

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
December 8, 2022
7:11 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: All right. Next up, we've got the Lovett Substation. All right. We've got a resolution. The public hearing was closed at the last month's meeting. Steve?

MR. HONAN: Yes?

CHAIRMAN JOHNSON: Can you read the resolution for us?

MR. HONAN: Yes, Mr. Chairman, I'd be happy to.

CHAIRMAN JOHNSON: Thank you.

MR. HONAN: Resolution of final site plan approval for the project Lovett 345 Kilovolt GIS Substation, by application of Orange and Rockland Utilities, Inc., of 390 West Route 59, Spring Valley, New York 10977.

Whereas, an application dated April 7, 2022, a Full EAF dated April 6, 2022, with an annexed Section F, additional information, detailed summary of the proposed project, consisting of 16 pages without attachments, and a project narrative submitted by its

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engineer, has been submitted to the Planning Board of the Town of Stony Point for final site plan approval to construct a new 345 Kilovolt Gas Insulated Switchgear substation and a transformer which will provide an additional supply of electric power to an existing Lovett 138 Kilovolt substation and the proposed work will take place adjacent to and in close proximity to the existing Lovett 138 Kilovolt substation in Tomkins Cove, New York, and the construction of a new metal clad building is proposed to house the new GIS equipment, construction of an access roadway, along with landscaping and assorted general site improvement work, and the project will allow the applicant to meet its need for additional new source electrical capacity in the North Rockland region, and upon a submitted site plan for the project entitled Lovett GIS Substation Project, consisting of 14 sheets, prepared by Orange and Rockland Utilities, Inc., by Beta Engineering California LP, dated July 11, 2022, and last revised on November 3, 2022,

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hereinafter, the subject application; and
concerning the site and premises designated
as Section 10.04, Block 2, Lots 10, 11, 13,
and 15 on the tax map of the Town of
Stony Point, County of Rockland, located in
both the RR and LI Zoning Districts, with an
address of 45 Elm Avenue, Tomkins Cove,
New York, 10986, and more specifically
located at the intersection of Elm Avenue and
Spring Street, and situated on the west side
of Elm Avenue and on the north side of Spring
Street, and this site is located in close
proximity to the west shore line of the
Hudson River, hereinafter, the subject
premises; and

Whereas, pursuant to the New York State
Environmental Quality Review Act, the
Planning Board determined this to be an
unlisted action, and after circulation of a
notice of intent, this Board assumed lead
agency status and thereafter adopted a
Part II EAF and identified areas of potential
environmental impact, and upon this Board's
review of an amended EAF Part III, issued a

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negative declaration of environmental
significance on September 22, 2022; and

Whereas, this application was the
subject of a public hearing before this Board
on September 22, 2022, at 7:00 p.m., and the
public hearing was kept open and continued to
the subsequent meeting of October 27, 2022,
at 7:00 p.m., at which time the public
hearing was concluded and closed; and

Whereas, this Board referred the
applicant to the Architectural Review Board
of the Town of Stony Point, and on
October 12, 2022, the ARB issued an approval
of the application; and

Whereas, this Board referred the
applicant to the Zoning Board of Appeals of
the Town of Stony Point for six area
variances it sought in order to implement its
proposed site plan, and by a decision dated
October 20, 2022, and filed on October 24,
2022, the ZBA granted the area variances
sought, and issued a conditional approval of
the application; and

Whereas, simultaneous with the

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submission of this application to the Planning Board for site plan approval, the applicant made application to the Town Board for special permit approval because public utility buildings and structures are proposed on the site, and this Board by its memorandum dated October 27, 2022, recommended that the Town Board approve the special permit application, and the Town Board at its meeting on November 22, 2022, issued a resolution with conditions approving the applicant's special permit application; and

Whereas, by letter dated May 23, 2022, the Rockland County Department of Health, Center for Environmental Health, as part of its GML review, notified the Planning Board that it had reviewed the applicant's submissions and the proposed site plan, and indicated, as follows:

