

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

- - - - - X

IN THE MATTER
OF
LOVETT SUBSTATION

- - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
September 22, 2022
7:01 p.m.

BEFORE:

MARK JOHNSON, CHAIRMAN
KERRI ALESSI, BOARD MEMBER
ROLAND BIEHLE, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
JAMES PURCELL, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

ROCKLAND & ORANGE REPORTING
2 Congers Road, Suite 2
New City, New York 10956
(845) 634-4200

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CHAIRMAN JOHNSON: First item on the agenda this evening is the Lovett Substation. There is an open public hearing for that this evening. If you guys would like to come up and give a quick review of that for the public that's gathered.

MR. SINSABAUGH: All right. Good evening, Chairman and Members of the Board. My name is Brian Sinsabaugh. I'm an attorney with Zarin and Steinmetz, 81 Main Street, White Plains, New York. I'm also here today with members of Orange and Rockland, Vivian Winters, Greg Eiband, John Coffey, and Susmit Patel. Also here tonight is Jesse DuBois of Beta Engineering.

Our application before this Board is for site plan review associated with the proposed improvements to the existing Lovett Substation. The improvements will be constructed on the property located at the corner of Elm Avenue and Spring Street at Tomkins Cove.

The property upon which the development

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is proposed was previously developed for industrial use, being the location of a tank farm associated with the prior Mirant Lovett Power Plant. The tank farm consisted of three Number Six fuel oil tanks, each of which were removed in 2007. As many of you here are aware, the Mirant Lovett Power Plant was closed shortly thereafter. All that remains of the prior development on the subject property is a concrete wall running along portions of the boundary of Lot 15.

The remaining property is the site of the Lovett Substation. Neither the existing substation nor the proposed development in this application will restore the site to a power generating facility. In fact, the impact of the Lovett Substation on the community will remain essentially unchanged as a result of the proposed development.

The New York Independent System Operators, NYISO, is an agency that operates New York's bulk electricity grid and administers the State's wholesale electricity market. And NYISO has determined that 0 and

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R's existing 138 kilovolt transmission system may become overloaded in the North Rockland area during periods of peak demand. To avoid damage to the electrical lines and system outages, NYISO has directed Orange and Rockland to add a new source capacity in the region.

This results in the need to expand the existing Lovett Substation. Because the Lovett Substation does serve the communities of Stony Point, Haverstraw, Clarkstown, and Orangetown, approximately 40,000 Orange and Rockland customers will benefit from this project.

What is being proposed is to expand the existing Lovett Substation is the installation of a gas insulated substation, or GIS substation. The GIS substation is proposed because it provides the greatest benefit with arguably the least impact. For example, a comparable system would take up as much as five times the amount of space.

In addition, the proposed GIS substation system is enclosed in a walled structure with

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a pitched roof, giving the site a more appealing aesthetic than substation equipment that would otherwise be exposed. In addition, the enclosure of the GIS system will ensure that the noise and EMF levels remain at a level comparable to that which already exists in the area. This has been confirmed in the applicant's expert reports, each of which have been filed with the Town as part of this application.

The operational lighting proposed in association with this development is downward facing and also in compliance with the town code's light spillage requirements, therefore avoiding any impact on the surrounding properties.

The applicant is seeking to begin its construction in the first quarter of 2023, with final completion planned for 2024. During this period, construction will occur between 7:00 a.m. and 4:00 p.m., Monday through Friday. Additional construction crews will utilize the Elm Avenue as the main access road to the site so as to minimize any

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disturbance to the nearby area.

At this point in time, this Board has assumed lead agency under SEQRA, and the applicant has filed an EAF Part 3 as required under SEQRA. As set forth in the applicant's EAF Part 3, the proposed development will not have a significant adverse impact on the environment or the community.

I believe that the application at this time, application record at this time is complete and is ripe for a determination of significance under SEQRA. But however, at this point, I'd like to open this up for any questions from the public, as well as the Board.

CHAIRMAN JOHNSON: Any members of the Board have any questions or comments at this point? All right. John O., I know you responded recently to this. Do you have any questions or comments for -- thank you.

MR. O'ROURKE: No, not at this time. I have no objection to you opening the public hearing and hearing from the public at this time.

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CHAIRMAN JOHNSON: Max?

MR. STACH: We, we have reviewed the Part 3, updated Part 3 provided by the applicant. We had, the remaining questions really at last meeting were limited to the flooding and the aesthetics. The applicant has submitted the images, renderings of what the site will look like from various points of view, which satisfies the concerns regarding aesthetics. And the applicant has increased the elevation of all proposed equipment above and to reflect the advisory-based flood elevations of 11, even though those are not in force.

