



John Coffey, O & R's Chief Engineer, gave an overview of the proposed substation project. O & R is proposing a substation to be constructed at the intersection of Hartley and Cheechunk Roads. He presented the Board Members with aerial photos of the location which included current photographs of the proposed location from various angles. The existing single transmission lines can't keep up with the new growth in the area, citing the Orange County Regional Medical Center as one of them. Basically, the substation takes power from the transmission lines and redistributes it to usable electricity. This is not a generation plant. The station itself will be 210 X 210 ft. fenced in area in the rear with trees screening along Cheechunk. A spire of 85 ft. will bring the electricity down from an existing 90 ft. structure to 80 ft. single spire leading gradually into a 25 ft. high structure. The 60 ft. building called the "control house" houses breakers which allow the circuits to exit underground and rise in several locations on Echo Lake/Hartley and the Cheechunk vicinity. This will provide a new source for the Town of Goshen. This is a preliminary plan subject to discussion. In summary, this is a facility that generates minimum traffic and low noise. This is not a "lit station" - lighting will be at minimum for security coverage. The tax benefit to the Town can be around \$200,000 per year.

Supervisor Bloomfield opened up the meeting for comments from the public.

*(The following is a brief synopsis of what was stated before the Board Members).*

**Unidentified female**, wanted clarification as to who the transmission lines service. Answer: The lines run from Sugar Loaf to Dolson Ave. in Middletown. The actual substation will feed the Goshen area.

**Dan Ronga**, Cheechunk Road, lives directly across from the proposed entrance to the substation. He believes the other substations are located in commercial districts, where as he believes this location is in a rural district. "We want to keep it rural, that's the reason why we moved here" stated Mr. Ronga. He is concerned about health factors (cancer) associated with this facility. He also believes that the substation will decrease his property value. He feels that if this facility is built, he will not be able to sell his house. He said that there are enough undesirable elements in the Town of Goshen such as: the old landfill, the sewage treatment plant, the jail, the psychiatric ward on 17M and high voltage power lines running near his home. Mrs. Ronga added that a shed built on her property is 300 feet from her home and she doesn't understand why this facility is proposed to be 200 feet from the road.

**Nancy Wiegand**, Owens Road, she agreed with Mr. Ronga. She is against the proposed substation which will be seen from her home.

**Jean Strong**, Cheechunk Road, She stated "I have put up with Turi Landfill, Orange County Landfill, and Northern Recycling that operates 24hrs. a day and how much noise is going to come out of this substation..." She also feels that this will further decrease the value of her property. Mrs. Strong has three cases of cancer in her family and expressed concern over additional health issues associated with this type of a facility. She doesn't recommend that anyone with a young family to purchase a home in her neighborhood.

**Jerry Boss**, Craigville Road, He was co-founder of a group called "Residents for Planned Development". An issue that the group focused on was the building of the Orange County Jail. One of the things discovered in this process was that there are a number of cancer cases along Cheechunk. Mr. Boss stated that "the

people along Cheechunk that back to the Al Turi Landfill ....they call the Meadows. The Meadows is a super-fund site" The water samples taken contained dangerous levels of carcinogens. Mr. Boss feels that it is wrong to "bring another plight "to that neighborhood. Mr. Boss also stated that "the reason the Orange County Jail had to use the water source from Glenmere (Lake) is that they could not use the water that existed in those wells because of the contamination." His opinion "this is just going to add more fuel to that toxic fire that exists out there now."

**Supervisor Bloomfield**, questioned if the proposed substation is the same size as the one on 17A and the age of it. Answer: the proposed substation will be a little bit bigger and it dates back to the 1950's.

**Donna Allen**, Cheechunk Road asked for clarification of the heights in the proposal. Mr. Coffey answered starting with the 90 ft. "lattice" structure on Hartley Rd. that is to be removed and replaced with structures of 85 ft. with another pair of 85ft. structures in another area. Entering the station the lines will go down to structures that are 67 ft. high. One structure has a lightning mast protection adding a 15 ft. spire on top of the 67 ft. structure making it 82 ft. Nothing will exceed the existing 90 foot structure.

