



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

February 10, 2022

BY HAND AND EMAIL

Hon. Bruce Flower, Chair,
And Members of the Planning Board
Town Hall
20 Middlebush Road
Wappingers Falls, NY 12590

Re: Application for Central Hudson Gas & Electric Corp. ("Central Hudson")
 Replacement of KM Electric Transmission Line

Dear Chairperson Flower and Members of the Planning Board:

We are writing on behalf of Central Hudson regarding the above Project and to provide written responses to comment memos we received at the January 19, 2022 Planning Board Meeting from Hanover & Hardesty and CPL Engineering, dated January 14 and January 13, respectively.

We are submitting the following materials in advance of the public hearing on this application which the Planning Board formally set at its meeting on February 7 – to be held on March 7, 2022.

Nineteen copies of the following documents are enclosed.

- Attachment A: EDR Memo, dated February 10, addressing all comments in the noted Memos from the Wappinger Planning Board Planning and Engineering Consultants;
- Attachment B: EDR Memo, dated February 10, addressing all comments presented in memos from Town of Poughkeepsie Departments and Agencies, specifically for purposes of the Wappinger Planning Board performing its SEQR review, our responses to "SEQR Review" comments on Page 2 of the Planning Department Memo, dated January 14, 2022;
- Attachment C: Memo from the Town of Poughkeepsie Planning Department for the Wappinger Planning Board's ease of reference to Page 2, "SEQR Review" comments; and
- Attachment D: Poughkeepsie Planning Board Letter, dated January 24, evidencing the Planning Board's consent to the Wappinger Planning Board serving as Lead Agency.



February 10, 2022

Page 2

We look forward to appearing before the Planning Board on March 7, 2022 for a public hearing in this matter. In the meantime, should the Planning Board, or Town Staff have any questions or comments, please do not hesitate to contact us.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "A. Morando".

Anthony F. Morando

cc: Barbara Roberti, Zoning Administrator/Director of Strategic Planning
Susan Dao, Building Inspector/Stormwater Management Officer
Jim Horan, Esq. Planning Board Attorney
Malcolm Simpson, Town Planner
Mike Bodendorf, PE., Planning Board Engineer
Brian Dimisko, Central Hudson Project Manager
Greg Liberman, EDR Senior Project Manager

ATTACHMENT A



Memorandum

To: Hon. Bruce Flower, Chair,
And Members of the Planning Board
Town Hall
20 Middlebush Road
Wappingers Falls, NY 12590

From: Gregory S. Liberman
Justin Chiera, P.E.

Date: February 10, 2022

Reference: Responses to Comments
Central Hudson - 69kV KM Electric Transmission Line Replacement

EDR Project No: 17107

EDR reviewed the correspondences we received from the Town of Wappinger, including the CPL letter dated January 13, 2022, and the Hardesty & Hanover memorandum dated January 14, 2022 and prepared responses addressing each comment below. The Town comment is restated first with EDR's technical response and supporting information to follow in bold or as an attachment.

EDR is also in receipt of correspondence from the Town of Poughkeepsie, including two memos from the Poughkeepsie Planning Department, dated January 14, 2022. The Town of Poughkeepsie comments are addressed in a separate letter and is included with this submission to the Wappinger Planning Board (in so far as such information is deemed relevant for the Town of Wappinger Planning Board to complete its SEQRA review as the Lead Agency).

Town of Wappinger Comments and Responses:

CPL Letter Comment 1 (General):

The Town Building and Zoning Department must review and approve the submitted Wetland Disturbance Permit. The applicant must also obtain any necessary approvals from outside agencies before a permit is issued.

- ***Response: Impacts to State-regulated wetlands or streams will be appropriately permitted under Central Hudson's New York State Department of Environmental Conservation (NYSDEC) Article 15 and 24 General Permit for Maintenance Activities, as previously handled with other Central Hudson transmission line replacement projects in the Town of Wappinger. Additionally, potential impacts to federally regulated wetlands are anticipated to be authorized as non-reporting***

under U.S. Army Corps of Engineers (USACE) Nationwide Permit #57 for Electric Transmission Lines. See Attachment E for additional information.

CPL Letter Comment 2 (General):

The Town Building and Zoning Department must review and approve the submitted Floodplain Construction Permit. The applicant must also obtain any necessary approvals from outside agencies before a permit is issued.