Number One, the locations of the existing monitoring wells are to be provided on the plans and it is to be noted on the plans that the wells are to be decommissioned in accordance with Article II of the Rockland

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County Sanitary Code. The decommissioning process includes submission of an application and subsequent completion report. A certificate of occupancy should not be issued until this office has deemed that the decommissioning is complete; and

Number Two, application is to be made to the RCDOH for review of the storm water management system for compliance with the County mosquito code; and

Whereas, by letters dated May 16, 2022, and September 27, 2022, the Rockland County Department of Planning, as part of its GML review, advised the Planning Board that it had reviewed the applicant's submissions and its amended and supplemental submissions and recommended numerous modifications to the site plan and also submitted comments and observations for consideration, which resulted in the applicant's most recently revised site plan incorporating the recommended modifications and resulting in a revised site plan which currently complies with the recommendations outlined in the RCDP

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letter of September 27, 2022, and is otherwise acceptable; and

Whereas, by letter dated November 7, 2022, the attorney for the applicant responded to the Rockland County Department of Planning's GML review letter of September 27, 2022, indicating that the applicant has or will comply with the recommended modifications set forth therein; and

Whereas, by memorandum dated December 2, 2022, Thomas Larkin, the Acting Fire Inspector for the Town of Stony Point, advised that based upon his review of the plans and submissions, the proposed plan provides for sufficient emergency and firefighting access to the site; and

Whereas, by the memorandum dated May -- memoranda dated May 12, July 12, August 10, and September 12, 2022, of John O'Rourke, P.E., of Lanc and Tully Engineering and Surveying, P.C., the Town of Stony Point Engineer, reflect the serial reviews he conducted of the various amended site plans

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and submissions of the applicant and by his recommended amendments to the site plan and submissions, resulted in the applicant's most recent site plan incorporating all recommended revisions and resulting in a revised site plan which is currently acceptable; and

Whereas, memoranda dated April 13, August 22, and September 20, 2022, were received from Max Stach, AICP, of Nelson, Pope and Voorhis, LLC, the planning consultant to the Town, based upon his serial reviews of the various amended site plans and submissions of the applicant, including suggested revisions to the applicant's SEQRA related submissions, resulting in the applicant's most recent site plan incorporating all recommended revisions and resulting in a revised site plan which is currently acceptable; and

Whereas, by a letter to this Board dated August 10, 2022, the New York State Department of Transportation conducted a review of the application pursuant to its GML

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authority and advised that the proposed project is expected to have no impact upon the state highway system and accordingly, the NYSDOT has no comment at this time; and

Whereas, by letter dated August 3, 2022, the applicant's project manager responded to the memorandum of John O'Rourke, P.E., dated July 12, 2022, and by letter dated September 14, 2022, the attorney for the applicant responded to the memorandum of John O'Rourke, P.E., dated August 8, 2022, and also responded to the memorandum of Max Stach, AICP, dated August 22, 2022, and the aforesaid responses by the project manager and attorney for the applicant indicated compliance with the respective comments of the Town's consultants; and

Whereas, the applicant has requested a determination by the Town's Waterfront Advisory Committee that the proposed action is consistent with the Town's Local Waterfront Revitalization Program, also known as the LWRP, policy standards and conditions, as required by the provisions of Town Code

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Section 209-5, Subparagraph G; and

Whereas, pursuant to the New York State Department of State -- I'm sorry, pursuant to the New York State Department of State Coastal Management Program, a Coastal Assessment Form dated May 31, 2022, has been submitted by the applicant; and

Whereas, the subject application and CAF describes the proposed action to take place upon the subject premises and sufficient to permit review of an application for action consistent with the provisions, policy and purpose of Chapter 209 of the Town Code, known as the Town of Stony Point Waterfront Consistency Law; and

Whereas, a memorandum to the Planning Board dated December 7, 2022, from Max Stach of Nelson, Pope and Voorhis, the planning consultant to the Town, reviewed the application and the CAF and its consistency discussion and concurs that the proposed action is consistent with Policies 27, concerning siting of energy facilities, Policy 30, discharge to coastal water,

