

October 19, 2007

Dean Stickles
Village of Walden
1450 Route 300, Suite 1
P.O. Box 3228
Newburgh, NY 12550

**SUBJECT: WM TRANSMISSION LINE REBUILD PROJECT
CENTRAL HUDSON GAS & ELECTRIC CORPORATION
SPECIAL EXCEPTION USE AND SITE PLAN APPLICATION**

Dear Mr. Stickles:

Thank your for your memorandum of June 6, 2007 providing comments on the above-described application. Central Hudson Gas & Electric Corporation (CHG&E) respectfully submits responses to your memorandum as follows:

SITE PLAN APPROVAL

1. **Comment:** §148-56 F outlines the requirements for the “Site Plan” map and should be referenced by the applicant in their future submittals unless waived by the PB. This includes items such as, but not limited to:

- Section, Lot, and Block of properties being developed
- Property boundaries
- All streets within 200 feet
- Location and width of all easement and right of ways
- Zoning district boundaries and applicable dimensional regulations
- Key map
- Existing topography, 2-foot intervals, USGS datum [USGS uses 10m intervals]
- Existing site features
- Exact dimensions and locations of proposed work
- Existing and proposed culverts and storm drainage
- Existing and proposed utilities
- Erosion control Measures

- Landscaping Plan
- Any other information deemed appropriate by the Board, likely to include, but not be limited to, details and elevations of proposed poles to understand and assess potential visual impacts.

Response: To address the §148-56 F requirements for the project site plan, and to clearly depict the information requested, CHG&E proposes to provide the following:

- ATTACHMENT A: Figure 1, Central Hudson Gas & Electric, WM Transmission Line Rebuild Project, Existing ROW and New ROW, which addresses the requirements of parts (5), (6), (10), (13), (14), and (15) of §148-56 F;
- ATTACHMENT B: Figure 2, WM Transmission Line Rebuild Project, Village of Walden Zoning Districts, which addresses the requirements of parts (5), (6), (8), (10), (13), (12), (14), and (15) of §148-56 F;
- ATTACHMENT C: Figure 3, WM Transmission Line Rebuild Project, Limits of Property Easements and associated Table C-1, WM Transmission Line Rebuild Project, Directly Affected Property Owners, which address the requirements of parts (1), (2), (5), (6), (9), (10), and (13) of §148-56 F; and
- ATTACHMENT D: Environmental Management and Construction Plan (EM&CP) for the WM Transmission Line Rebuild Project, which addresses the requirements of parts (23) and (25) of §148-56 F.

These attachments present information relevant to a transmission line rebuild project. Other information requested by §148-56 F is not appropriate to this project; therefore, we are requesting that the Planning Board waive such provisions.

Under § 148-56G, the Zoning Code allows waivers from providing certain of the information required above if the information is inappropriate or unnecessary or would cause extraordinary or unnecessary hardship. As you know, CHG&E is proposing the rerouting of its WM Line within the Village of Walden. CHG&E requests a waiver of the following site plan map requirements:

- Existing topography, 2-foot intervals, USGS datum [148-56(F)(14)];
- Existing and proposed culverts and storm drainage [148-56(F)(18)];
- Existing and proposed utilities [148-56(F)(19)]; and
- Landscaping Plan [148-56(F)(25)].

All of these items, in the context of the WM Line Rebuild Project, are unnecessary details. Since poles will be installed as the primary aspect of construction of the rebuild project, topographic details and culvert and drainage information is not relevant to this work. Similarly, this is not a subdivision where potential connection to sewer or water mains is important. Finally, as noted in the response to Comment #2 below in the context of Article XII (Trees and Subdivision and Site Plan Processes) of the Zoning Code, normal landscaping cannot be part of a utility line. Consistent with PSC directives, in order to ensure reliability of CHG&E's transmission lines, screening plantings or landscaping are inappropriate for this Project.

In this instance, granting a variance will not have a detrimental effect on the public health, safety or general welfare or have the effect of nullifying the intent of the site plan submission, the Village's master plan or the site plan requirements in the Zoning Code. To the contrary, granting the variance will allow CHG&E to move forward in its application process with the Village which will have the beneficial effect of removing pole structures from some individual residences in the Village.