- ***Response: Adverse impacts to flooding resulting from the pole replacement are not anticipated. As described in Attachment E of the Site Plan Application materials, the KM Line was originally constructed per its current location. It is understood that there are no existing or past concerns regarding flooding, blockage, and/or debris collection at either floodplain location or associated with the existing poles located in the Towns of Poughkeepsie and Wappinger. The replacement poles will be located in the same general locations as the existing poles. Notably, the poles located within the Wappinger Creek floodplain/floodway area must remain in order to meet safety standards and design requirements of the National Electric Safety Code (NESC).***

Replacing poles within the floodplain/floodway area will not result in adverse impacts to flooding. As described above and the application there are several poles currently located within floodplains and the width of these replacement poles (i.e., 2 foot diameter per pole) matches the existing poles. These narrow poles are considered minimal when compared to the larger width of the overall floodplain areas which exceed 700 feet wide in certain locations. Thus, no cross-sectional area will be lost, and the available floodplain capacity will not be adversely affected. Further, these poles are not anticipated to affect flood flow and are consistent with the existing landscaping, fences, and/or wooded areas alongside Wappinger Creek and/or its tributaries. In addition, no new grading, fill, or changes to impervious cover within the floodplain areas are proposed, thus further minimizing potential hydraulic or hydrological impacts.

CPL Comment 3 (General):

DCDPW should be contacted for review and approval of the proposed project and any required work permits.

- ***Response: The Site Plans provided with the Site Plan Application included applicable Maintenance and Protection of Traffic (MPT) details for the potential temporary work in road right-of ways. These are intended to facilitate the local and county review of the project and to demonstrate how adverse impacts to transportation will be avoided.***

CPL Comment 4 (General):

This project will exceed 1 acre of disturbance and will require coverage under a NYSDEC SPDES General Permit for Construction Activities, comments on the submitted Stormwater Pollution Prevention Plan are provided below.

- ***Response: Acknowledged. A Stormwater Pollution Prevention Plan (SWPPP) was provided with the Site Plan Application consistent with the SWPPP previously submitted to and reviewed by the Town of Wappinger for other transmission line replacement projects.***

CPL Comment 5 (General):

Please provide a more detailed view of the proposed work for each individual agricultural parcel within the Agricultural Data Statement. The current map provides a good overview but does not allow for assessment on the existing site conditions.

- ***Response: Work occurring within the agricultural parcels is very limited and proposed disturbance is temporary as shown on Sheets 2 and 3 of the Site Plans. As described in Attachment E of Central Hudson's December 22, 2021 package, any work on parcels within Agricultural District 22 will be temporary to facilitate construction access, pole removal, and pole installation; all of which, are temporary activities that will not result in changes on land-use or cover type (see Agricultural Data Statement). A total of 9 (2 foot wide) poles will be replaced within Agricultural District 22. No farming operations are readily apparent. Land within this area is mostly surrounded by forests and, as determined from site visits and aerial review, does not appear to be easily farmed without significant tree clearing, which Central Hudson is not proposing for the KM Line Project. Following construction, Central Hudson will restore work areas to suitable conditions in coordination with applicable landowners. Further, the replacement poles within Agricultural District 22 are being kept in the same general locations as existing pole. Considering these factors, the Project will not result in adverse impacts to agricultural resources.***

CPL Comment 6 (General):

The Planning Board should review the proposed work times identified within the Construction Information Summary for acceptance. Any limitations should be identified on the plan set.

- ***Response: The Construction Information Summary is Attachment G of Central Hudson's December 22, 2021 package. Construction traffic will generally be limited to hours identified in consideration of local codes. The construction process for the entire Project is short in duration, particularly in individual locations along the ROW, and is anticipated to take approximately 6 months (contingent on typical construction variables, such as supply chain issues and weather conditions). The work will generally occur in stages as the crews move***

down the ROW to work on the replacement of poles, and such work will only last in an area for a few weeks at a time. Additional notes addressing Construction Information can be added to Sheet 1 of 9 of the Site Plans prior to final approval, if required.

CPL Comment 7 (Site Plan):

Provide any necessary easements and documentation for all proposed "off ROW" access from the respective property owner(s).

