

October 19, 2007

John Brown, Chairman
Planning Board
Town of Montgomery
110 Bracken Road
Montgomery, NY 12549-2627

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

Dear Mr. Brown:

Thank you for your letter of June 29, 2007 providing comments on the above-described application. Central Hudson Gas & Electric Corporation (CHG&E) respectfully submits responses to your letter, to the other comment letters received, and to issues discussed at the Town of Montgomery Planning Board meeting on July 17, 2007.

Town of Montgomery Planning Board letter dated June 29, 2007

1. **Comment:** Please be advised that the Town Board has recently enacted a new fee schedule for the Planning Board. All present applications are now required to have escrow accounts in place for a continued review of their pending projects.

Response: CHG&E has established an escrow account in the amount of \$8,000 for the review of the WM Transmission Line Rebuild Project.

2. **Comment:** We have no idea what the posts look like...We need to see details of the structures...

Response: Please see Figure 1, Proposed Typical Horizontal Post Structure, and Figure 2, Proposed Davit Arm Structure, enclosed as ATTACHMENT A. 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.

3. **Comment:** ...we do not know how they will impact approved subdivisions in the Village of Montgomery or a corner of Village @ Goodwill, what the difference of appearance is between the existing and proposed poles...If the poles are relocated out of villages along the alternative routes, additional town land is impacted.

Response: Please see Figure 3, Central Hudson Gas & Electric, WM Transmission Line Rebuild Project, Existing ROW and New ROW enclosed as ATTACHMENT B.

Approximately 0.31 mile of the existing and proposed route passes through the Village of Montgomery on existing ROW along the active Norfolk Southern Railroad tracks. It traverses a neighborhood business district and a residential district in the Village of Montgomery before it reaches the Montgomery Substation, which is adjacent to an apartment building. From the Montgomery Substation, the midsection route is proposed to proceed southeast on new ROW in the Town of Montgomery and along the western boundary of The Village at Goodwill planned subdivision. See the response to Comment #4 for additional information about the Village at Goodwill.

4. **Comment:** In the new cul-de-sac (Purple Heart Way) off Goodwill Road in the Village of Montgomery the utility poles are proposed to run directly through Montgomery Estates, a new subdivision now almost built out...We should have more detailed maps for areas like Village at Goodwill and Montgomery Estates.

Response: Please see Figure 3, WM Transmission Line Rebuild Project, Existing ROW and New ROW enclosed as ATTACHMENT B.

In the Village of Montgomery, there has been significant encroachment onto the transmission line ROW from residential development. In the course of an alternatives analysis for a route for the WM Line, CHG&E viewed this as an opportunity to relocate the transmission line in selected locations, such as the Village of Montgomery, 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. In addition, the proposed WM Line would no longer go through Montgomery Estates in the Village of Montgomery. The subdivision plans for the Village at Goodwill have been used to locate a preferred alignment through that subdivision and completely avoid the Montgomery Estates subdivision.

5. **Comment:** There is a preferred route, an existing route and several alternative routes...lines were laid across garages and between homes.

Response: Please see the Final Draft Alternative Route Analysis enclosed as ATTACHMENT N. An exhaustive alternatives analysis was performed by CHG&E and its consultants. Several preliminary alternate routes, including the existing WM Line alignment, were identified early in the process. They were initially selected as preliminary alternate routes because they represented routes that had the potential for taking advantage of various routing opportunities including the current location of the existing WM Line, transportation corridors including a local road and an abandoned

railroad corridor and, an existing transmission corridor. These preliminary alternate routes were reviewed in the field to determine if there were any routing constraints such that no further study was warranted.

The alternatives analysis was developed to compare the ecological, land use, cultural, visual, property and cost impacts of the existing WM Line route and the preliminary alternate routes, documenting the constraints and opportunities of each, and then determining which alternates were most compatible with the surrounding environment and resulted in the least adverse impacts. Underground and overhead alternates were considered, and alternative structure configurations and materials were analyzed. The analysis was thorough and resulted in the current proposed alignment of the WM Transmission Line Rebuild Project. The current proposed alignment utilizes existing ROW corridors and new ROW that removes structures from dense residential development to less populated areas.

6. Comment: What is the EMF impact?

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

HDR/LMS letter dated May 31, 2007

7. Comment: The references to the code are not current. The section of the code relating to this use is 130-40-30.34. The application as well as the project description should be revised to reflect current zoning regulations.

Response: Our understanding is that code section references are in the process of being converted. Nevertheless, CHG&E has modified the application, including the project description, to reflect the current zoning regulations. The revised application is enclosed as ATTACHMENT D.

8. Comment: Page 4 of 21 number 16 does not state whether wetlands are federal, state, or both. This should be indicated.

Response: This section of the EAF has been revised. The revised EAF is enclosed as ATTACHMENT E. Approximately 22.3 acres of federal jurisdictional wetlands will be within the Project ROW. Of these wetlands, one is also a NYSDEC wetland (approximately 1.7 acres within the Project ROW). The adjacent areas of 2 NYSDEC wetlands will be crossed by the Project ROW.

