

PLEASANT VALLEY PLANNING BOARD MINUTES
DECEMBER 8, 2015

A regular meeting of the Town of Pleasant Valley Planning Board took place on December 8, 2015 at the Pleasant Valley Town Hall, located at 1554, Main Street, Pleasant Valley, New York 12569.

Present:	Chairperson:	Rebecca Seaman
	Boardmembers Present:	Michael Gordon
		Janet Gross
		Robert Fracchia
		Norman Mackay
		Eileen Quinn
	Staff:	Michael White
		Sonia James
	Consultants:	James Nelson, ESQ
		PB/ZBA Attorney
		Peter Setaro, PB Engineer

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:30 p.m. First item on the agenda was:

Gina's Orchard

The Chair invited Mr. Pete Setaro to offer his comments.

Mr. Setaro, stated that a meeting was held between; the Applicant's Representative Mr. Pete Andros, the Highway Superintendent, the Zoning Administrator and the Planning Board Engineer and following was the outcome:

1. Common driveway will be installed by the sub-division's owner or applicant before the first building permit is being issued.
2. Width of the driveway can be in 12 feet range if adequate pull-offs are incorporated.
3. Width of the driveway at the intersection with the Town, State or County road should be 16 feet for the first 25 feet and include pull-off area for one vehicle on the driveway that had steep grades.

Regarding Gina's Orchard:

1. The driveway can be 12 feet wide with 16 feet width noted above at Gretna Road. A one vehicle pull off should be provided at the base of the driveway.
2. The current pull-off should be extended approximately 30 feet further up the driveway. This will make it easier for the vehicle coming up the driveway to negotiate the pull-off with a vehicle rounding the curve at the top of the driveway.

3. The driveway should have a cross slope to the inside.

Mr. Pete Andros stated that he would like to hold off on the Board's decision as he would like to discuss this with his client. And also his client's attorney would like to have a discussion with the Planning Board Attorney Mr. Jim Nelson. He further added that his understanding was that the driveway can be completed between obtaining a Building Permit and getting a Certification of Completion - CC.

Mr. Gordon commented that there should be improvements done to the existing driveway, enabling the construction vehicles to maneuver.

Mr. Andros said that the 16 feet width for the 1st 25 feet was acceptable. And they already had one pull-off.

As far as the cross slope towards the inside of the driveway. Mr. Andros informed that the board that he already had it designed as a crown cross section, which will prevent vehicle from sliding.

The Chair informed him, that the Board will not have any issues as far as crown cross section is concerned he should have a meeting with the Highway Superintendent. She further added that once these issues are resolved they can come back to the Planning Board for the approvals.

Next item on Agenda was:

MT6 LLC

Mr. Brian Franks, represented the client and informed that his client wanted to lease the lot to the used cars lot dealer, previously this facility was used as a Garden Center.

The Chair invited Mr. Pete Setaro to offer his comments.

Mr. Setaro, informed the Board that the Site Plan should be circulated to the Dutchess Planning Board, Highway Department and the Fire Advisory Boards.

It was decided to discuss this site plan after receiving comments from the other departments.

A Motion was made by the Chair to authorize the applicant for a public hearing for the Planning Board meeting to be held on January 12th 2016, it was seconded by Mr. Michael Gordon and was approved 6-0.

Next Item on Agenda was:

Goose's Diesel – Monument Sign

Mr. Michael Bucey and Mr. Gene Nolan, represented Goose's Diesel. Mr. Nolan gave the dimensions of the monument sign as follows:

Height	72"
Width	48"
Area	16 Sq. Ft.
Colors	Black, Purple and Gray

Mr. White was appreciative of the design and colors chosen by the applicant. He further informed the Board that the new sign actually comprised of four individual 4 sq. ft. sections, with three sections planned to be used at this time. The sign was code compliant and he had no problems with it.

Mr. Rob Fraccia recused himself, a motion was made by the Chair to approve the Monument sign, and motion was seconded by Ms. Janet Gross and was approved 5-0.

