

Attachment C
WM Transmission Line Rebuild Project
PROJECT NEED AND SPECIAL EXCEPTION STANDARDS
Town of Montgomery, NY
Special Exception Use Permit

The existing WM Line was constructed more than sixty years ago and is a 12-mile single circuit 69 kV Line from the East Walden Substation to the Rock Tavern Substation in the Town of New Windsor. Due to its age and because it is rapidly approaching capacity limits as a result of growth in the area the WM Line must be reconstructed.

In addition, there has been significant encroachment near the transmission line. Easements were obtained for the construction of the WM Line in the early 1900s. These easements conveyed the right to construct, operate, and maintain the transmission line but did not include a specific right-of-way (ROW). Approximately two miles of the existing northern section traverses an area of the Village of Walden that has been subject to considerable development since the line was first built, resulting in structures erected close to or under the WM Line. There has been similar development around the line in the Village of Montgomery area. In the course of an alternatives analysis for a route for this line Central Hudson Gas & Electric Corporation (CHG&E) viewed this as an opportunity to relocate the WM Line in selected locations to eliminate these encroachments and place the line in a more appropriate location, one that will fit in better with existing and future land uses in the community.

The existing structures consist primarily of wood poles. The wood poles to be removed would be cut off near ground level or completely removed. The poles will be disposed in accordance with New York State solid waste regulations. It is anticipated that replacement structures will consist mainly of weathered steel poles with either side post insulators or davit arms. In some locations concrete spread footers or caisson foundations will be installed. The caisson holes will be constructed using either a rock drill or an auger to minimize excavation disturbances.

All project construction will be conducted in accordance with an Environmental Management and Construction Plan that will be developed for the project. CHG&E typically will use low ground pressure tracked equipment for most construction activities or will use temporary timber matting or any of numerous commercially available or improvised matting materials when necessary to minimize impacts to environmentally sensitive areas.

Conditions and Standards

Under Town of Montgomery Code Sections 130-40-20 and 130-40-30.34, the Town has established certain general standards and special conditions and safeguards for the Planning Board in connection with its review of a Special Exception Use Permit

Application. CHG&E provides the following information in response to these guiding principles and special condition and safeguards:

(a) CHG&E anticipates significant growth in the southern section of Orange County and is responding by increasing the reliability in this area. As such, the WM Line Rebuild will be in harmony with and promote the general purposes and intent of the Town's Zoning Code as set forth in Section 20, Declaration of Purpose.

(b) The proposed WM Line ROW is sufficient, appropriate and adequate for the use and reasonably anticipated operation and expansion thereof. As described above, structures will be replaced, new structures will be installed, new ROW will be acquired and cleared where necessary, and the existing ROW will be improved.

(c) The proposed use will not prevent the orderly and reasonable use of adjacent properties. In accordance with Public Service Commission rules and regulations and consistent with CHG&E policy, the WM Line ROW must remain clear and accessible for the purpose of maintenance and operation. CHG&E will meet with directly affected property owners along the WM Line and will negotiate for acquisition of land in fee or easement sufficient for the Project ROW. Where possible, CHG&E will accommodate owner requests concerning pole placement and viewshed impacts.

(d) As indicated above, the Project ROW is suitable for the location of such use in the community.

(e) The characteristics of the proposed use are not such that its proposed location would be unsuitably near a place of public assembly. Based on a desktop review of the USGS Geographic Names Information System of the project area and field reconnaissance, the closest place of public assembly, an educational institution, Valley Middle and High School, is located less than one-half mile from the WM Line ROW. However, since the segment of the WM line near this school is being rebuilt on the existing transmission corridor, along an undeveloped portion of the property, and the profile of the new poles, although higher, is simpler and more streamlined, the transmission line is not expected to have a negative visual impact on the school.

(f) and (k) The proposed use conforms to the chapter definition of the special exception use and will meet the special conditions and safeguards required under Section 130-40-30.34 which requires that, "All buildings, structures or equipment installations, exclusive of transmission lines shall be at least 50 feet from any property line." (emphasis added), and that, "Outdoor installations shall be adequately fenced and screened."

(g) and (h) Access roads will be adequate to support the construction and maintenance vehicles required to install, operate, and maintain the proposed use, will not be available for use by the public, thereby assuring public safety and safe operation, and will not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.

(i) The natural forested landscape will provide adequate screening along portions of the WM Line route. However, due to the height and type of structures used on the Project, it will not be possible to buffer and/or screen the transmission line from all adjacent properties and land uses. The design of the line is such (weathered steel poles slightly taller than those that currently exist) that visual impacts are mitigated to the greatest extent possible. Furthermore, the proposed route minimizes visual impacts as compared to some of the alternatives that were considered

(j) As indicated above, adequate provisions will be made during construction and operation to protect environmental resources. This includes the preparation of an Environmental Management and Construction Plan to mitigate construction impacts. The WM Line will be operated and maintained in such a manner as to minimize any impacts to environmental resources. Once installation of the WM Line Rebuild is complete, CHG&E will conduct periodic vegetation maintenance along the ROW in accordance with an approved Vegetation Maintenance Plan.