9. Comment: Page 6 of 21, number 16, letter c the location of where solid waste will be disposed of should be indicated..

Response: This section of the EAF has been revised. The revised EAF is enclosed as ATTACHMENT E. Old poles will be disposed of in accordance with Solid Waste regulations. CHG&E has existing contracts with approved waste haulers who go to facilities in NY state that are permitted to accept treated wood.

10. Comment: Page 8 of 21 number 25 the Planning Board of Montgomery will issue the Special Exception Use permit, not the zoning board. The Town of Montgomery will also give site plan approval...This needs to be noted within the EAF.

Response: This section of the EAF has been revised. The revised EAF is enclosed as ATTACHMENT E.

11. Comment: Projects Extents: The plan entitled “WM Transmission Line Rebuild Project”...does not show the entire project area within the Town of Montgomery...

Response: Please see Figure 3, WM Transmission Line Rebuild Project, Existing ROW and New ROW enclosed as ATTACHMENT B. Figure 3 depicts the entire existing and proposed alignments within the Town of Montgomery (also Villages of Walden and Montgomery).

12. Comment: Mapping Clarity: It is not clear on the plan presented which portions of the existing lines are to be replaced and where new alignments will tie into the old ones. All line types and symbols used on the plan should be shown within the legend.

Response: Enclosed as ATTACHMENT F are Figures 4a and 4b, which illustrate graphically the poles to be removed on existing ROW, the poles to be replaced on existing ROW, the poles to be erected on new ROW, and the configuration of distribution lines on existing and new ROW. The highlighted area on the figures does not represent the actual ROW.

13. Comment: Easements and Right of Ways: The plan does not show easements and Right-of-Ways along the project alignments in sufficient detail...

Response: Please see Figure 5, WM Transmission Line Rebuild Project, Limits of Property Easements, enclosed as ATTACHMENT G.

14. Comment: Cross-Sections & Details: No proposed cross-section or details of the proposed construction have been submitted...

Response: Please see Figures 6a and 6b, WM Transmission Line Rebuild Project, Typical Cross-Country ROW and Diagram of Typical Foundation, respectively, enclosed as ATTACHMENT H.

15. Comment: Drainage & Wetland Crossings: The applicant must identify all points of drainage ways or wetlands crossings along the proposed route...

Response: Please see the Final Wetland Delineation Report for the Central Hudson WM Line Rebuild, Orange County, New York, enclosed as ATTACHMENT I.

16. Comment: SWPPP or Erosion Control Details: If the disturbed area (i.e. clearings through wooded acres, access roads, site grading, etc.) of this project exceeds 1.0-acre in size then a full SWPPP is required...

Response: Please see the attached Environmental Management and Construction Plan (EM&CP) for the WM Transmission Line Rebuild Project enclosed as ATTACHMENT J. On past projects like this NYSDEC has interpreted the actual ground disturbance to be less than 1 acre; however, if necessary, the EM&CP contains all of the important elements that a SWPPP would contain for a project of this nature.

Karen Arent Landscape Architect memorandum dated June 5, 2007

17. **Comment:** Greater detail should be provided for that area where relocated transmission lines are proposed...

Response: Please see Figure 5, WM Transmission Line Rebuild Project, Limits of Property Easements, enclosed as ATTACHMENT G.

18. **Comment:** The proposed relocation visually impacts properties 33-1-34, 33-35.52, 29-1-37.2, 29-1-83.11, and 20-1-83.11. To mitigate visual impacts to the greatest extent practical, any vegetation that exists should be preserved between these properties and the transmission towers and lines...

Response: Please see the attached EM&CP for the WM Transmission Line Rebuild Project enclosed as ATTACHMENT J. Also enclosed as ATTACHMENT K is CHG&E's Long Range Vegetation Management Plan. Please see the response to Comment #19 below for additional information.

19. **Comment:** Greater detail must be provided to determine the best placement of towers where considering visual impacts. Where there will be foreground views of the towers from residential properties, evergreen tree screening should be provided to help mitigate visual impacts...

Response: 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 (LRVMP) enclosed as ATTACHMENT K. 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.

20. **Comment:** Will tops of towers or will maintenance shed be lighted?...

Response: There are no maintenance sheds, only existing substations, which will retain current security features and lighting. Poles will not be lighted

Orange County Department of Public Works letter dated June 18, 2007

21. **Comment:** It appears that only a short portion of the project (1000 Ft±) will be along County Road No. 4. The applicant will be required to obtain a County Highway Work Permit from the Orange County Department of Public Works under the provisions of Section 136 of the New York State Highway Law

Response: CHG&E will file the required application prior to commencement of construction.

22. **Comment:** The applicant will be required to stake the location of proposed utility poles along the County road No. 4 right of way for inspection and acceptance by the Orange County Department of Public Works prior to installation of the utility poles.

Response: CHG&E will stake the pole locations for inspection and approval.

Orange County Department of Planning memorandum dated May 23, 2007

23. **Comment:** The application lacks specificity with regards to what currently exist, and where the new ROWs, for which the special exception use permit applies. Although discussed in the narrative of the application, the submitted map provides no further detail in this regard...