2. **Comment:** ...the applicant will need to address the requirements of *Article XII Trees and Subdivision and Site Plan Processes* including identification of trees and preparation of a tree plan in accordance with the Article

Response: The original intent of the Tree Law (as demonstrated in the Tree Law itself as well as the Comprehensive Plan) was not meant to include utility lines. This is best reflected in the prefatory language in Article XII (where it mentions utility lines). The law applies to subdivision and other developments where trees will provide visual buffer as opposed to presenting a danger to electric transmission lines and potentially impacting the ability of CHG&E to provide an essential service to the community.

CHG&E cannot install screen plantings. CHG&E must keep the right-of-way sufficiently clear to maintain the reliability of the transmission line. Existing buffers, such as low-growing shrubs, will be maintained to the greatest extent possible. Please see the Long Range Vegetation Management Plan enclosed as ATTACHMENT G. The purpose of the LRVMP is to identify methods to assure the integrity of the transmission line while encouraging low-growing vegetation in the ROW and protecting the quality of sensitive resources and existing land uses. The LRVMP details CHG&E's transmission line inspection and maintenance procedures, vegetation management techniques, and program implementation and monitoring procedures.

Please also see ATTACHMENT D, EM&CP, which clearly outlines CHG&E's procedures for avoiding, minimizing, and/or mitigating construction impacts to sensitive resources.

3. **Comment:** EMF field impacts

Response: Please see the August 21, 2007 memorandum from Michael Spector, Assistant Engineer, Electric Transmission Planning, for CHG&E enclosed as ATTACHMENT E

4. **Comment:** Visual impacts

Response: CHG&E is currently engaged in a consultation process with the OPRHP. An Architectural Survey is in process and will be submitted to the OPRHP upon completion. When CHG&E receives the formal determination of impact from the OPRHP, we will provide it to the Village.

Independent of the documentation to be provided to the OPRHP, we have generated 2 photo simulations in the Village of Walden that demonstrate the visual distinctions between the existing and proposed transmission facilities at the intersection of Elm Street

and Coldenham Road and on Edmunds Lane near the Big Apple Circus. These photo simulations are enclosed as ATTACHMENT F.

In the Village of Walden, there has been significant encroachment onto the transmission line ROW from residential development. The WM Transmission Line Rebuild Project will eliminate these encroachments and place the line in less populated areas. Poles and structures on the existing ROW will be removed, resulting in an improved visual landscape in these residential areas. The project is not expected to have a significant visual impact along the new ROW. Although the new poles are approximately 10 feet higher than the existing poles, there is virtually no visual difference. There will be a minor incremental change in visual effect from the taller poles. However, the profile of the new poles is simpler and more streamlined, thereby reducing the visual impact. The WM Line is adjacent to the Walden Community Park, west of the Wallkill Valley Cemetery and south of Highway 52. There could be minor visual impacts to the park. However, the transmission line is located outside of the park on the Crist Brothers Orchard property, and the forested parkland effectively screens the pole structures. In addition, this alignment removes the transmission line from the Wooster Memorial Grove Park, thereby reducing direct impacts to parkland.

5. **Comment:** Tree Plan

Response: Please see the response to Comment #2 above.

6. **Comment:** Summary of properties directly affected by new ROW and withdrawal from old ROW

Response: Please see ATTACHMENT C, Figure 3, WM Transmission Line Rebuild Project, Limits of Property Easements and associated Table C-1, WM Transmission Line Rebuild Project, Directly Affected Property Owners

If you have any questions, feel free to contact me at (845) 486-5461.

Sincerely,

Karl Schoeberl
Project Manager, Environmental Affairs
Central Hudson Gas & Electric Corporation

Cc: James H Fitzsimmons, Village of Walden; John Brown, Town of Montgomery; Kevin Bernstein, Bond Schoeneck & King; Tetra Tech EC, Inc.

ATTACHMENTS

- ATTACHMENT A Figure 1, Central Hudson Gas & Electric, WM Transmission Line Rebuild Project, Existing ROW and New ROW
- ATTACHMENT B Figure 2, WM Transmission Line Rebuild Project, Village of Walden Zoning Districts
- ATTACHMENT C Figure 3, WM Transmission Line Rebuild Project, Limits of Property Easements and Table C-1, WM Transmission Line Rebuild Project, Directly Affected Property Owners
- ATTACHMENT D Environmental Management and Construction Plan for the WM Transmission Line Rebuild Project
- ATTACHMENT E August 21, 2007 memorandum from Michael Spector, Assistant Engineer, Electric Transmission Planning, for CHG&E
- ATTACHMENT F Photo Simulations in the Village of Walden
- ATTACHMENT G Long Range Vegetation Management Plan