

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER
OF
LOVETT SUBSTATION

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
June 23, 2022
8:06 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN
ROLAND BIEHLE, BOARD MEMBER
JAKE CATALDO, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER

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CHAIRMAN JOHNSON: All right. Next up is Lovett.

MR. SINSABAUGH: All right. Good evening, Chairman Johnson, Members of the Board. My name is Brian Sinsabaugh, attorney with Zarin and Steinmetz, 81 Main Street, White Plains, on behalf of Orange and Rockland Utilities, Incorporated, which is the operator of the Lovett Substation, the applicant. I do have here with me today Vivian Winters, who is a representative of Orange and Rockland, as well as Jesse Boyce (ph), who is with Beta Engineering, engineer of record.

We last appeared before the Board at the April 28th Planning Board meeting, as well as the June 9th Planning Board TAC meeting. Just to update you on our status, we are currently revising our submission documents based on the Board's comments, as well as some of the comments we may have heard from the public. This includes finalizing an electromagnetic field study that we have

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done. And we've already, just as a reminder, we've already submitted a noise study report with our June 1st submission.

We did receive a Part 2 EAF today prior to the meeting. We will respond accordingly. Also, our, just as a note, our application requires a number of variances. So we do respectfully request that this Board refer this application to the Board of Appeals, as well as their Architectural Review Board. If you have any questions, we are more than open to responding.

CHAIRMAN JOHNSON: All right. John Hager, do you have any questions or comments right now?

MR. HAGER: I don't. I just -- if the Board needs my assistance in writing a referral, I need to see more details about exactly what these variances, what the extent of the variances are so we can put together a proper referral letter to the ZBA. I understand it involves the height of the fence, I believe, and some setback, property setbacks.

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2 MR. SINSABAUGH: Yes, sir. I did submit
3 a letter earlier today with regard to some of
4 the setbacks. So if you have any questions
5 on that, you can certainly contact me, as
6 well as the engineer. We'd be happy to go
7 through it with you.

8 CHAIRMAN JOHNSON: Max, do you have any
9 comments?

10 MR. STACH: Yeah. So our last review
11 was dated February -- I'm sorry. Was it --
12 let me just make sure.

13 CHAIRMAN JOHNSON: April 13?

14 MR. STACH: That's correct. April 13,
15 2022. Since then, the applicant has made a
16 resubmission at the TAC meeting. As we
17 discussed, you required them to sort of
18 repackage, reorganize it, resubmit it. So
19 we're going to wait for that to come also in
20 an electronic format before we review to make
21 sure that it's addressing our comments from
22 that memo.

23 In the meantime, we did prepare a memo
24 dated today. I apologize, I was a little
25 ill, so it came to you late. A draft Part 2

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EAF, environmental assessment form, that you could consider adopting tonight. This environmental assessment form reviews mostly the EAF Part 1 as prepared by the applicant. And checks off where this particular project may have an impact. And then the applicant is asked to go back and address whether these impacts are likely important, and the scale of them, whether they're going to be large or not. And that will help you determine whether they're significant enough to require an EIS.

So at this time, we've identified impacts to land, identifying moderate to large impacts to the shallow water table, to steep slopes, bedrock, export of significant excess cut, construction term beyond one year, and erosion from soil disturbance, impacts to surface water regarding potential temporary and permanent impacts to wetlands and streams, water quality of water bodies downstream of the site, and application of pesticides and herbicides.

Flooding. The project is located in a

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flood zone. The project sponsor should address that.

Plants and animals. The applicant had indicated several rare, threatened, and endangered species that could be within range of the site. The site is a redevelopment of an existing utility property. However, we should receive clarification of potential impacts to those species.

Esthetic resource. The applicant had indicated seven scenic and esthetic resources, and should address potential impacts to those.

The applicant should address impacts to the -- there's a national register historic site, I believe, substantially adjacent to this, as well as SHPO has identified, or State Historic Preservation Office has identified this as an area likely for archaeological resources. That should be addressed.

We identified proposed lighting and noise impacts, or the applicant had indicated that possibility. We'd like them to further

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explore and quantify those.

And public health. We need a description of any institutional controls that exist on the project site regarding past contamination. And an assessment of whether this construction activity could result in either the release of explosive gas or contaminated leachate seeping into downstream soils. You know, particularly with, I guess the ash piles is the main issue. But I don't know. I haven't reviewed the record, the decision, or any of the other environmental easements that may exist. So we'd look to understand those items.