- **Response: Central Hudson has authorization for all off ROW accesses. Central Hudson also acknowledges that it would not use off ROW accesses without such authorizations in place.**

CPL Comment 8 (Site Plan):

Provide construction details for the proposed new poles and bases. Coordinate any anchoring or anti-flotation requirements with the Town Building Department.

- **Response: All electric facilities and equipment must operate and be designed to meet applicable industry, federal and state codes such as standards of the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), Institute of Electrical and Electronics Engineers (IEEE), and applicable internal Central Hudson standards. Replacement poles will be installed in a typical fashion (e.g., direct embedment) consistent with the existing pole conditions. Anti-flotation or special details are not required or proposed.**

CPL Comment 9 (Site Plan):

Provide tree clearing notes indicating any NYSDEC regulations.

- **Response: No tree clearing is proposed as part of the KM Line Replacement Project, as the existing public utility ROW is maintained and has been in long-term use as a public utility corridor. Some minor brush trimming and/or limbing may be required based on field review at the time work is initiated. Any substantive clearing that may occur in this existing public utility ROW in the future (i.e., danger tree removal, etc.) is not required for this Project, would be separate from the Project, and would be undertaken as required per Central Hudson's Public Services Commission approved Long-Range Vegetation Management Plan (LRVMP) as described in Attachment E of Central Hudson's December 21, 2021 application package and consistent with the TV Line Replacement Project.**

CPL Comment 10 (Site Plan):

The Construction Information Summary makes reference to limited excavation and grading. This work should be clearly identified on the site plans.

- **Response: Site Plans Sheet 1 of 9 - General Note 15 states "No permanent grading taking place". The only earthwork occurring during construction will be what is necessary to get the proper access and all areas will be restored.**

Town of Wappinger Comment 11 (SWPPP & E&SC):

Based on the project timeline of 6-12 months potentially starting in August, there are some concerns over winter stabilization of disturbed areas. Please provide notes specifically indicating winter weather methods for stabilization of disturbed areas.

- **Response: Section 7.2b of the SWPPP (Winter Stabilization Practices) outlines practices that the Contractor shall implement "...for any construction activities with ongoing land disturbance and exposure between November 15th to the following April 1st".**

Town of Wappinger Comment 12 (SWPPP & E&SC):

The plan sheets should be further developed to show any proposed ESC measures, i.e., silt fence, stone ditch and stone dust access road locations, etc.

- **Response: Site Plans Sheet 1 of 9 and Section 6.2b of the SWPPP note the construction sequence that should be followed, and all necessary E&SC details are provided on sheets 7 and 8 of 9. With no permanent grading taking place and matting being utilized in wetland areas, the intent is to use E&SC practices when conditions warrant. Weekly SWPPP inspections will be taking place throughout construction to monitor E&SC Measures and will be coordinated with Town representatives. This approach was used on the TV Line Replacement Project (and other similar projects). EDR proposes a conference call with CPL to discuss.**

CPL Comment 13 (SWPPP & E&SC):

The plans should outline the limit of disturbance.

- **Response: The Site Plans show access road paths, stabilized construction entrances, and pole locations, which account for the limits of disturbance.**

CPL Comment 14 (SWPPP & E&SC):

Construction fencing or flagging of wetland areas and buffers should be proposed.

- **Response: Prior to commencing construction, Central Hudson will re-flag all wetland boundaries within the ROW along with 100' buffers for jurisdictional wetlands, stabilized construction entrances, and ROW demarcations behind residential areas.**

CPL Comment 15 (SWPPP & E&SC):

A separate SPDES Permit should be obtained from each Town to allow for separate MS4 regulation. This will require separate NOI's, MS4 Acceptance Forms and NOT's.

- **Response: For similar projects in the past in the Town of Wappinger, we have submitted MS4 acceptance forms for each municipality under a single NOI and SPDES Permit and provided weekly SWPPP inspections to each of the municipality throughout construction. We recently used this process for the TV Line Replacement Project which similarly traversed two adjoining municipalities. EDR will coordinate with CPL to review the details on the NOI filing, prior to final approval.**

CPL Comment 16 (SWPPP & E&SC):

The SWPPP indicates the use of construction fencing around the limit of disturbance, this should be identified on the plan set.