**Michael Schelley** (?), who is an architect, asked the Board to explain the Special Use Permit as a discretionary act by the Town Board. Supervisor Bloomfield answered by saying that in the past the Planning Board granted the Special Use Permit. However, since the Town re-zoned it was more appropriate for the elected officials to officiate this rather than the appointed officials. Mr. Schelley continued that the use is not permitted by rite, but is this an appropriate use for this particular site. He feels that there might be better locations along the transmission lines for a substation. He also questioned the size of the building. Mr. Coffey responded by stating the building is 60 feet long, 15 feet high and 15 feet wide encased in green metal. Mr. Schelley feels there is a need for better screening such as larger, denser trees.

**Cathy McGrath**, White Oak Terrace, asked if funds could be applied to upgrade the three existing substations which could be simply outdated. Mr. Coffey responded, "The exposure in the circuitry and the number of miles going from those remote facilities have reached their maximum. We really need to put a source where that load is and that load is now in the Town of Goshen area." The three substations are limited in their capacity. They are not necessarily outdated; some have already been upgraded, serving the increased load in their region.

**Ken Wooley**, Knapp Terrace, "What has caused these existing substations to reach capacity?" Answer: growth. Have the health issues been proven/disproved? The consensus of the public is "no dice".

**Bruce Wiegand**, Owens Road, asked if the ambient sound levels of the Cheechunk area community have been measured compared to other communities where substations are operating. Answer: a site-specific sound study has been done via 24 hour monitoring with recording measurements. The sound does not go above the existing ambient and is well below the Town of Goshen's noise ordinance. "Basically the noise stays on the property." A sound report is available from Orange and Rockland. Mr. Weigand questioned the wires coming out of the substation – How will they be routed through this community. The circuits will go out underground as far as Echo Lake, Hartley Road some will raise onto existing circuitry on Cheechunk and

Owens Road. When the circuits are being put underground, how will that affect the community/traffic?  
Answer: the station and construction is around a nine month process from start to finish. O & R will work with the Town and neighbors to minimize any traffic issues/road closures.

**John Stein**, Glen Drive, Wanted to know what kind of guarantees O & R can give to the residents that there will be absolutely no health issues coming from this facility and that the property would not be diminished or destroyed? Mr. Coffey answered explaining the effects of a magnetic field. "Anytime you have electricity and a current flow, you will have a magnetic field associated with it." The government has spent a great deal of money on numerous studies about health issues and EMF. He continued that "at the end of the day, the correlation between increased magnetic fields and certain types of cancer really ended up becoming statistically a very weak and none significant issue." Everyone is welcome to do their own research. The magnetic fields in this area that have been measured are relatively low in the single digit categories. Anyone of O & R customers that want a home magnetic field survey can do so. "Substations are generally not big EMF producers." A substation has magnetic fields associated with the equipment. At the fence line the magnetic fields are at an ambient level. They are local to the station, they do not spread out. There are magnetic fields associated with the distribution, but *that is there* today. To answer the question of property destruction: this is in reference to what had happened in Sugar Loaf. As a utility, O & R is encumbered by Federal Rules as well as Public Service Commission Rules which require aggressive trimming. Mandates require certain clearing envelopes around the lines. As with Sugar Loaf, the contractor was not kept in "check" and the damage will be repaired. With this project, the clearing will be with the substation itself. Mr. Coffey stated that with the research that has been done in Rockland County, "appraisers are not devaluing properties because of substations or next to transmission facilities". Everyone has their own personal viewpoint of that.

**Supervisor Bloomfield**, asked for clarification of the EMF of the substation compared to a home. Mr. Coffey answered: that it depends where you are in your home. Standing next to a clock radio or a microwave (when it is on) will show an increase in EMF numbers. EMF's are a snap shot in time. "Whatever is there today, as far as the homes on Cheechunk, there's no magnetic field influence from the station. "Everyone has an influence from the distribution lines that run next to their home and as far as the entrance cable into their home, that's the field that is dominant next to a home."

**Unidentified male**, inquired if there will be an increase in the EMF to the existing lines. Answer: Not marginally different. There will be some plus and minus, because a chunk of power is coming off of the transmission lines into the substation are being redistributed as opposed to continuing straight through.

**Dan Ronga**, Cheechunk Road, noted that the EMF spike from a microwave in use is only on for a short time. Whereas this is going to be a continuous EMF spike that will not go away. According to his research, lead does not stop EMF, referencing the underground wires going out on Cheechunk and down Hartley. "The only thing that stops EMF is distance" stated Mr. Ronga. He commented on the unsightly view during the winter season when the foliage is down. He would rather move than look at this substation.



Supervisor Bloomfield called for comments from the public.