Next item was:

Central Hudson – G Line North Transmission Lines Rebuild Project Public Hearing

The Chair gave an introduction regarding the project. She explained that this was a small 'G' Line coming up from the Town of LaGrange to Pleasant Valley. Town of LaGrange is the Lead Agency, members of Town of LaGrange Planning Board were in attendance. Tonight was an opportunity for the residents to put on record their concerns. She further informed the residents that the Town of LaGrange will be holding their Public Hearing regarding Central Hudson on December 17th at 7 p.m. She also added that tonight's public hearing will be adjourned rather than closed so that residents can come back for more clarifications. The Chair introduced the following members present from the Planning Board, Town of LaGrange:

1. Stacy Olyha – Chair
2. Bob Straub
3. Dennis Rosenfeld
4. Frank Sforza
5. Marc Komorsky

Mr. Anthony Morando represented Central Hudson and introduced members of his team:

1. Gary Cassaro- Central Hudson Project Manager
2. Michael Campagna- Central Hudson Transmission Design Engineer
3. Greg Liberman- EDR- Environmental Consultant
4. Anthony Morando- Cuddy & Feder- Legal Consultant

Mr. Morando gave a brief presentation and informed the residents that they were in receipt of a detailed public notice, explaining the purpose of rebuilding the "G" line north. He further added that also present was a stenographer to record each comment and complaint by the public, and all questions will receive written answers. He reiterated on the fact that this was not a new line nor was an expansion of right of way, also there will be no increase in the voltage. He invited Mr. Gary Cassaro to add his comments.

Mr. Cassaro stated that project is 8 mile long, out of which 3.6 miles are in Pleasant Valley. It enters the town from the south from Town of LaGrange and ends at Tinkle town grid station. Present lines are almost 80 years old, they were built in approximately 1930's or 1940's. The wood of the poles is deteriorating, and the line is simply ready for an upgrade/replacement. The new line will be built according to the new standards with steel monopoles. The new grade of steel to be used only at the surface, thus preventing poles from corrosion. Using monopoles will reduce number of poles to 7% less in Pleasant Valley and overall 17% less. Central Hudson has 150' right of way. Currently the line is towards the west edge. Relocating it 50' towards the center of the right of way will minimize the storm damage as it will be away from the falling tree limbs. Relocation will allow Central Hudson to remove the old line and put in a new one. Rebuilding will meet all current codes and standards, new line will be linked to the Tinkle town sub-station. This new line will last for the next 100 years, and is very important for the area.

Mr. Greg Lieberman, Central Hudson's Environmental Consultant was next to speak on the behalf of the Central Hudson. He stated that there are 11 wetlands and 4 streams in the path of new lines. Majority of work will avoid wetlands in Pleasant Valley. Gas lines will be avoided too.

As far as visibility is concerned the poles will vary in height about 55-75 feet high. The work will be contained to isolated areas without the need for major excavation. The limit of excavation work is drilling holes and putting poles in them. The clearing work that has been performed by Central Hudson is not tied to this project but rather

maintenance work that was done in 2009-2014. All the clearing was done with the approvals of DEPS.

The Chair informed the applicant that as they are going into wet lands they will have to apply for wet lands permits. The Chair invited Planning Board Engineering Mr. Pete Setaro for his comments.

Mr. Setaro referred to his letter of December 2, 2015 (attached) stating that, the plans should be revised to clearly show existing conditions; and reflect the proposed extent of disturbance, improvements, stabilization and mitigation measures to support in the full EAF Part 1.

The Chair explained the public hearing procedure:

1. Transcripts of the public hearing will be forwarded to both towns. Responses from Central Hudson will be a matter of public record. Tonight's public hearing will not be closed but will be adjourned. She further added that all concerns can be forwarded to the Board in writing by December 16th 2015.
2. She further informed the audience that this is not a debate just a hearing
3. The Chair noted that Town of LaGrange Planning Board members are present to hear the concerns of Pleasant Valley residents, once all comments are collected they will be forwarded to the applicant for their responses.

A motion was made by the Chair to open the public hearing for Central Hudson G line, and motion was seconded by Ms. Eileen and was approved 6-0.

Note here-this should be the transcript.

Mr. Arthur J. Sirois of 117 Valley View Road, was first to share his views/comments. He stated that he has lived in his present house for last 45 years, there used to be wildlife/birds around me, I had beautiful surrounding. All my Cedar trees were cut off, to me it was an environmental damage, along with the cedar trees all the birds went away. My fence was taken down six years back, and it still to date and was never replaced. I am a victim of Central Hudson, my family has moved, I wonder if I will ever be reimbursed for all the damage down to my place and my tranquility.

