

Mr. Halloran said that nothing was submitted by the applicant explaining what work has been accomplished. Mr. Golden said that the extension previously granted expires May 4, 2011, the day before the PB's next meeting. It is the same situation with the Persoon application, he said and suggested that the PB extend both applications an additional day until its next meeting and have the Building Inspector send a letter telling the applicants that unless they submit a letter explaining the progress they have made that their projects may be deemed abandoned. The PB has consistently requested progress reports from applicants requesting extensions in recent months.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board extends the approval one day given to Zalunski and Persoon until the next PB meeting on May 5 and instructs the Building Inspector to send a letter to the applicants explaining that unless they submit a letter outlining their progress, that their projects may be deemed abandoned. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye

Orange & Rockland – 12-1-1.7 48.7 acres special use permit and site plan review located on Hartley Road in the RU and HC zone with AQ6 and scenic corridor overlay. Public Hearing on the scoping document.

Representing the applicant:

John Coffey, Engineer O&R
Alan Lipman, Esq.

Mr. Garling said the scoping document was reviewed at the staff meeting and that his comments are included in the scoping document presented tonight. Mr. Lindsay said the document should include protocol for how the applicant will handle fire and animal hazards and animal safety.

Mr. Bergus opened the meeting to public comment.

Mr. Golden said that the public hearing is for comments to be heard with respect to the scope. The scoping document, he said, determines what things the applicant is going to study.

Mr. Coffey gave a brief description of the project. He said the project will include a new electric substation on a 49 acre parcel owned by O&R for several years. He said the new two-transformer substation will mean greater service reliability and a dependable electric supply to a growing community. He said the key to the substation is that it will interconnect to existing stations and will allow Orange & Rockland, 4 to 5 years in the future to upgrade the existing South Goshen substation as well. It's a 13 million dollar investment, he said. Less than one acre will be used on the 49 acre parcel. There will be 20 acres of buffer around the station. Mr. Coffey said that O&R will work with the Town of Goshen for a conservation easement of approximately 27 acres. The station is a facility that will tap off of existing transmission lines that have occupied the parcel for many years, he said. O&R will come into the site with a couple new poles off of Hartley Rd., Mr. Coffey said.

Holly O'Hern of Summitview Drive asked if there is a buffer of trees from Hartley Road to the substation. Mr. Coffey said the station will be located on the southwestern corner of the property with Cheechunk as the closest street, 215 ft. away. There are trees around the rear and the applicant is proposing a large planting buffer in front of Cheechunk. Mr. Lindsay said that the scoping document has a section about visual character and the applicant will have to go into detail in the Environmental Impact Statement as to how it will address appropriate buffers.

Richard Pucci, of 216 Cheechunk, asked what the transformers will look like and if they will look like the transformers at McVeigh Road. Mr. Coffey said those at McVeigh Rd. are much larger than what is being proposed.

Mr. Golden said the applicant should include a rendering of what the transformers will look like in the scope.

Bruce Wiggin of 32 Owens Rd. asked about the approval process. Mr. Golden said this is at the beginning of the environmental review of the project. "We are telling them what they should study, they will come back after studying those things and will issue a report." The PB and its consultants will review the studies and discuss the impacts and how to mitigate those impacts and the general approval with or without modifications with respect to this facility, he said. The public hearing on the scoping document is trying to get the public's input to determine the areas that ought to be studied in the environmental review. He said the application has been sent to the Orange County Department of Planning who will have the opportunity to comment and make recommendations. The PB may or may not adopt their recommendations.

Mr. Wiggin asked if, because it is in a scenic overlay district, residents will be assured that they will not see, at any time of the year, the transformer, the chain link fence and the additional towers. Mr. Golden said the applicant will have to comply with all of the requirements of the overlay district just as everyone else does.

Dan Rogner of 214 Cheechunk Rd. asked why O&R will be "trenching our side of the road, why not trench on their side of the road?" He asked what gauge wire will be used and asked about possible dangers of laying cables underneath the street. Mr. Golden said those issues will be added to the scope and that the applicant will have to address them.

Jean Strong, 212 Cheechunk Rd. said she is alarmed about the substation going in and said her tenant house will be directly opposite the drive going into the O&R property. She said she is mainly worried about the health impact, air pollution from the microwave and the noise. Ms. Strong said she doesn't understand why this project would be considered since it is in a Scenic Road Overlay District.

Mr. Golden said the applicant will have to address the decimal level and if they are making analogies such as comparing it to the noise of an air condition, they will have to be specific as to what size air conditioner they are comparing the noise to.

Mr. Coffey said he will make sure that the underground distribution plans of all of the distribution co-locations will be included in the report.