- **Response: Site Plans Sheet 1 of 9 and Section 6.2b of the SWPPP note the construction sequence that should be followed. Providing additional details to delineate limit of disturbance and construction fencing would encumber the plans, since these lines would traverse adjacent to (and parallel with) the access road lines. The current level of detail is what was shown on previous similar projects, including the TV Line Replacement Project. We recommend that the locations and practices be coordinated during a pre-construction meeting with the Town's MS4 consultant and then evaluated/adjusted as needed on a weekly basis through qualified SWPPP inspections.**

Hardesty & Hanover January 14, 2022 Memorandum Comments and Responses:

1. SEQRA: The Proposed Action is considered a Type I action pursuant to SEQRA as it involves the physical alteration of more than 2.5 acres and occurs partially within an agricultural district. The Planning Board should discuss if they would like to serve as Lead Agency and, if they would like to do so, the Planning Board should circulate their intent to do so.
 - **Response: The Town of Wappinger Planning Board commenced the SEQRA process for the 69 kV KM Electric Transmission Line Replacement Project on January 19, 2022 by classifying the project as a Type 1 Action and authorizing Wappinger Town Staff to circulate its Notice of Intent to serve as the SEQR Lead Agency. Town Staff transmitted the Notice on January 20 to the involved and interested agencies, including the Town of Poughkeepsie Planning Board, which formally consented to the Wappinger Planning Board serving as Lead Agency by vote at its January 20 meeting. A copy of the Poughkeepsie Planning Board's Lead Agency Consent Decision is attached for ease of reference.**
2. Wetlands: The EAF indicates the project will occur within the vicinity of both NYSDEC regulated wetlands and Federal Waters. Attachment F – Agency Correspondence indicates the Applicant has already reached out to the NYSDEC and may require additional permits and mitigation measures associated with the Pied-billed Grebe and Indiana Bat identified in the EAF and

NYSDEC letter. The United States Department of the Interior letter also identifies the Long-Eared Bat on the project site. The Applicant should clarify for the board what permits and mitigation measures have been identified by these agencies and submit any further correspondence with these agencies to the Town of Wappinger for the record. The Applicant should verify if they will require any approvals from the Army Corps of Engineers. The Applicant will also require a Town Wetland Permit which has been identified in Attachment D – List of Local Permits and the Application Form is included in the submission. We defer to the Town Engineer with regard to this matter.

- ***Response: Impacts to habitat (Pied-billed Grebe, Indiana and Northern long-eared bat) will be avoided (see Attachment E in the Site Plan Application). As indicated in Attachment E, preferred breeding habitat of the Pied-billed Grebe consists of ponds and slow-moving streams that have a sufficient mix of open water for foraging, and deep emergent vegetation for cover and nesting. The replacement of existing transmission poles will not fill any open waters of U.S., or change the function of wetlands within the ROW; therefore, there will be no adverse effects to Pied-billed Grebe habitat. In relation to bat habitat, the temporary work is proposed with the existing cleared ROW; thus no adverse effect to habit will occur. Lastly see Attachment E and response to CPL Comment #1 above for information on NYSDEC and USACE permitting.***
3. Floodplain: The EAF identifies that a portion of the property is located within the 100-year floodplain. Pursuant to Section 240-33 of the Zoning Law and Chapter 133 of the Town Code, the project will require a Floodplain Development Permit. We defer to the Town Engineer with regard to this matter.
- ***Response: Adverse impacts to flooding resulting from the pole replacement are not anticipated. As described in Attachment E of the Site Plan Application materials, the KM Line was originally constructed per its current location. It is understood that there are no existing or past concerns regarding flooding, blockage, and/or debris collection at either floodplain location or associated with the existing poles located in the Towns of Poughkeepsie and Wappinger. The replacement poles will be located in the same general locations as the existing poles. Notably, the poles located with the Wappinger Creek floodplain/floodway must remain in order to meet safety standards and design requirements of the National Electric Safety Code (NESC).***

Replacing poles within the floodplain/floodway will not result in adverse impacts to flooding. As described above and the application there are several poles currently located within floodplains and the width of these replacement poles (i.e., 2-foot diameter per pole) matches the existing poles. These narrow poles are considered minimal when compared to the larger width of the overall floodplain areas which exceed 700 feet wide in certain locations. Thus, no cross-sectional area will be lost, and the available floodplain capacity will not be adversely

February 10, 2022

affected. Further, these poles are not anticipated to affect flood flow and are consistent with the existing landscaping, fences, and/or wooded areas alongside Wappinger Creek and/or its tributaries. In addition, no new grading, fill, or changes to impervious cover within the floodplain areas are proposed, thus further minimizing potential hydraulic or hydrological impacts.