*(The following is a brief synopsis of what was stated before the Board Members).*

**Carol Wunder**, White Oak Terrace, questioned why this project keeps coming before the Town Board many, many times - starting in 2008 as Goshen Green with 54 homes and repeatedly denied. Supervisor Bloomfield explained that the Comprehensive Plan/ Zoning Code have changed affecting the zoning on this property. Currently Timber Trails is a brand new request for a Special Use Permit which has to be heard before the Board. She also questioned why this *same* project was denied in February 2010 and has returned. Attorney Caplicki summarized a number of issues that lead to this hearing. "We are going through the process, of what they call in legal terms, "mooting an issue" of not having held a Public Hearing in that regard. So we're now proceeding with the Public Hearing taking the public's comments and those of the applicant. There are criteria in the code by which the Board will be guided in making a decision." Ms. Wunder also reviewed the "points of plus" presented by the applicant - refuting each one. She feels that Ms Shapiro's proposals are unrealistic.

**Cathy McGrath**, White Oak Terrace, accessed a website that published (dated 2009) some interesting facts about Goshen. With her interpretation of this material, she feels that Goshen does not support a need for an adult community. She referenced material such as: the median resident *age* for Goshen is 38 compared to NYS which is 35.9. Other facts she quoted covered Goshen's average income, higher cost of living, relatively low poverty level and low unemployment rate. Ms. McGrath also feels that our school district is "pretty much maxed out". The schools can not support a bigger community. Mrs. McGrath strongly feels that there is no need for this kind of a community.

**Susan Herman**, Village Resident, noted that Goshen already has an adult community with Elant and Glen Arden who accommodate different stages of adult living. The Elant campus has also built homes, for adult living, which are not filled. She wanted to know what protection the community would receive if this PAC was passed and then a "bait & switch" occurred? Seeing that this applicant has changed her application several times, what would prevent the PAC from changing?

**Christine LaBush**, Victoria Terrace, has recently moved here from Brooklyn who commutes for hours daily to employment. She was upset that this could even be happening. Her reason for moving to Goshen was for a better life for her family.

**Kathy Haller**, Everett Road, wanted to know if the Town has received any input from the Town of Hamptonburgh. Attorney Caplicki noted that the response from Hamptonburgh was a request for the public hearing to be continued, because they *may* want to make a written submission. Supervisor Bloomfield noted that the response from the County was "middle-of-the-road, not taking a strong position one way or the other." Ms. Haller feels that Ms. Shapiro can not be trusted for she is involved in a law suit

[The following section of the recording was lost due to a power failure in the building]

**Carolyn Papa**, made a reference to how the Goshen schools are already overloaded.

**John Stein** opened his comments with "Government of the people, by the people, for the people." He is hoping that the Town will seriously consider the comments made by the Public. One of his many suggestions is that a moratorium on building be enacted until all of the homes for sale are sold.

[Audio power is restored]

**Ken Smith**, Kipp Road, said that because the economy has changed there are many million dollar homes for sale. Therefore applications are coming in for PACS in the middle of these expensive homes. He thinks that this is wrong. Put PACS where municipal water & sewer is available. He doesn't want to see prime property destroyed by PACS.

**Jennifer Conklin**, Ruby Lane, emphasized there are serious cuts within the school district affected by the economy. This is a very big problem for Goshen to take into account when making decisions.

**Ken Wooley**, Knapp Terrace, Questioned the Board as to what has been done about the water and sewer situation. Supervisor Bloomfield stated that this particular development will create their own sewer plant and use existing water from the wells. The Town would not consider using these services for this development.

**Carol Wunder**, White Oak Terrace, Wanted to know if the Comprehensive Plan states that these types of communities must be serviced by Town water and sewer. Answer: Our Town Municipal Code states that they must be in a position to hook up or create their own package plant.

**Joseph Vandenburg**, Kipp Road, Inquired as to what will happen to his water supply when they start drilling wells in Timber Trail. He also inquired as to the increase of traffic (estimated 500 more cars) from this development. He also feels that there might be an increase in crime from this development.

**Mary Kopec**, Shale Lane, Commented on how expensive it is to replace wells if this project is approved and the land shifts, depleting the water supply. Another issue is the increase in traffic. Recently there was an accident on the turn near her home. "It's a really bad turn; the speed limit is way too fast to begin with on that area of the road." It would be chaotic with additional cars using the road knowing the number of accidents on that stretch.