So with that, the applicant, or the EAF Part 3, I recommend addresses all significant impacts adequately. The Planning Board could consider adopting that. And we have also prepared a draft negative declaration for your consideration if you feel that that is also addressing the issue.

In either case, I would recommend that you first open the public hearing. And then if you don't hear any other impacts might

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result, then you can adopt both of those before you close the public hearing.

CHAIRMAN JOHNSON: All right. I'll make a motion to open the public hearing. I need a second.

BOARD MEMBER BIEHLE: Second.

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

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? All right. The public is ready. We have -- hey, John -- we have first on the list here. Do we have any speakers or questioners from the public? Okay. Yes, go ahead, George.

THE CLERK: George, you need to sign the paper.

MR. POTANOVIC: Okay, sure. Good evening, Board Members and public. George Potanovic, 597 Old Gate Hill Road, and president of SPACE.

I think this sounds like a good idea, you know. What are we trying to do exactly, though? We're trying to tap into the existing transmission lines? I wasn't quite

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sure exactly what the total purpose is.

CHAIRMAN JOHNSON: They're upgrading the existing power station there, and upgrading the transmission lines along with that.

MR. POTANOVIC: Is that the transmission lines that cross the river? I'd just like to know. I guess I was figuring out whether those were being -- I think they pass through Rockland County, if I'm not mistaken. I don't know if we even tap into those at all anywhere in Rockland.

CHAIRMAN JOHNSON: Go ahead.

MR. POTANOVIC: Yes.

MR. COFFEY: Hi. John Coffey from Orange and Rockland. That is correct. We are tapping into the lines that come from Buchanan and across the river, and do head toward the Pomona area, where they are actually connected --

MR. POTANOVIC: They are connected.

MR. COFFEY: -- to. So we are tapping those lines.

MR. POTANOVIC: Yeah. So it adds additional reliability for North Rockland

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power. That sounds like a good idea, you know.

MR. COFFEY: That's absolutely correct.

MR. POTANOVIC: Yeah. Are there any other -- because there's an actual gas line, I think, that also goes under there, too. But this is not affecting that at all, right?

MR. COFFEY: No.

MR. POTANOVIC: Just the electrical lines, overhead electrical lines.

MR. COFFEY: That is correct.

MR. POTANOVIC: I see. So you bring them down to a lower level of electricity. That's what the substation is doing.

MR. COFFEY: That's absolutely correct.

MR. POTANOVIC: Okay, great. Thank you very much. It sounds like a good plan. Thank you. Appreciate it.

CHAIRMAN JOHNSON: Thanks, George. Anybody else from the public have any questions or comments? Anybody else on the list over there?

THE CLERK: There's no list. They just have to sign it when they get up.

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2 CHAIRMAN JOHNSON: Okay. Now
3 we're going to -- I'm going to make a motion
4 to continue the public hearing. Can I get a
5 second on that?

6 BOARD MEMBER ALESSI: I'll second.

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

9 (Response of aye was given.)

10 CHAIRMAN JOHNSON: Any opposed? All
11 right. All right. Well, we're going to
12 adopt the Part 3. I make that motion to
13 adopt the Part 3.

14 BOARD MEMBER ROGERS: I'll make that
15 motion.

16 BOARD MEMBER FERGUSON: I'll second it.

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

19 (Response of aye was given.)

20 CHAIRMAN JOHNSON: Any opposed? Okay,
21 motion passes. And you say you got a draft
22 of the neg dec?

23 MR. STACH: Yes. That was transmitted
24 to you, I believe two days ago.

25 THE CLERK: Yes. It's on the back of

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2 this one.

3 MR. STACH: It's attached to the memo,
4 yeah.

5 MR. O'ROURKE: I think Max sent it
6 several times.

7 CHAIRMAN JOHNSON: Yes.

8 MR. O'ROURKE: More than once.

9 THE CLERK: Is that from me, my senior
10 moment?

11 CHAIRMAN JOHNSON: All right. Thank
12 you. All right. I'll read the neg dec into
13 the record.

14 Dated September 22 of 2022. This notice
15 is issued pursuant to Part 617 of the
16 implementing regulation pertaining to
17 Article 8, State Environmental Quality Review
18 Act, of the Environmental Conservation Law.
19 The Planning Board of the Town of Stony
20 Point, as lead agency, has determined that
21 the action described below will not have a
22 significant effect on the environment and a
23 Draft Environmental Impact Statement will not
24 be prepared.