Response: Please see Figure 3, WM Transmission Line Rebuild Project, Existing ROW and New ROW enclosed as ATTACHMENT B. Also enclosed as ATTACHMENT F are Figures 4a and 4b, which show the various reconstruction configurations of the poles, transmission line, and distribution lines on the existing and proposed ROW.

24. **Comment:** The submitted spreadsheets supply the names of the property owners within 300' and those within 500' of the rebuild project ROW, yet neglects to identify those property owners who will be affected by the newly proposed sections of ROW.

Response: The Special Exception Use Permit Application requires that the project proponent identify property owners within 300' and 500'. For property owners directly affected by the WM Line ROW, please see the revised spreadsheet of only directly impacted property owners enclosed as ATTACHMENT L; this spreadsheet corresponds to the property owners illustrated on Figure 5 enclosed as ATTACHMENT G.

25. **Comment:** Detail regarding poles which will be requiring the 5 ft addition in height, those which may be 10 ft more in height and those whose height remain unchanged should be provided.

Response: Please see the spreadsheet with pole height comparisons enclosed as ATTACHMENT M.

Town of Montgomery Historic Preservation Commission letter dated May 14, 2007

26. **Comment:** ...While the PC recognizes that this new line is necessary, Central Hudson states "that 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 HPC would then ask that the review process include some kind of mitigation to historic properties and historic preservation in the town.

Response: CHG&E is currently engaged in a consultation process with the OPRHP. The project's Phase 1A Cultural Resources Investigation has been filed with the OPRHP; the Phase 1B Archeological Survey Report is in process and will be submitted to the OPRHP upon completion; An Architectural Survey also 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 Town.

Town of Montgomery Planning Board Meeting on July 17, 2007

27. **Comment:** Provide total acreages taken in fee and taken by easement for the northern and southern sections, and midsection when available.

Response: In the Town of Montgomery, CHG&E currently anticipates acquiring approximately 5 acres in fee on parcel ID #14-1-38.2 owned by Crist Brothers. The remaining approximately 97 acres of ROW in the Town of Montgomery will be obtained as easements. Most of the transmission line ROW in the Town, for which CHG&E will acquire easement rights, is under the existing WM Line. Of the total ROW acreage in the Town of Montgomery, only approximately 22.3 acres are new ROW.

28. Comment: Provide graphic and tabular presentation, in miles, of various right-of-way configurations, structure type and heights, along preferred route and along existing ROW where existing transmission and/or distribution is being either removed or relocated.

Response: Enclosed as ATTACHMENT F are Figures 4a and 4b, which illustrate graphically the poles to be removed on existing ROW, the poles to be replaced on existing ROW, the poles to be erected on new ROW, and the configuration of distribution lines on existing and new ROW. Please see the spreadsheet with pole height comparisons enclosed as ATTACHMENT M.

29. Comment: Develop alternate alignments for Village at Goodwill.

Response: Please see the responses to Comments #3 and #4 above for information regarding the Village at Goodwill.

30. Comment: Arrange for an initial escrow account in the amount of \$5,000.00.

Response: CHG&E has established an escrow account in the amount of \$8,000 for the review of the WM Transmission Line Rebuild Project.

31. Comment: Provide a copy of the November 2006 Final Draft Alternatives Analysis.

Response: Please see ATTACHMENT N.

32. Comment: Provide supplemental submission on EMF.

Response: Please see ATTACHMENT C.

33. Comment: Provide a copy of the PSC Order on ROW vegetative maintenance.

Response: Please see ATTACHMENT O.

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. Ed Garling, Garling Associates; Kevin Bernstein, Bond Schoeneck & King; Dean Stickles, Village of Walden; Tetra Tech EC, Inc.

ATTACHMENTS

ATTACHMENT A	Figure 1, Proposed Typical Horizontal Post Structure Figure 2, Proposed Davit Arm Structure
ATTACHMENT B	Figure 3, Central Hudson Gas & Electric, WM Transmission Line Rebuild Project, Existing ROW and New ROW
ATTACHMENT C	August 21, 2007 memorandum from Michael Spector, Assistant Engineer, Electric Transmission Planning, for CHG&E
ATTACHMENT D	Revised Special Exception Use Permit Application
ATTACHMENT E	Revised EAF
ATTACHMENT F	Figures 4a and 4b depicting WM Line reconstruction configurations.
ATTACHMENT G	Figure 5, WM Transmission Line Rebuild Project, Limits Property Easements
ATTACHMENT H	Figures 6a, Typical Cross-Country ROW Figure 6b, Diagram of Typical Foundation
ATTACHMENT I	Final Wetlands Delineation Report for the Central Hudson WM Line Rebuild, Orange County, New York
ATTACHMENT J	Environmental Management and Construction Plan for the WM Transmission Line Rebuild Project
ATTACHMENT K	Long Range Vegetation Management Plan
ATTACHMENT L	Directly Impacted Property Owners
ATTACHMENT M	Pole Height Comparisons
ATTACHMENT N	Final Draft Alternative Route Analysis, WM Transmission Line Rebuild Project
ATTACHMENT O	PSC Order