

**ZONING BOARD OF APPEALS – MINUTES OF MEETING**  
**Wednesday, July 27, 2016, 7:00 p.m.**

The regularly scheduled meeting of the Pleasant Valley Zoning Board of Appeals was held on July 27, 2016, at 7:00 p.m. at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, NY.

Chairman: John J. Dunn  
Board Members present : Tim Gerstner  
Stephen Kish  
Robert Maucher  
Michael Schroeder  
Sharon Wilhelm

Board Member absent : Kathy Myers  
Consultant: James Nelson, ZBA Attorney  
Staff: Sonia James, Secretary

Chairman Dunn called the meeting to order at 7:01 p.m. and explained the procedure: all testimony will be taken under oath or affirmation; once applicants have presented their cases, the Board will hear comments from the public, after which the public portion of the hearing will be closed and any additional appeals will be heard; after all appeals have been heard, the Board will discuss and vote on each one.

A motion made by Chairman Dunn to go into Executive Session was seconded by Mr. Schroeder and approved 6-0.

A motion made by Mr. Schroeder to come out of Executive Session was seconded by Mr. Dunn and approved 6-0.

**Area Variance – Appeal # 1007**

**Applicant: Eli M. Dow**

**Grid #: 6463-02-766841      Zoned: RR**

**Location: 26 Rossway, Pleasant Valley, NY**

Application for two Area Variances: (1) relief from the 50 ft. minimum road frontage requirement; and (2) relief from the minimum sight distance requirements for a posted 40 mph roadway.

Chairman Dunn provided proof of the following:

1. the Affidavit of Publication in the Poughkeepsie Journal
2. a list of neighbors to whom certified letters were sent

3. memos from Michael White, Pleasant Valley (PV) Zoning Administrator, and Kurt Gardner, PV Highway Superintendent

Chairman Dunn stated that the request for a road frontage variance of 18.22 ft. would be discussed at this meeting, but the matter of the sight distance variance should be adjourned until the regularly scheduled August 17<sup>th</sup> meeting of the ZBA in order to give engineers for the Town and the applicant an opportunity to find a solution to the sight distance problem. The applicant and the Board were in agreement.

Matthew J. Griesemer, attorney for the applicant, provided the following information:

- a variance is needed to use a building permit for a new single family home that is otherwise prevented due to an existing non-conforming lot with road frontage below the 50 ft. specified in the Zoning Code
- the 9.41 acre lot was purchased by Mr. Dow in September of 2015
- Rossway Road is the only access to the property
- the applicant has taken the position that it is an existing driveway, a fact that Mr. Griesemer said has been acknowledged by the Zoning Administrator
- except for the driveway area, the property is surrounded by rock walls
- the driveway will be resurfaced when construction is completed
- since the driveway is similar to other driveways in the area, it will not change the character of the neighborhood
- the previous tenant's use of the property required that horse vans use the driveway to enter and exit the property, and there were no reported safety issues

Chairman Dunn opened the public hearing and the following members of the audience were sworn in to testify regarding the road frontage variance:

- Walter Cronk of 32 Rossway Road, PV, spoke in favor of granting the variance to Mr. Dow. He also stated that when horse trucks entered or left the property, there was a flagman on Rossway Road. Chairman Dunn assured him that a flagman would be posted on the road when construction trucks enter or exit the property.
- Michael Buzzetti Kess of 9 Oxford Road, PV, testified that he has been in and out of that driveway numerous times and, since he has never had any visual concerns, he is in favor of granting of the variance.
- Sergey Katsev of 127 Rossway Road, PV, testified that he has

been driving up and down Rossway Road for the last 10 years and has never had any problem because there is plenty of visibility; he was in favor of granting the variance.

-Christopher Zorda of 132 Cardinal Road, Pleasant Valley, testified that he has been in and out of the said property numerous times, never had any problems turning in either direction, and was in favor of granting the variance.

Mr. Griesemer informed the Board that there was a file at the PV fire house regarding the premises, and fire trucks have had no problem using the driveway.

A motion made by Mr. Maucher to adjourn the public portion of the hearing was seconded by Mrs. Wilhelm and approved 6-0.

Mr. Kish asked if Mr. Dow knew about the road frontage and sight distance requirements before he bought the lot. Mr. Griesemer answered that Mr. Dow did contact the Town and was informed that there were no problems with the parcel.

The attached resolution to grant the variance of 18.22 ft. area road frontage was read by Chairman Dunn, whose motion to approve the resolution was seconded by Mr. Gerstner and approved 6-0.

**Area Variance – Appeal # 1008**  
**Central Hudson Gas and Electric “G” Line**

Height Variance requested from Pleasant Valley (PV) Zoning Law sections 98-12 and 98-13A to allow a maximum height of 75 feet for monolithic poles to be erected on the “G” Line North Electric Transmission Line.