We also confirmed in response to a comment from the Town Planner at the January 19 meeting that the KM Line Replacement Project will result in a net reduction of 8 transmission line poles and other equipment within the existing electric utility ROW. This net removal as part of the Replacement Project (e.g., one for one replacement at 49 pole locations as described in the application) will lessen the amount of electric infrastructure and reduce visual clutter within the ROW; thus, resulting in a more streamlined appearance.

We trust this correspondence addresses the items noted by the Town.

Please call with any questions.

cc: Susan Dao, Building Inspector/Stormwater Management Officer
Jim Horan, Esq. Planning Board Attorney
Malcolm Simpson, Town Planner
Mike Bodendorf, PE., Planning Board Engineer
Brian Dimisko, Central Hudson Project Manager
Anthony Morando, Cuddy & Feder

ATTACHMENT B



Memorandum

To: Hon. Carl Whitehead, Chair,
And Members of the Planning Board
Town of Poughkeepsie
1 Overrocker Road
Poughkeepsie, NY 12603

From: Gregory S. Liberman
Justin Chiera, P.E.

Date: February 10, 2022

Reference: Responses to Comments
Central Hudson - 69kV KM Electric Transmission Line Replacement

EDR Project No: 17107

EDR reviewed the correspondence we received from the Town of Poughkeepsie regarding the 69 kV KM Electric Transmission Line Replacement Project, including two memos from the Poughkeepsie Planning Department, dated January 14, 2022 and January 20, 2022. EDR has reviewed these and prepared responses addressing each comment below. The Town comment is restated first with EDR's technical response and supporting information to follow in bold.

Town of Poughkeepsie Comments and Responses:

Town of Poughkeepsie Engineering Comment 1 (General):

This project will exceed 1 acre of disturbance and will require coverage under a NYSDEC SPDES General Permit for Construction Activities, comments on the submitted Stormwater Pollution Prevention Plan are provided below.

- **Response: Acknowledged. A Stormwater Pollution Prevention Plan (SWPPP) was provided with the Site Plan Application consistent with the SWPPP previously submitted to and reviewed by the Town of Poughkeepsie for other Central Hudson electric infrastructure projects.**

Town of Poughkeepsie Engineering Comment 2 (Site Plan):

Provide any necessary easements and documentation for all proposed "off ROW" access from the respective property owner(s).

- **Response: Central Hudson has authorization for all off ROW accesses. Central Hudson also acknowledges that it would not use off ROW accesses without such authorizations in place**

Town of Poughkeepsie Engineering Comment 3 (Site Plan):

Provide construction details for the proposed new poles and bases. Coordinate any anchoring or anti-flotation requirements with the Town Building Department.

- ***Response: All electric facilities and equipment must operate and be designed to meet applicable industry, federal and state codes such as standards of the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), Institute of Electrical and Electronics Engineers (IEEE), and stricter standards adopted by the utility. Replacement poles will be installed in a typical fashion (e.g., direct embedment) consistent with the existing pole conditions. Anti-flotation or special details are not required or proposed.***

Town of Poughkeepsie Engineering Comment 4 (Site Plan):

Provide tree clearing notes indicating any NYSDEC regulations.

- ***Response: No tree clearing is proposed as part of the KM Line Replacement Project, as the existing public utility ROW is maintained and has been in long-term use as a public utility corridor. Some minor brush trimming and/or limbing may be required based on field review at the time work is initiated. Any substantive clearing that may occur in this existing public utility ROW in the future (i.e., danger tree removal, etc.) would be separate from the Project and undertaken as required per Central Hudson's Public Services Commission approved Long-Range Vegetation Management Plan (LRVMP) as described in Attachment E of Central Hudson's December 21, 2021 application package and consistent with the TV Line Replacement Project.***

Town of Poughkeepsie Engineering Comment 5 (Site Plan):

Provide the Town Zoning Code noise ordinance within the plan set.

