

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

**February 17, 2011**

**Members Present:**

Reynell Andrews  
Lee Bergus  
Susan Cleaver  
David Gawronski  
Ralph Huddleston, Chair  
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

The Planning Board approved the minutes of its meetings of January 20, 2011 and February 3, 2011.

**Orange & Rockland – 12-1-1.7 48.7 acres** special use permit and site plan review located on Hartley Road in the RU zone with AQ6 and scenic corridor overlay. Site plan approval.

Representing the applicant:

Alan Lipman, Esq.

Mr. Halloran said the PB is the lead agency on the application for site plan approval.

John Coffey, senior substation electrical engineer for O&R, explained the proposal. He said the site is a 48 acre parcel located adjacent to existing transmission lines and at the intersections of Cheechunk, Echo Lake and Hartley roads. O&R refers to the parcel as its Hartley Road Substation. It is not a transmission station but is “an exit ramp for us to serve load” in the vicinity of Goshen, he said, adding that it will assist O&R’s substations in the Middletown area and the Route 17A South Goshen Substation. They are all serving 20,000 customers, he said. The South Goshen Substation is limited by size and serving load. He said it will be the Hartley Road Substation that will be the primary source for the new Orange Regional Medical Facility. O&R will tap into the existing lines and enter the facility from the Hartley Road side of the parcel. The driveway is to be located off the Cheechunk Road side near the intersection. The facility is 210 ft. by 210 ft. with two power transformers and a 60 ft. long by 15 ft. wide building. Mr. Coffey referred to it as a major reliability upgrade for the area, a \$13 million investment for O&R and a \$300,000 tax benefit to the Town. He said O&R is willing to give a 28-acre conservation easement to the Town.

Mr. Coffey said they pushed the facility as far off of Owens and Cheechunk roads as they could, but said they are limited by the wetlands in the rear of the parcel. He said the design of the site had the wetlands in mind, disturbing a minimum number of the existing trees and not disturbing the rock walls. O&R set it in the lowest part of the parcel as it could, deciding that keeping it lower with less disturbance was the best solution, instead of moving it back and having more disturbance and more environmental issues, Mr. Coffey said. He said O&R is looking at an aggressive berm in the Cheechunk Road area and plantings up and down the driveway.

There are existing overhead lines to the facility and a 90 ft. tall lattice structure will be replaced with three steel poles. The station itself has structures in the 65 ft. range but 25 ft. is the predominant elevation of the facility, Mr. Coffey said. The station is not lit at night and normally no one will be in the facility so it will not create traffic, he said. There will be a monthly inspection process and the facility will be monitored 24 hours a day, seven days a week with equipment alarms and cameras.

Mr. Coffey said that in addition to the site plan, there is a landscape plan and the applicant has created a series of views taken during the summer and winter months. He said there are structures in the air that can be seen but he thinks they blend in pretty well with the skyline and said the facility is screened heavily by the landscaping created. He said he is submitting, tonight, studies of wetlands delineation, jurisdictional determination, species analysis of the Indian Bat and Bog Turtle, an archeological survey, a magnetic field report, a subsurface exploration report and a noise report. Mr. Coffey said the sound report shows that the noise is well below Town standards.

Mr. Lindsay said he wants to see the spill prevention report, because O&R uses oil in their transformers. The report will be done later in the application process. Mr. Coffey said there is a concrete tub around the transformers so if anything fails it will drop into the tub, with a seal on the bottom. He said oil will not be piped to any remote location and that if there is a failure it will be local to the concrete tub. Secondary containment is not monitored, he said.

The PB members had numerous questions and comments.

Mr. Bergus asked if the applicant considered extending the "S" curve and bringing the driveway in on the lower right corner in order to have more screening. Different alternatives were looked at and "we are open to anything the PB finds is the best solution," Mr. Coffey said. He said there are some constraints with the angle of the curve and that they are trying to follow the ordinance guidelines by not disrupting the stone wall in the front. Any other solution except the one where the opening is shown, is a disruption to the stone wall, he said.