Chairman Dunn provided proof of the following:

1. the Affidavit of Publication in the Poughkeepsie Journal
2. a list of adjacent land owners to whom certified letters were sent
3. a letter from the Dutchess County Planning Board indicating that the appeal is a matter of local concern
4. the posting on the Town website

Anthony Morando, attorney representing Central Hudson (CH) introduced members of his team: Gary Cassaro, CH Project Manager, Michael Campagna, CH Transmission Design Engineer, and Greg Lieberman, CH Environmental Consultant.

Mr. Morando then made the following points about the project:

- it is 8 miles long, 3.6 miles of which are in PV

- it enters PV from the south at the Town of LaGrange line and ends at the Tinkertown substation
- an aerial map was included with the public hearing notice sent to adjacent land owners
- the present lines are almost 80 years old, having been built in the 1930's and 1940's, and since the wooden poles are deteriorating, the line is ready for upgrade/replacement
- the new line will be built according to current standards, with non-corrosive steel monopoles
- using monopoles will reduce the number of poles by 7% in PV and overall by 17%
- Central Hudson has a 150 ft. right of way; the current line is closer to the west edge, and relocating it 25 ft. towards the center of the right of way will minimize storm damage from falling tree limbs and allow CH to remove the old line and put in the new one
- rebuilding will meet all current codes and standards; the new line will last for the next 80 plus years
- there will be no voltage change; it will remain at 69kw
- on June 8, 2016, CH requested a height variance from the Zoning Administrator, and would like the Board to focus on that appeal, leaving the Planning Board to take care of the site plan
- a coordinated SEQR review was done by the Town of La Grange with input from the Town of PV; LaGrange assumed lead agency status, and a negative recommendation was adopted on July 12, 2016

Gary Cassaro, CH Project Manager, was sworn and summed up the various aspects of the "G" line project:

- the "G" line is an existing transmission line that moves bulk power from the grid to the substations, to two or more distribution lines, and on to users
- all poles will be uniform in design and appearance, constructed of steel with new conductors, and of varying heights (52 ft. to 75 ft., an increase of an average of 10 ft. to 15 ft.) that depend upon various factors, like terrain, topography changes, gas pipe lines, etc.
- the present line, built in 1930's, has proven to be vulnerable to damage from storms, lightening, and falling tree limbs
- the new line will be moved 25 feet towards the center of the right of way
- the number of poles has been reduced, thus improving the visual impact
- the line must be designed for worker safety
- the poles have to be in a straight line, with conductors imposing balance to the poles; the span of the arms of the new conductors is much shorter, with the lightening line well above the current

line; a 30 degree cone under the lightening line is protected

Chairman Dunn expressed the opinion that reiteration of technicalities will not influence the Board's decision. Mr. Morando responded that they are presenting all of the technical information in order to inform the Board that the pole height was just not arbitrarily raised, there are technical and safety reasons behind the height increase.

Mr. Kish wanted to know if the old poles will be removed from the premises, and Mr. Morando responded that they will be removing all of the old poles.

Greg Lieberman, CH's Environmental Consultant, was next to speak on the behalf of the CH. He stated that they reviewed the potential effects on the environment and, after assessing photos from 80 different angles, came to the conclusion that there is no substantial change in the scenery.

Mr. Kish inquired if the Town of LaGrange had any problem with the height of the poles, and Mr. Morando said that they will be appearing before the Town of LaGrange ZBA for a height variance.

Mr. Lieberman provided additional information for the Board's consideration:

- there are 11 wetlands and 4 streams in the path of new lines; the majority of work will avoid wetlands in PV; gas lines will also be avoided
- the poles will vary in height from about 55 ft. to 75 ft.
- there will be no need for major excavation; excavation work is limited to drilling holes and putting poles in them
- the clearing work that has been performed by CH, all of which was done with the approval of the DEPS, is not tied to this project, but rather maintenance work that was done in 2009-2014

Chairman Dunn opened the public portion of the meeting.

Richard Barret of 151 Pleasant View Road, PV, was sworn in and made the following points:

- he lives right where the line takes a turn and since CH cleared additional land in 2009 for their right of way, he sees 2 poles
- the graph (attached) he handed out to the Board shows that the current pole heights provided by CH include the portion of the poles buried in the ground, whereas the height of the new poles does not include the buried portion, therefore increasing the variance needed from 10 ft. - 15 ft. to 17.5 ft. - 22.5 ft.

Mr. Campagna asked to look at the graph and was curious as to where Mr. Barret got this information.

Mr. Maucher wanted to know how CH determines the height, and was told that CH uses a laser to calculate height.