- ***Response: A note will be added to Sheet 1 of the Site Plans outlining the applicable provisions of the Town noise ordinance.***

Town of Poughkeepsie Engineering Comment 6 (SWPPP & E&SC):

Based on the project timeline of 6-12 months potentially starting in August, there are some concerns over winter stabilization of disturbed areas. Please provide notes specifically indicating winter weather methods for stabilization of disturbed areas.

- ***Response: Section 7.2b of the SWPPP (Winter Stabilization Practices) outlines practices that the Contractor shall implement "...for any construction activities with ongoing land disturbance and exposure between November 15th to the following April 1st".***

Town of Poughkeepsie Engineering Comment 7 (SWPPP & E&SC):

The plan sheets should be further developed to show any proposed ESC measures, i.e., silt fence, stone ditch and stone dust access road locations, etc.

- ***Response: Site Plans Sheet 1 of 9 and Section 6.2b of the SWPPP note the construction sequence that should be followed, and all necessary E&SC details are provided on sheets 7 and 8 of 9. With no permanent grading taking place and matting being utilized in wetland areas, the intent is to use E&SC practices when conditions warrant. Weekly SWPPP inspections will be taking place throughout construction to monitor E&SC Measures and will be coordinated with Town representatives. This approach was used on other Central Hudson electric infrastructure Projects. EDR proposes a conference call with CPL to discuss.***

Town of Poughkeepsie Engineering Comment 8 (SWPPP & E&SC):

The plans should outline the limit of disturbance.

- ***Response: The Site Plans show access road paths, stabilized construction entrances, and pole locations, which account for the limits of disturbance.***

Town of Poughkeepsie Engineering Comment 9 (SWPPP & E&SC):

Construction fencing or flagging of wetland areas and buffers should be proposed.

- ***Response: Prior to commencing construction, Central Hudson will re-flag all wetland boundaries within the ROW along with 100' buffers for jurisdictional wetlands, stabilized construction entrances, and ROW demarcations behind residential areas.***

Town of Poughkeepsie Engineering Comment 10 (SWPPP & E&SC):

A separate SPDES Permit should be obtained from each Town to allow for separate MS4 regulation. This will require separate NOI's, MS4 Acceptance Forms and NOT's.

- ***Response: For similar projects in the past, we have submitted MS4 acceptance forms for each municipality under a single NOI and SPDES Permit and provided weekly SWPPP inspections to each of the municipality throughout construction. We recently used this process for the TV Line Replacement Project in the Town of Wappinger which similarly traversed two municipalities. EDR will coordinate with CPL to review the details on the NOI filing, prior to final approval.***

Town of Poughkeepsie Engineering Comment 11 (SWPPP & E&SC):

The SWPPP indicates the use of construction fencing around the limit of disturbance, this should be identified on the plan set.

- ***Response: Site Plans Sheet 1 of 9 and Section 6.2b of the SWPPP note the construction sequence that should be followed. Providing additional details to delineate limit of disturbance and construction fencing would encumber the plans, since these lines would traverse adjacent to (and parallel with) the access road lines. The current level of detail is what was shown on previous similar projects. We recommend that the locations and practices be coordinated during a pre-construction meeting with the Town's MS4 consultant and then evaluated/adjusted as needed on a weekly basis through qualified SWPPP inspections.***

Town of Poughkeepsie Zoning Comment 1 (Zoning):

The Project complies with §210-96(A) of the Town Code which mandates that public utility structures not contain offices or have any outdoor storage of materials, and that employees not be on site full-time. Section 210-96(B) does not apply to this application.

- ***Response: The January 14, 2022 determination is acknowledged.***

Town of Poughkeepsie Zoning Comment 2 (Zoning):

The Project meets the applicable Area and Bulk Regulations for the R-1.5A District. The Project complies with, or components are exempt from, requirements for minimum lot area and width, lot frontage, front yard, side yard and rear yard setbacks, maximum lot coverage, impervious surface and building height, and landscaped area.