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Policy 38, surface water quality, and
Policy 40, discharge from electric generating
facilities; however, contrary to the CAF, the
site is in fact within a federally designated
Flood Hazard Area, which requires
consideration of Policies 11, 12, and 17; and
upon further analysis, the proposed action is
consistent with these policies, because the
applicant's design of the site specifies that
all buildings and water-sensitive equipment
will be situated at least two feet above the
advisory base flood elevation, thereby making
the project consistent with Policy 11 and
Policy 17, and since the applicant is not
proposing any construction that would impact
natural coastal protective features, the
project is consistent with Policy 12, and
accordingly, it is recommended that the
Planning Board, acting in its capacity as the
Town's Waterfront Advisory Committee, make a
finding that the project is consistent with
the recommendations of the Stony Point LWRP,
with respect to the applicant's Lovett GIS
Substation Project; and

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Whereas, the Planning Board, acting in its capacity as the Town's Waterfront Advisory Committee, hereby determines that the proposed action is located in the Town's coastal area and that the proposed action is consistent with the Town's Local Waterfront Revitalization Program policy standards and conditions, as set forth in Town Code Section 209-5, Subparagraph G, and finds that the basis for this recommendation of consistency is adequately set forth and supported by the aforesaid memorandum of NPV, dated December 7, 2022; and

Whereas, this matter was an agenda item before this Board on December 8, 2022, at 7:00 p.m. and all submissions relative hereto were duly considered by the Planning Board.

Now, therefore, be it resolved that the subject application for site plan approval relative to the subject premises is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk, upon payment of any and all outstanding fees to the Town and its

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consultants, subject and conditioned upon the following:

Number One, all of the whereas paragraphs are incorporated herein by reference.

Number Two, the applicant shall comply with the provisions of the letter dated May 23, 2022, of the Rockland County Department of Health, Center for Environmental Health.

Number Three, the applicant shall comply with all provisions and conditions set forth in the Zoning Board of Appeals of the Town of Stony Point's decision dated October 20, 2022.

Number Four, the applicant shall comply with the provisions of the approval issued by the Architectural Review Board of the Town of Stony Point on October 12, 2022.

The applicant shall also comply with all provisions of the special permit determination of the Board dated -- I'll fill in that date. I can't remember the date off the top of my head. I realized there was a

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2 gap in there. So.

3 THE CLERK: I think that was November.

4 MR. HONAN: November 22.

5 THE CLERK: 22nd.

6 MR. HONAN: Of 2022.

7 Condition Number Five, acting in its
8 capacity as the Town's Waterfront Advisory
9 Committee, this Board determined that the
10 proposed action was consistent with the
11 Town's Local Waterfront Revitalization
12 Program policy standards and conditions and
13 this determination was a prerequisite and
14 served as a basis for approval of the
15 applicant's site plan application.

16 The question of the adoption of the
17 foregoing resolution was duly put to a vote
18 on roll call on December 8, 2022, which was
19 as follows.

20 CHAIRMAN JOHNSON: Make a motion to
21 accept this resolution.

22 BOARD MEMBER ROGERS: I'll make a
23 motion, Mr. Chairman.

24 BOARD MEMBER FERGUSON: I'll second it.

25 CHAIRMAN JOHNSON: I got a motion and a

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second. All in favor?

(Response of aye was given.)

CHAIRMAN JOHNSON: Any opposed? Motion carries.

THE CLERK: Okay. I'll do the roll call.

CHAIRMAN JOHNSON: Thank you.

THE CLERK: Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Purcell?

BOARD MEMBER PURCELL: Yes.

THE CLERK: Mr. Biehle?

BOARD MEMBER BIEHLE: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Chairman Johnson?

CHAIRMAN JOHNSON: Yes.

THE CLERK: Okay.

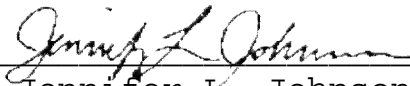
(Time noted: 7:27 p.m.)

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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