**Sean Sullivan**, Everett Road, He referenced an article written in the Times Herald Record about this being promoted as a "Green" development. "There is nothing green about over developers." "Just because you think you've found a better way to flush 300 toilets into a dry stream, does not make it green to do so."

This is the third night where everyone, except the applicant, has spoken out against this development. "The only thing green about this is the profits that the developers hope to make and they're going to make it at the expense of our property values and really our quality of living."

Supervisor Bloomfield thanked those who spoke.

A September 27, 2010 continuation of the Public Hearing is scheduled.

**Mara Allen**, Everett & Hoffman Rd. She agreed with every one who spoke tonight. She would not like to see this development approved.

**Ilona Kegler**, Route 207, asked why we are having another Public Hearing. When will the final decision be made? Attorney Caplicki stated that by law we have to give every opportunity to the Public and the Applicant to make any submission they wish, either oral or written. We are also waiting to see if the Town of Hamptonburgh will submit to this project. Once the Board is comfortable that they have given everyone an opportunity to comment then they will close the Public Hearing and take it under deliberation.

**Unidentified female**, wanted to know what else can the public do other than coming to the hearings and voicing their concerns? Attorney Caplicki stated that it would be improper to answer this question. By law the Board can accept any and all comments and submissions for consideration.

**Unidentified male**, who would actually benefit from this development coming into Goshen besides the developers? There was no answer to this question.

**Joel Markowitz**, Village Resident, Commented on the demographic information presented earlier. Neither pro nor con on this project, he feels that the reason that we have a higher than average income, higher employment and higher cost of living is because we have a shrinking assessed base, rising costs and a lack of ratables and we don't have a high percentage of people below the poverty line is because they have been *pushed out* by the rising tax burden. "People can no longer afford to live here." In his youth, Goshen was a blue collar Town and Village. A management class has moved in and displaced them. In actuality there is a desperate need in this area for low income housing.

**Mary Kopec**, Shale Lane, was concerned with an increase in crime, how reliable will immediate response is when 911 is called. She lives on the fringe of the Town and if the Town Police Officers are on another call, the State Police arrive. She has experienced this and the State Police did arrive, but it took time for them to get to her home. "We are going to increase crime and not have the police coverage unless we spend more taxes and get more police."

Councilman Canterino made the motion to continue the Public Hearing to be reconvened at 7:30pm or soon thereafter on September 27, 2010. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Cappella, Lyons  
0 NAYS

**F. OLD BUSINESS:**

**1. Request For Approval For 1<sup>st</sup> Annual "Rock & Run" 5K Race Fundraiser For FJR (The Frank Romano Foundation)**

Eli Byers, husband of Amy Romano Byers, addressed the Town Board to clarify a few issues about the Rock & Run 5K fundraiser that was brought up at the last Town Board meeting. First of all, the same application packet we received was sent to the Village Board. Secondly, the FJR foundation has filed for an amended Insurance Coverage Certificate to include the Town and Village of Goshen. Lastly, the issue of closing certain roads during the event was for safety reasons. Volunteer staff will be at intersections where participants change direction. Signs will also be posted to direct participants. Mr. Byers requested an Officer to assist in crossings. It was suggested to ask the volunteer Fire Police to assist with traffic control. Most of the route is in the Village. The Town Board will support this event, but would like to hear what the Village has to say, since the bulk of the roads are in the Village. Mr. Byers will communicate that information to the Town.

**2. Town Of Goshen Local Law No. 1 Of The Year 2010: Stop Sign Installation In Hambletonian Park**

Attorney Caplicki explained that before the Board is the Resolution for adoption of Local Law #1 of 2010. Historically it reflects what the Board has done in terms of taking input for the erection of stop signs in Hambletonian Park. The Local Law has been redacted to reflect the proposal that only one stop sign to be erected in Hambletonian Park to be at the intersection of Oakwood Drive and Fleetwood Drive.