Mr. Golden explained that once the scope is finalized it will be up to the applicant how long it takes them to study all of the things they have been asked to study and to issue a report that is responsive to the scope. Once that is done, the Draft Environmental Impact Statement will be put on the Town's website and will be available to view in the Building Inspector's office. The Town Board is the entity that will have approval over the Special Permit, he said.

Nancy Wiggin, 32 Owens Rd. asked about future expansion plans. Mr. Golden said that if the applicant is not including a potential expansion in this study and want to expand, they will have to come back and do an EIS with respect to the expansion. Mr. Coffey said that there are currently no plans to expand the facility and said that generally there is a 20 to 30 year life span but added that an upgrade in capacity could be done. He said O&R has upgraded transformer sizes in existing stations like this one, stating that the transformer footprint is almost indistinguishable from one transformer to another.

Mr. Golden said the applicant needs to include in the report the transformer size, noise and wave lengths emitted and that the applicant will be restricted to whatever is defined in the report.

Mr. Wiggin asked why the applicant is building this so close to all of the homes. It will be 200 feet from his property, he said. He asked what will happen if the applicant builds something different from what is approved by the Town. Mr. Golden said the applicant will be given a Stop Work Order and would have to take it out and come back to ask the PB for a modified approval. He said the courts have ruled based on whether the difference between what is built and what was approved is “meaningful.”

Judy New of 119 Cheechunk Rd. said she speaks for several neighbors who could not make the meeting saying they are concerned with the value of their homes, their re-sale value and effects on the environment and on traffic. She said that it appears to her that zoning ends up meaning nothing when agricultural land houses the county jail and property in a scenic road designation ends up used for commercial purposes.

Richard Pucci, 216 Cheechunk, said he has done research on electromagnetic effects and is concerned with burying lines under Cheechunk Rd. He said the applicant proposes to bury them on his side of the road and that his 14-year-old son will be bombarded with the electromagnetic field as he waits for the school bus. Research shows that electromagnetic fields affect the genetic makeup of young male adults, he said.

Bruce Wiggin said the study should spell out what is above ground and what is below ground.

Mr. Coffey said that typically they go down four feet and that he will have the details provided in the report.

Mr. Golden said the PB will have a noticed public hearing in connection with the Draft Environmental Impact Statement so that the public will have opportunity to review it and then react to it.

Dan Rogner asked why O&R isn't putting it in the right-of-way along Hartley Rd. Mr. Coffey said that property was not available several years ago and that he can only talk about the property that O&R owns.

Jerry Boss of Craigville Rd. asked who previously owned the property and what the proximity of the O&R property is to the superfund site. Mr. Coffey said he was unsure about the proximity and that the previous owners may have been the Turis. Mr. Boss said his concern is that if this property was part of the old Turi superfund site, the applicant's disturbance on that property might unleash other environmental situations that could be detrimental to the people who live on Cheechunk Rd.

Mr. Golden said the applicant needs to identify any landfills or superfund sites that are in the vicinity and that there needs to be a discussion of what impacts, if any, there would be from being in proximity to landfills or superfund sites.

Ms. O'Hern asked that the buffer be increased and that the substation should be pushed way back. She asked about impacts from traffic and the impacts to real estate values.

Mr. Bergus said that traffic impacts will have to be in the scope and said he thinks there also should be a study on the impact to real estate.

Mr. Golden said that according to SEQRA's time frame, the PB must either pass the scoping document tonight or get the applicant to grant an extension.

Mr. Lipman said the applicant will grant an extension of time, two weeks, to the next PB meeting for passage of the scoping document.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board closes the public scoping session on the application of Orange & Rockland. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye

Mr. Golden said his firm will prepare the final scoping document and will provide it to the PB, the applicant and the Building Inspector's office in time for a vote at the next PB meeting on May 5, 2011.

Timber Trail – 2-1-22 - Possible determination of significance.

Representing the applicant: Cynthia Dolan

Mr. Golden said that a SEQRA Part II was circulated to the PB. He said the applicant has been asked to submit an application to the PB but hasn't yet. Mr. Bergus said he isn't comfortable determining the significance until he knows what the application entails. He said that looking at the SEQRA Part II, there appears to be a number of potentially significant adverse impacts.

Mr. Golden explained to the applicant that the Town Board did not refer the special use permit to the PB but asked the PB to conduct the environmental review. He said the Town Board will be making the decision on the special use.

Ms. Dolan said the applicant will be glad to submit a site plan application for review to the PB and will send a letter to the PB requesting that it be put back on the calendar.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Lee Bergus, Acting Chair
Notes Prepared by Susan Varden