Mr. Gawronski suggested that if the driveway was offset 25 ft. east along the road, it would breach the road but would also void the view shed coming down Owens and that moving the berm to the west would also shield the residents of Owens and Cheechunk roads from the sound. Mr. Coffey said they will look at any alternatives and Mr. Fabricant said they are prepared to adjust the design to get the best results.

Mr. Coffey said that O&R has no plans to expand the facility, that it will be a fully functional substation with two transformers and will be pretty much at full capacity.

Mr. Pirragalia asked if the wetlands are going to be disturbed. Mr. Coffey said there will be a “small disturbance” falling below the one-tenth of an acre requirement to require a permit but that they will notify the Army Corps of Engineers.

PB members discussed whether they want to go through an EIS (Environmental Impact Statement) process or an expanded Part III process for SEQRA review. PB members were polled and the majority agreed to do a limited EIS of a reduced scope, specific to certain topics the PB deems warranted.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board assumes lead agency status on the application of Orange & Rockland. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board types the application of Orange & Rockland as an Unlisted Action in terms of SEQRA. Approved unanimously.

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

Mr. Halloran said that the ERB met with the applicant and has no specific recommendations.

Mr. Huddleston asked the applicant to prepare a draft scope and Mr. Lipman said it will be prepared for the March 17<sup>th</sup> meeting. Mr. Golden said the PB’s 60 days to finalize the draft scope will begin 60 days from when the applicant submits it. He suggested that if

the applicant is willing to waive the 60 days until the March 17<sup>th</sup> meeting, it will give the PB enough time. Mr. Lipman said the applicant is willing to provide whatever waivers the PB needs to proceed with the process in a “reasonable fashion.”

Mr. Garling said that the proposed land for the conservation easement has major fault lines running throughout and that there may be four or five major well sites. He said the Town should reserve the right to be able to utilize these water sources in the future if needed.

Mr. Lipman said the applicant may need two ZBA variances. He said O&R intends to seek a variance from the code requirement to go underground from the transmission line into the facility and then come up, going through the wetlands in the process. He also said that if the PB does not make a finding that construction does not significantly affect the view shed in the scenic corridor overlay district, then the applicant will seek a variance from that requirement also.

**Public Hearing - Continued**

**Owens Rd/Goshen Meadows – 10-1-10.22 & 10-1-8-131.4 +/- acres, 39 lot subdivision** located on Owens Rd., in the RU Zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Possible approval of modified subdivision.

Representing the applicant: Travis Ewald, Gradiner Barone, Esq.

Mr. Golden said the applicant is willing, if the PB closes the public hearing tonight, to adjourn a decision to one more meeting to work out any differences.

Mr. Huddleston opened the public hearing.

Steve Ibold of 109 Owens Rd. said that at the last hearing he was told that the properties behind him, Lots #10, 11, 12 13, 14 & 16 are roughly ten feet in elevation above him, but he looked at the drawings and found they range between 14 ft. and 42 ft. above him. He said he also asked which direction the storm water was being brought to and was told it would be brought to the road and that is not what is depicted on the drawing. He said the drawings show, on those same properties, curtain drains and swales that go directly to the wetlands and his property. “There is about 996 linear feet of property that does that and that is a lot of water,” he said, stating concern that his entire lot and house could be flooded.

Mr. Huddleston said he recalls the applicant telling Mr. Ibold that there were swales along the back of that property. Mr. Ewald said that the swales around the septic systems do not increase storm water runoff, that curtain drains serve also to lower the ground water around the septic system, and it is not anything that will cause an

increase in storm water. The swales around the septic are to divert surface runoff taking it around the septic system so it doesn't flow on over top of the area, he said.

Mr. Ibold said that there is additional water the applicant will be bringing into the area that will seep into the lower portion of the property and the wetlands directly behind his property. He said the bank elevation is 466 ft. and the elevation of the wetlands is between 430 and 440 ft. and asked where all of that water will seep into.