Next resident to share his comments was Mr. Richard Barrett, of 151 Pleasant View Road. "I have lived in Pleasant Valley since 1977. Present lines were put in in the 1930's during that period only part that was cleared was 75'. It is true the right of way was 150', Central Hudson uses 70'. Things changed in 2009. Public service commissioner Mike Galuchi threatened me, that this was not a routine tree trimming. This is not a critical area line. Line should be kept towards the edge of the right of the way as far as possible. They damaged the property 500 feet of fence was destroyed, stumps were left in the ground, they cut down the rose bushes, and told us that the central Hudson is not

responsible for replanting the trees. I spent time and money on clearing up but was never compensated for any damage. Have the Central Hudson presented the board with any reports or data of how many outages there have been so far, how many times the lights went off, how often has the 'G' line been off because of a tree following on it. I would like to see that documentation. Relocate the poles, taller poles not only taller poles but will be on higher ground. These poles will be above tree line, thus creating a bigger visibility impact. After the 2009 trimming, nothing was done for 6 years, mud and dirt was left all around for years, what if someone trips over a stub and gets hurt on my property I will be liable for that."

Mr. Arthur Sirois added: "We continue to pay taxes but get no enjoyment out of the property which we keep paying taxes on."

Mr. Gerard N. Walker, of 94 Pleasant View Road, wanted to know if any construction documents was available.

Mr. Cassaro replied that "not now, everything is shown on the profile."

Mr. John Nicholson of 132 Pleasant View Road, shared following views: "I understand that Central Hudson has a right of the way, I have one pole on my property which is not too bad, now I get a letter from Central Hudson, stating that regular clearing will be done, all if a sudden I see top of the trees cut off. I was concerned therefore, I called the Central Hudson. They talk about minimal visibility impact. There is a mess of cut trees, and trunks laying on the ground. I understand that things need to be upgraded. But it seems that everything is geared to be most cost effective to Central Hudson. Why don't they look at the fact of putting the line inside the ground? If they move the poles in the middle of the right of way the pole in my property will be set on a hill. Board should consider balancing the needs of utility company with the residents. I will have to look at the pole for the rest of my life, I would like the pole to be on the property line rather than being in the center of it."

The Chair reiterated on the fact that all comments will be recorded. She further informed that the residents can give in their views/comments/grievances in writing by December 16th 2015.

Mr. Sirois wanted to know why by 16th, why can't it wait?

The Chair replied that as the Town of LaGrange Planning Board have Central Hudson Public Hearing was scheduled for December 17th 2015, so the Board would like to have all comments before that date.

Mr. Pete Setaro added that there will be an opportunity for all to respond to the written answers received from Central Hudson.

Mr. Gordon informed the residents that this process will go on for months.

The Chair further added that the public hearing can be adjourned couple of times to accommodate the residents to voice their concerns.

Ms. Gross asked what if the comments from Central Hudson were not back by the January 12, 2016 Planning Board Meeting.

The Chair, Ms. Seaman stated that in this case the public hearing will be adjourned again. For to the 2/12/16 Planning Board meeting.

A motion was made by the Chair to adjourn the Public Hearing, and motion was seconded by Mr. Mackay and was approved 6-0.

Mr. Anthony Morando invited the Planning Board members to offer their comments.

Ms. Eileen Quinn commented that people who spoke, seem to have their property impacted negatively. She wanted to know if the residents contacted the Central Hudson, also if the Central Hudson came back to the residents, also if their concerns were ever addressed.

Mr. Gordon commented that heavier pieces of timber which were cut were still lying on the ground, this is cutting not clearing.

Ms. Eileen wanted to know if clearing was done inside the right of way.

Mr. John Nicholson commented that due to power outage in Ohio, Central Hudson was required by the Federal Government to clear the right of way, but they cut and not had cleared all the debris was left lying around, they left piles of debris.

Mr. Sirois complained that his easement was violated.

The Chair commented that the stretch of houses that are very close to the power lines may have to be reviewed. Plans should be designed with the individuals in mind. We would like to address that.

Mr. Richard handed out copy of an article printed in Times Herald Record dated September 29, 2010 (attached).

Ms. Gross wanted to know that with all these complaints did Central Hudson ever come back to look at the damages done?

Mr. Sirois reply was that they did come out to have a look but did nothing about it.

Ms. Gross commented that the Central Hudson did not perform their duty. They had an obligation to keep the property clean.