**TOWN OF GOSHEN  
RESOLUTION**

**Adoption of Local Law #1 of 2010 entitled "Amendment to the Code of the Town of Goshen, Chapter 89 entitled 'Vehicles and Traffic', Article II Stop Intersections"**

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: September 16, 2010

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 16<sup>th</sup> day of September, 2010;

WHEREAS, the Town Board of the Town of Goshen has been petitioned for the establishment and creation of stop intersections within the Hambletonian Park subdivision area; and

WHEREAS, the Town Board of the Town of Goshen has researched and studied the traffic patterns and traffic flow within the Hambletonian Park subdivision area through the utilization of its Town Officials including, but not limited to, the Chief of Police, Town of Goshen; and

WHEREAS, the Town Board of the Town of Goshen proposed Local Law #1 of 2010 to address the request for the establishment of stop intersection and stop signs within the Hambletonian Park subdivision area; and

WHEREAS, a public hearing was held with respect to said proposed local law on July 6, 2010 which public hearing was continued for the purpose of taking additional input and receiving opinions and comments from the Hambletonian Park citizen committee regarding the text of the proposed local law; and

WHEREAS, subsequent to receiving any and all comments and submissions concerning the proposed local law, the Town Board of the Town of Goshen closed the public hearing with respect to said local law; and

WHEREAS, after due deliberation, study and conference(s) with respect to the text of the proposed local and consideration of the various comments and submissions received from the public,

NOW, THEREFORE, BE IT RESOLVED, that Local Law #1 of 2010 as modified and attached is duly moved and adopted.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0.

[Local Law #1 of 2010: Stop Sign Installation in Hambletonian Park on file in the Clerk's Office]

### 3. Arbitration Demand From Town Of Goshen To Village regarding Sewer Charge Dispute.

Attorney Caplicki stated that the Notice of Demand for arbitration was served upon the Village last Friday. The Board received notice from the Village rejecting the Town's demand for arbitration on a volunteer basis. The next procedural step is for the Town to motion the Supreme Court to compel the Village to go to arbitration, to stay their litigation and to appoint an arbitrator.

Supervisor Bloomfield clarified that this dispute has been going on for two years. He stated three points of arbitration, one being that it is in our 41 year old inter-municipal agreement. It is very inexpensive compared to lawsuits. It is quick, expedient and binding. Supervisor Bloomfield is "extremely disappointed" that the Village rejected the demand for arbitration.

Councilman Canterino commented that mounds of legal fees and mounds of court costs can be *avoided* if the Village decides *not to go into* litigation. The Village residents are already burdened with rising bills and taxes. "Why would they (Village) want to spend the money for legal fees and court costs to get the same outcome just boggles my mind, I just don't really understand it."

### G. FINANCE

Councilman Lyons made the motion to authorize the Supervisor to pay manual check runs of 09/09/2010 amounting to \$4,961.89 and accounts payable check run for 09/09/2010 amounting to \$155,573.20. Councilman Canterino seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Cappella, Lyons  
0 NAYS

**H. PRIVILEGE OF THE FLOOR:**

**Neil Hickok**, (inaudible) wanted clarification of the legalities involving binding arbitration.

Attorney Caplicki responded (inaudible).

Supervisor Bloomfield concluded: "Ultimately it'll be resolved. Whether it will be five appeals later or an arbitration now. Someone's going to tell us what the answer is. So why go through all that expenditure of money and time.....when we have things we need to be working on within our Village and Town".

**Geri Corey**, (inaudible) questioned the Timber Trail parcel content in *this* application as opposed to their previous application.

**Neil Hickok**, (inaudible) was seeking clarification of the Village and Town sewage negotiations and the money the Town owes them. A separate issue involves the IMA and the new subdivisions that will need sewer services. Unfortunately, the Village isn't speaking to the Town to resolve the IMA issues. The Town is not in the sewerage business. The Town is more than willing to negotiate with the Village to provide sewerage services for new subdivisions. Councilman Cappella emphasized what was stated in previous meetings: "What they (Village) wanted from us was to pay a premium above, not only the \$70.00 surcharge, which we were willing to pay....Pay the same rate as the Village, measured by water, they wanted a caveat above that." ..... "Equal service to equal people." This has nothing to do with personalities. It is strictly an economic issue.

**Jerry Boss**, (inaudible) spoke about the contract being renewed at various cycles for 51 years. Presently Hambletonian Park hasn't renewed their contract. Arcadia Hills has been renewed.

(Other comments inaudible)

Supervisor Bloomfield reviewed the history of the Town/Village sewer dispute with Council discussion.

**I. EXECUTIVE SESSION:**

Councilman Canterino made the motion to enter into Executive Session to discuss the following;

1. Village Sewer Dispute Arbitration Request
2. Time Warner Cable Franchise Contract Renewal Status
3. Tax Certiorari Update

with the intent not to return. The motion was seconded by Councilman Cappella. Motion Carried

**J. ADJOURNMENT**

The public meeting concluded at 10:15PM.

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Priscilla Gersbeck, Deputy Town Clerk