- ***Response: The January 14, 2022 Determination is acknowledged. This is consistent with prior decisions issued by the Town regarding public utility electric facilities, such as transmission line infrastructure, where the Town has appropriately treated such as "electric facilities" and "electric equipment". All electric facilities must operate and be designed to meet applicable industry, federal and state codes such as standards of the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), Institute of Electrical and Electronics Engineers (IEEE), and stricter standards adopted by the utility.***

Town of Poughkeepsie Water Department Comment 1:

The Town of Poughkeepsie services water mains and homes from Stanley Still Park to your destination at the Knapps Corners Station. Underground utility mark-out will help to avoid any potential conflicts when you are replacing poles.

- ***Response: In the Town of Poughkeepsie, the 69kV KM Electric Transmission Line Project extends from Stanley Still Park and terminates to the west of Victor Lane, within the existing right-of-way. All work within Stanley Still Park will be matted (limited ground disturbance) and within the overall Project, Central Hudson will coordinate with Dig Safe as needed prior to construction.***

Town of Poughkeepsie Building Comment 1:

Applicant is replacing utility poles in kind. No comments. Remit floodplain development permit portion of combined application to the Town Floodplain Development Permit Administrator for review.

- ***Response: Adverse impacts to flooding resulting from the pole replacement are not anticipated as described in Attachment E of the Site Plan Application and above. We note that Central Hudson filed a request for the Floodplain Development Permit as a conservative measure, as such permit may not actually be required for electric equipment replacement work like that proposed as part of this Project. The replacement poles will be in the same general locations as the existing poles. They must remain to meet safety standards and design requirements of the National Electric Safety Code (NESC). There are several poles currently located within floodplains and the width of these replacement poles (i.e., 2-foot diameter per pole) matches the existing poles. These narrow poles are considered minimal when compared to the larger width of the overall floodplain areas which exceed 700 feet wide in certain locations. Thus, no cross-sectional area will be lost, and the available floodplain capacity will not be adversely affected. These poles are not anticipated to affect flood flow. In addition, no new grading, fill, or changes to impervious cover within any floodplain areas are proposed, thus further minimizing potential hydraulic or hydrological impacts. Central Hudson will coordinate with the Town Floodplain Development Permit Administrator.***

SEQRA Review:

1. Per the Wetland and Stream Delineation Report, dated December 2021, the applicant's consultant, EDR identified twelve (12) wetland and three (3) perennial streams. Per Attachment E: Evaluation of the Magnitude and Importance of Potential Project Impacts, the impact on water analysis identifies eleven (11) wetlands and two (2) streams along the ROW. Per Table 1 found in Attachment E reference, there are twelve (12) poles being replaced within wetlands in the Town of Wappinger and there are zero (0) poles being replaced within wetlands in the Town of Poughkeepsie. Despite there being zero poles

being replaced within wetlands found in the Town of Poughkeepsie, the aforementioned Table 1 also references the presence of one (1) wetland where matting is suggested to be a potentially temporary impact within the Town of Poughkeepsie.

- a. Please clarify and/or make consistent the total number of wetlands and streams across all materials.
- b. Please provide more detail about proposed matting.
 - ***Response: There is one wetland matting installation which may be installed to facilitate temporary crossing at the northeastern corner of Stanley Still Park. However, on-going internal construction review with Central Hudson team indicates access across this wetland will not be required and the matting was presented as an optional crossing.***

Construction matting involved the placement of timber cribbing within wetland resources to facilitate construction access across wetlands in a manner that does not affect the wetland surface (vegetation or soil). Because matting allows for impact avoidance, it is considered a non-jurisdiction form of crossing as a conservative measure, and will be utilized on the balance of the wetlands along the KM line in the Town of Wappinger – consistent with Central Hudson construction practices.

2. Town staff recognizes the following materials provided with the application: a) NYS Historic Preservation Office (SHPO) *No Impact* consultation, dated March 1, 2018. b) NY Natural Heritage Program rare and endangered species consultation, dated October 19, 2020. c) US Fish and Wildlife Services (USFWS) endangered, threatened, or candidate species consultation, dated July 29, 2021.
 - a. Please provide consultation correspondence with NYS Department of Environmental Conservation (NYSDEC), USFWS National Wetlands Inventory, and US Army Corps of Engineers (USACE) as it relates to the wetlands and jurisdiction conversation contemplated in Attachment E.
 - ***Response: Impacts to State-regulated wetlands or streams will be appropriately permitted under Central Hudson's New York State Department of Environmental Conservation (NYSDEC) Article 15 and 24 General Permit for Maintenance Activities, as previously handled with other Central Hudson transmission line replacement projects in the Town of Wappinger. Additionally, potential impacts to federally regulated wetlands are anticipated to be authorized as non-reporting under U.S. Army Corps of Engineers (USACE) Nationwide Permit #57***

for Electric Transmission Lines. See Attachment E for additional information.