Mr. Robert Randell of 156 Pleasant View Road, added that "They cut 25' deep into my property. When I called Central Hudson they told me no one was supposed to be there".

The Chair said that there needs to be a method of contacting the land owners, as the town has been facing the issue of residents being disturbed by what Central Hudson describes as normal maintenance of normal clearing.

The Chair informed everyone that though the residents commented after the adjournment of the public hearing, they will still be on the records. She once again announced that the Town of LaGrange Planning Board meeting Public Hearing will be held on December 17th 2015 at 7 p.m. All comments, once incorporated will be posted on the web site.

A motion was made to close the 12/8/15 Planning Board meeting, was seconded by Mr. Gross and was approved 6-0.

Group gets tree-cutting suspended

Move by O&R was upsetting local residents

BY JOHN SULLIVAN
Times Herald-Record

CHESTER — Residents relieved by a hiatus in tree-cutting in their backyards can thank the Lorax Working Group for helping stave off the carnage.

Deriving the name from the book by Dr. Seuss, members of the group purport to speak for the trees.

"This was sheer nonsense," said Marvin Baum, a Rockland County resident and member of the tree advocacy group, of recent tree-cutting by Orange and Rockland Utilities along transmission line rights-of-way in Sugar Loaf.

Baum's group helped the Town of Chester draft a law challenging the utility's actions, which were taken under a new state law enacted in 2005.

Representatives of the group also are reaching out to the local news media to edu-

cate mid-Hudson Valley residents on what they might do to fight chainsaws headed their way.

"If it wasn't for the (Lorax Working Group), it would have taken us a lot more time to get informed," said Chester Supervisor Steve Neuhaus. "And time was critical, because their machines were ready to go."

The federal government changed its laws on the "vegetative management" of power line rights-of-way after 2003, when a sagging transmission line in Ohio touched a tree, creating a series of blackouts. New York passed its "Enhanced Transmission Right of Way Management Practice" in 2005, triggering utility companies to chop down any tree posing a threat to a power line, no matter how remote.

O&R implemented the new policy for the first time in Orange County this summer, triggering fury from homeowners, who complained of devastating changes to their yards and property values.

The new town law has effectively halted the cutting for

now, as Chester residents enter the statewide debate over the new rules. The towns of Warwick and Blooming Grove, which also have properties along the utility's rights-of-way — typically 50-feet on each side of the transmission line — need to be warned, the tree advocates said.

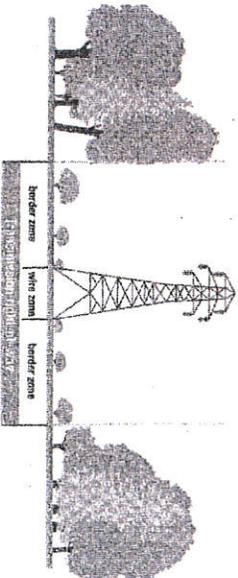
Few Orange County residents know, for example, that Consolidated Edison, which owns O&R, modified its tree-cutting policy in 2008 after intense opposition.

When asked about this alternative for Chester residents, O&R spokesman Mike Donovan said it applies only to properties that have landscaped or developed in the transmission line right-of-way. Those whose yards remain wooded will not be able to save the trees, he said.

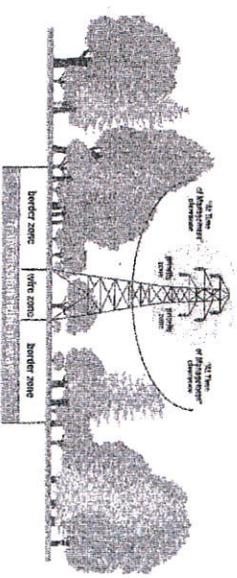
Baum said the utilities are motivated more by cost-cutting than protecting the interest of property owners. "If you cut down the trees, then three years later, all you have to do is just mow the grass," he said.

jsullivan@h-herald.com

Existing Plan



Modified Plan



Diagrams provided by the Lorax Working Group

Homeowners with trees in a Con Edison, Orange & Rockland utility transmission line right-of-way have the option to request a less invasive tree cutting plan. The existing plan requires all trees within rights-of-way that can grow to reach power lines must be cut down. The alternative, or modified plan, would only trim those trees, so their branches stay out of the transmission line's priority zone. Utility officials said the alternative plan only applies to homes that have landscaped or developed within their rights-of-way.