Mr. Ewald said that the size of the wetland will remain the same. He said that an analysis shows that the way the site is designed, the amount of storm water will decrease somewhat in comparison to what it is now. Mr. Ibold said he disagreed.

Mr. Ibold asked what the applicant plans to do with the stone wall and pond 100 feet from the rear of his property. The pond, he said, is by Lot #15. Mr. Ewald said it wasn't mapped and will be looked into.

Scott Thornton, Esq., representing Mr. & Mrs. Strong, said the parties have reached an agreement about the easement for the back 1019 parcel. He said there are two parts to the easement, one is a permanent easement through the trolley line to the power authority line and the other is a contingent easement following the drainage district easement along the Wallkill River to move cattle back and forth in the event that is done again. He said he wants to make sure the agreement is on the map when it is approved and also is part of the resolution.

Walter Rose of 119 Owens Rd. asked who will maintain the trolley line as an emergency exit. Mr. Huddleston said it will be dedicated to the Town and the Town will maintain it.

Ms. Cleaver said she is "extremely troubled" by how the water testing was done. She questioned the performance of the water testing protocols and whether the applicant has complied with what the PB wanted, stating that it doesn't appear to her that the testing adhered to what the PB approved to be done. Among her examples; she said the PB approved four-hour delays for the pump test, but the reports show that two-hour delays were done. She said she want the applicant to demonstrate how it met what the PB approved for water testing.

Ms. Cleaver said that a lot of the storm water is heading into the wetlands, asking if the piping going underneath the proposed access road will accommodate what is going to be added. She expressed concern that the applicant's proposed pond and some of the swales are so close to the septic that they may not meet the requirements. She also questioned whether the "ESA" signs will be put in place before any site disturbance and said she believes the landscaping plan, especially by the entrance road, is inadequate.

Mr. Pirragalia said he visited the site and is concerned that the sight distances in the area where the main entrance is proposed (Owens Rd.) doesn't look safe. There is a blind hill on Owens Rd. that crests right before the proposed entrance and right after the hill crest there is a blind curve that Owens Rd. follows right by the entrance to the subdivision, he said. The idea of cars or school buses sitting there waiting to turn poses a severe safety concern to him. "If it has been stated that they are sufficient, I would challenge that they are sufficient," Mr. Pirragalia said. Mr. Gawronski agreed that sight distances need to be looked at again.

Mr. Lindsay said that his office made measurements today and "it looks like there may be an issue there that we will need to address."

Mr. Andrews asked if the engineers can look at the possibility of flooding in the back of the Ibold property. Mr. Lindsay said there will be more water running off the site but that the applicant is managing that from their storm water management practices such as rain gardens and they have a study point where it goes underneath the trolley road. He said the applicant submitted another plan and the engineer will look at that plan also.

Mr. Bergus had some comments concerning the preparation of the maps. He said there are a number of lots with missing metes and bounds, that designs for the septic systems on eight lots do not correspond with what is being drawn nor with the table, many lots don't have the perc test locations or the deep test locations identified so there is no way to know if the locations chosen for the fields correspond with where the testing was done and that there were very quick percs on a lot of the lots and he would like the Town to confirm that they are not faster than what is being represented on the drawings. Mr. Bergus also said he hasn't seen anything on how the driveways on lots #23 & 24 are going to terminate on Road B.

Mr. Huddleston said there is still a question about the property to be dedicated and how it relates to parkland fees.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board closes the public hearing on the application of Owens Rd./Goshen Meadows. Approved unanimously.

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

Mr. Golden read the 32 specific conditions on the proposed resolution of approval and heard comments from the PB and professional staff. Mr. Barone said the applicant has

just received the proposed conditions and needs time to review them and submit comments. Mr. Golden said that the time for the PB to vote on the resolution has been mutually agreed to be extended to the March 3, 2011 meeting. Mr. Barone said it was “so stipulated.”

**ADJOURNMENT**

Upon motion made by Ms. Cleaver and seconded by Mr. Gawronski, the meeting was adjourned at 10:10 p.m.

Ralph Huddleston, Chair  
Notes Prepared by Susan Varden