CHAIRMAN JOHNSON: Okay.

MR. STACH: And so typically, if you agree, you would adopt the Part 2 as prepared by us tonight. And then the applicant would go, and he would prepare a draft Part 3 EAF.

CHAIRMAN JOHNSON: Right.

MR. STACH: Further exploring all these potential impacts. And then based on that, you would make your determination on whether this, this project would have a potential

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impact that would require an EIS.

CHAIRMAN JOHNSON: All right. Now, do I need to read the intro to this to read it into the record, or is what you've just done sufficient?

MR. STACH: I defer to Steve. But I would think that you would be able to adopt this as prepared by your planner.

CHAIRMAN JOHNSON: Okay.

MR. HONAN: Yes, that's correct.

CHAIRMAN JOHNSON: Thank you. Do I have a motion from the Board, anyone on the Board to accept this?

BOARD MEMBER FERGUSON: I make a motion.

BOARD MEMBER BIEHLE: I second.

CHAIRMAN JOHNSON: I got a motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right. Consider it accepted. Thanks, Max.

MR. STACH: You're welcome.

CHAIRMAN JOHNSON: Now for referral to the ZBA and the ARB. I guess the ZBA has to come from you, John, correct?

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MR. HAGER: I'll work with Mary on the referral letter.

THE CLERK: No, you have to refer them.

CHAIRMAN JOHNSON: Okay.

THE CLERK: Just do a motion just like you did for that.

CHAIRMAN JOHNSON: All right. We'll take a motion to refer them to the ZBA.

BOARD MEMBER FERGUSON: I'll make the motion.

BOARD MEMBER CATALDO: Second.

CHAIRMAN JOHNSON: A motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: All opposed? All right. We all did the ZBA. And a motion to send them to the ARB?

BOARD MEMBER FERGUSON: I'll make the motion.

BOARD MEMBER CATALDO: I'll second.

CHAIRMAN JOHNSON: I got a motion and a second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? Okay.

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Going to the ARB. And again, Max will do the NOI?

THE CLERK: We did the NOI.

MR. STACH: NOI is done.

CHAIRMAN JOHNSON: Okay.

THE CLERK: We had no responses.

CHAIRMAN JOHNSON: All right. All right.

BOARD MEMBER BIEHLE: I think he said he's doing an EMS study.

MR. SINSABAUGH: Sorry?

BOARD MEMBER BIEHLE: Are you going to do an EMS study, you said?

MR. SINSABAUGH: So we have completed the EMS study. We'll include that in our next submission.

BOARD MEMBER BIEHLE: Okay.

CHAIRMAN JOHNSON: That's good. Any other Board Members or consultants have any questions or comments?

MR. O'ROURKE: I do, if the Board Members don't. Just some direction, because our office is still reviewing the storm water management and the detailed site plans.

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2 We're going to give them the memos which we
3 discussed.

4 A lot of the information, just not to
5 bog you down and losing time, a lot of the
6 information that Max refers to, those
7 studies, you have submitted or you have those
8 done. I would package a response to Max
9 specifically so he can move that portion of
10 it along. Don't let my comments, which are
11 going to probably be out next week, delay you
12 because you can always make a submission
13 addressing the environmental reports, and
14 then we go on to the site plan. But I don't
15 want to lose a month waiting for that to be
16 coordinated. It's just an option.

17 MR. SINSABAUGH: Understood.

18 MR. O'ROURKE: If you want, for timing.
19 I don't think Max would have a problem with
20 that, because I know a lot of those reports
21 were already done and submitted.

22 MR. SINSABAUGH: Certainly. I was just
23 going to be creating a summary page,
24 essentially a cover page referring back to
25 those reports.

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MR. O'ROURKE: Yup.

MR. SINSABAUGH: I'll coordinate it with you in terms of what you want me to say.

MR. STACH: Yeah. That's what I would be looking for. But I'd like to have something that is in plain English referring back to reports.

MR. SINSABAUGH: No, certainly. It will just be simply those titles, and just a very quick summary as to what's being addressed, and here is where you can reference that. But giving you the key information, that's it.

MR. STACH: That's great.

MR. SINSABAUGH: Excellent. Thank you.

CHAIRMAN JOHNSON: All right. Anybody else with a question? All right. Thank you very much.

MR. SINSABAUGH: Thank you.

CHAIRMAN JOHNSON: Appreciate it.


(Time noted: 8:17 p.m.)

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.



Jennifer L. Johnson