25 The name of the action is Orange and

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Rockland Utilities, 345kV GIS Substation and 345kV Transmission Line Modifications at the Lovett Substation. SEQR status is unlisted. Condition is neg dec, and that is no.

Description of the action. Orange and Rockland Utilities proposes to install a new gas insulated substation referred to as the 345 kilovolt GIS Lovett Substation. As part of this project, 345kV transmission lines Y94 and Y88 will be modified in the area to bypass the new substation and connect to the new substation respectively. The proposed project is located at the corner of Elm Avenue and Spring Street in the Town of Stony Point, Rockland County, New York.

The purpose of the project is to comply with the New York Independent System Operator's directive to add new capacity to the electric system in the North Rockland area. The NYISO has determined that O and R's existing 138kV transmission system will become overloaded in the North Rockland area during periods of peak demand, resulting in electric service interruptions and possible

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system damage. To ensure greater electric service reliability and customer satisfaction, the NYISO has directed O and R to add a new source of capacity in the region by building the substation.

The project scope will include a new four breaker, gas insulated 345kV ring bus substation located between existing transmission Pole 94 and Pole 95, and adjacent to the existing 138kV Lovett Substation. A new transformer from this project will provide an additional supply of electric power to the existing 138kV Lovett Substation. The new substation will be sited at the location of a former fuel tank farm. The concrete retaining walls that surround the former tank farm will be removed. The existing double circuit transmission line will be modified and reconductored/restrung from Pole 96 to Pole 93. Also, a permanent access road will be constructed around the substation.

The location is located at the corner of Elm Avenue and Spring Street, Town of Stony

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Point, Rockland County, New York.

Reasons for supporting this determination are as follows:

The proposed action is not anticipated to result in any potential adverse environmental impacts based on the following:

On or about April 7 of 2022, the Planning Board received an application for site plan along with a Part 1 Full Environmental Long Form; and

On or about April 28, 2022, the Planning Board declared its intent to assume lead agency status and to distribute the notice along with the application and Part 1 EAF to the following identified involved agencies:

Town of Stony Point Board; Town of Stony Point Zoning Board of Appeals; Rockland County Health Department; New York State Department of Environmental Conservation; New York Department of State; Stony Point Planning Board serving as Waterfront Advisory Committee; Town of Stony Point Architectural Review Board; New York State Office of Parks, Recreation and

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Historic Preservation, Palisades Region; Town of Stony Point Fire District; and the Town of Cortlandt; and

Revised submissions were received on or about June 1 of 2022, August 3, 2022, and September 15th of 2022, addressing the various concerns of the Planning Board and its consultants; and

On or about June 23, 2022, the Planning Board assumed lead agency, classified the action as unlisted and adopted a Part 2 Environmental Assessment Form indicating the following areas of environmental concern:

For land, potential impacts identified include disturbance of shallow water table; steep slopes; bedrock; export of significant excess cut; erosion/runoff; extended construction term; erosion from soil disturbance;

B, surface water, potential impacts identified include potential temporary and permanent impacts to wetlands and streams within the project site; potential impacts to water quality of water bodies within and

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downstream of the site; application of pesticides or herbicides in or around surface water such as streams and wetlands;

C, flooding, potential impacts identified include construction within the 100-year floodplain as identified on FEMA advisory base flood elevation maps;

D, plants and animals, potential impacts identified include impacts to identified protected species, bald eagle; timber rattlesnake; northern long-eared bat; short nose sturgeon; and Atlantic sturgeon;

E, aesthetic resources, potential impacts to the following scenic and aesthetic resources, Bear Mountain State Park; Wayne-Washington Lookout Park; Heights Road Park; Stony Point Battlefield State Park; Charles Eccher Park; Town of Stony Point Lowland Park; Harriman State Park;

F, impact on historic and archaeological resources, potential impacts identified include impacts to Boulderberg Manor and archaeological resources;

G, noise, odor, and light, potential

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impacts from light shining beyond property boundaries or creating sky-glow brighter than existing area conditions as well as potential noise impacts;

H, public health, potential impacts identified include impacts from disturbance of contaminated soils;

Item 5, on or about August 23 -- or August 3, 2022, the Planning Board received and reviewed a draft Part 3 Environmental Impact Statement; and

On or about September 14, 2022, the Planning Board received a revised EAF Part 3 identifying significant considerations and clarifications with regard to the potential moderate to large impacts identified in the Part 2 EAF, which are summarized briefly hereafter:

A, impacts on land, best management practices will be implemented should water be encountered during excavation; disturbed steep slopes will be stabilized with erosion protection fabric and retaining walls; no impact to bedrock is anticipated; all

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excavated materials will be disposed of at approved facilities; a storm water pollution prevention plan, or SWPPP, has been prepared for the project;

B, impacts on surface water, minimal and unavoidable disturbance of a low-functioning wetland is proposed, and all appropriate US Army Corps of Engineers notifications and permitting will be required; a SWPPP has been prepared that includes water quality treatment of storm water runoff; consistent with standard electrical utility practices, herbicides will be applied once per year by a certified applicator;

C, impacts on flooding, all storm water will be conveyed into an on-site storm water management system; the site is located outside of the adopted FEMA 100-year flood zone and no significant construction is proposed below the adopted flood elevation that would change flood water flows; the applicant has elevated all equipment and construction at least two feet above advisory base flood elevations;

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D, impacts on plants and animals, all tree clearing will be conducted during non-roosting periods to avoid impacts to bats; there will be no in-water disturbance that will impact sturgeon; the project is more than 660 feet from the nearest documented eagle nest and there are no undocumented nests located on site based on a site investigation; no rattlesnakes were observed during site investigations and the applicant will be incorporating training and/or monitoring to avoid potential impacts; there will be no significant disturbance or loss of habitat; no rare wild potato vine has been observed on site during site investigations; the existing electrical transmission line may provide opportunities for candidate species monarch butterfly, but such opportunities will not be eliminated and herbicides and pesticides will be applied consistent with current longstanding practices;

E, impacts on aesthetic resources, the project site will not be highly visible from

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aesthetic resources; the site will be visible from public roads but will largely be consistent with the adjacent transformer substation;

F, impacts on historic and archaeological resources, the New York State Department of Parks, Recreation and Historic Preservation has conducted a review of the project and concluded that the impacts to historic and archaeological resources are unlikely; a phase 1A/B cultural resources investigation concluded that the presence of cultural resources was unlikely;

G, impacts on noise, odor and light, a noise study was performed that demonstrated compliance with New York State DEC requirements; a lighting plan has been prepared that indicates that significant light will not spill onto adjacent properties; only downcast fixtures are proposed to be utilized for constant site lighting; all other lighting will only be motion-activated security lighting, and surrounding trees will limit the impact of

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this emergency lighting;

H, impacts on human health, on-site remediation was completed in 2009; any relics of the former tank farm encountered during excavation will be removed; there are no applicable institutional controls limiting use of the property; on-site monitoring wells will be decommissioned prior to construction; gas to be used on-site is non-toxic if accidentally released; the proposed project will not disturb the cap over the Mirant-Lovett coal ash pile; based on an electric and magnetic field calculation study, there will be no additional human exposure to electric fields;

Number 7, on September 22 of 2022, having thoroughly reviewed and considered the information contained therein, the Planning Board adopted the Part 3 Environmental Assessment Form prepared by the project sponsor;

On September 22 of 2022, the application was the subject of a public hearing at which no new reliable information was received that

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would suggest that the proposed action would result in significant large or important impacts not already analyzed in the Part 3 EAF;

Number 9, based on the foregoing as well as the review of submitted plans, the testimony provided by the project sponsor, consideration of comments by the public, and consultation with its professional advisers, the Planning Board has determined that the project will not result in potential large adverse impacts including the following:

A substantial adverse change in existing air quality, ground or surface water or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

B, the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat

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area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

C, the impairment of the environmental characteristics of a critical environmental area as designated pursuant to Section 617.14G of this part;

D, the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

E, the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;

F, a major change in the use of either the quantity or type of energy;

G, the creation of a hazard to human health;

H, a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational

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resources, or in its capacity to support existing uses;

I, the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

J, the creation of a material demand for other actions that would result in one of the above consequences;

K, changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

I -- I'm sorry, L, two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Number 10, no other adverse impacts have been identified in connection with the

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amended -- yeah, the amended proposed action.

I'll make the motion to accept the
neg dec.

BOARD MEMBER JASLOW: I'll make that
motion.

BOARD MEMBER FERGUSON: I'll second it.

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

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? Motion
carries.

THE CLERK: Okay.

CHAIRMAN JOHNSON: Now, again, we're
going to keep the public hearing open.

THE CLERK: Yeah.

CHAIRMAN JOHNSON: Until next month's
meeting. All right. Very good.

MR. SINSABAUGH: Thank you.

CHAIRMAN JOHNSON: Thank you very much.


(Time noted: 7:26 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