Mr. Barret said that now that the new poles will be 25 ft. closer to his house, he has concerns that the voltage will be raised from 69kW to 115kW.

Mr. Kish commented that that is the risk we take when we buy property in the right of way.

Mr. Barret further commented that, unfortunately, the Town of LaGrange went thru the SEQR process relatively quickly and did not provide a chance for Town of PV residents to offer their opinions.

Chairman Dunn wanted to know why the pole heights were raised. Mr. Morando explained that this was the reason Mr. Cassaro was going into technical details, and that during the SEQR process, which started in December 2015 and went on for months, all those issues were addressed.

Mr. Barret added that he worked for CH for 41 years and reiterated his contention that although CH states that there will be a height increase of about 10 ft. - 15 ft., that is only from the ground up, making the actual increase 17.5 ft. - 22.5 ft.

Mr. Morando added that 10-15' height increase is an average increase, since the height of the poles will vary. He also added that with new poles in place, Mr. Barret will have only one pole close to his house.

Sheila Walker of 94 Pleasant View Road, PV, was sworn in. She asked if the pole slated to be erected on her property is 70 ft. from the ground up, and was told that the 70 ft. is, indeed, from the ground up. She also wanted to know the specific location of the pole, and CH representatives assured her that after the meeting they would show her the placement of the pole.

Ms. Walker further added that too many people were "ticked off" when CH did the clearing in 2009.

Michele Foriska of 95 Drake Road, PV, was sworn in, and said that she, too, wanted to know the placement of poles on her property. She was also told to by CH representatives that they would help her with that information.

Robert Renda of 156 Pleasant View Road, PV, was sworn. He stated that he lives in a residential area, and no one will be comfortable having 75 ft. high poles in their backyards, to which Chairman Dunn commented that he does not think anyone on the Board has the knowledge necessary to ask CH to bring the height down.

Mr. Renda said that they cleared his property but never cleaned up the debris. Mr. Kish stated that he has poles on his property and gets notifications from the CH whenever clearing is being done. He commented that it would be good community service for CH to clean up the area, and that he would like to see them be more sympathetic.

Mr. Morando responded that they have already addressed these issues and reminded the Board to focus on the height variance, to which Chairman Dunn stated that the ZBA has to look out for PV residents and although he understands the need for the pole replacement, he would appreciate it if CH increased its public relations efforts.

Mr. Nelson reminded the Board that the subject of clearing is an on-going discussion, and the issue has yet to be resolved.

Mr. Morando stated that they did not want to debate this issue; CH is a professional entity responsible for its project.

Mr. Maucher wanted to review the minutes of the PV Planning Board meetings held over the past months.

Mr. Morando again reminded the Board to keep their focus on the height variance.

Mr. Schroeder stated that he has to get the Town's permission to cut trees from his property, and asked if CH needed to ask for the Town's permission for the clearing they do.

Mr. Cassaro informed him that CH does not need the Town's permission; they have to get permission from the NYS Public Service Commission.

Mr. Nelson asked the Board if they were planning to adopt a Resolution.

A motion made by Chairman Dunn to poll the Board on whether they were ready to vote on the Resolution was seconded by Mr. Kish and approved 4-2.

The public portion of the meeting was closed.

The Resolution was read by Mr. Nelson.

The motion made by Chairman Dunn to approve the attached Resolution to grant the height variance requested by Central Hudson to allow a maximum height of 75 feet for monolithic poles to be erected on the "G" Line North Electric Transmission Line was seconded by Mr. Kish and approved 4-2.

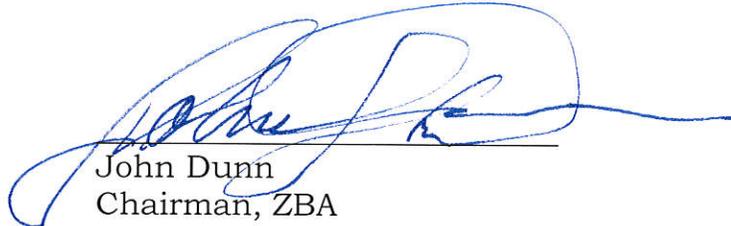
A special request was made by Mr. Morando, asking the Board to facilitate the process if CH needs an extension of the project starting time. They were informed by Mr. Nelson that they will be able to do so.

**Other Business:**

A motion made by Chairman Dunn to approve the June 15, 2016 minutes was seconded by Mr. Kish and approved 4-1, with 1 abstention.

Chairman Dunn's motion to adjourn the meeting at 9:58 p.m. was seconded by Mr. Gerstner and approved 6-0.

Approved by:

  
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John Dunn  
Chairman, ZBA

Dated:

11/4/16