3. Town staff understands that the proposed action is to replace utility poles within an existing utility corridor. Given that a portion of the proposed action takes place within a FEMA designated floodway, staff recommends that the applicant consult with FEMA and provide correspondence accordingly. This will afford the Town of Wappinger as anticipated Lead Agency to review as part of their due diligence.
 - a. Separately, but similarly, the Town of Poughkeepsie's Floodplain Development Permit reviewer has reviewed this application and acknowledges the replacement in-kind nature of the project with no additional comments at this time, requesting that the applicant complete the Checklist N for their review.
 - **Response: Adverse impacts to flooding resulting from the pole replacement are not anticipated as indicated Attachment E of the Site Plan Application. With specific regard to Checklist N, this was provided in the Site Plan Application. The questions on Checklist N focus on first floor elevation, flood proofing and other measures often associated with building development. Given the nature of the replacement poles, it is anticipated that these items are not directly applicable to this transmission line replacement project, although there will be temporary work within the floodplain.**

Site Plan Review:

1. Applicant to place the following signature blocks on the title sheet of the plan set:
 - a. <https://www.townofpoughkeepsie.com/DocumentCenter/View/880/Signature-Blocks-for-Plan-Set-PDF>
 - b. Owner/Applicant
 - c. Planning Board Chairman
 - d. Town Department
 - e. *boxes 1, 2, and 6 at link
 - **Response: Acknowledged. Signature blocks will be added to title sheet of site plan set.**
2. Applicant to confirm if replacement poles whether in part or as a whole will include lighting.
 - **Response: No poles in the Town of Poughkeepsie will include lighting.**

3. Applicant remitted a Checklist N for a Floodplain Development Permit Review. However, the checklist was completed by placing N/A next to each checklist item. Applicant to coordinate with the Town's Floodplain Development Permit Review Administrator and remit all required materials for review.
 - o ***Response: Adverse impacts to flooding resulting from the pole replacement are not anticipated as indicated Attachment E of the Site Plan Application and above in Response to Town of Poughkeepsie Building Comment 1. See also above for information pertaining to Checklist N.***
4. Staff respectfully requests that schedules for temporary road closures as a result of construction or otherwise be relayed to all local fire departments, the Town Police Department, and local schools so that they may plan accordingly and/or weigh in accordingly.
 - o ***Response: A note will be added to the Site Plans indicating that the Contractor shall notify the local fire department, local police department, and the Town of Poughkeepsie and Wappingers Central School District 48 hours in advance of any anticipated temporary road closures.***
5. The Town of Poughkeepsie Planning Board will not be able to vote on this application until the Town of Wappinger, as Lead Agency, has completed their environmental review.
 - o ***Response: Acknowledged. Central Hudson will proceed with the Town of Wappinger Planning Board review process to complete SEQRA.***
6. Applicant will be required to follow all necessary site plan review procedures upon its return to the Town of Poughkeepsie Planning Board. Similarly, staff respectfully requests that the Applicant acknowledge that this includes all applicable pre-construction meeting requirements through close-out requirements.
 - a. ***Response: Acknowledged.***

We trust these address the items raised in the January 2022 memos. Please call with any questions.

cc: Michael Welte, AICP, Director of Municipal Development
Kristen Taylor, AICP, Town Planner
Kristina Granieri, Zoning Administrator
Timothy Sickles, Building Inspector
Lisa Cobb, Esq. Planning Board Attorney
Brian Dimisko, Central Hudson Project Manager
Anthony Morando, Cuddy & Feder

ATTACHMENT C



Town of Poughkeepsie

Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

January 14, 2022

K. Taylor, Planner

C.2. CENTRAL HUDSON KM TRANSMISSION LINE REPLACEMENT

SEQRA Review, Site Plan Review, and Floodplain Development Permit Review to replace an existing electric transmission line, known as the “KM Line” at 69 kilovolts (kV) within an existing public utility right-of-way that traverses in a northwest direction from the border of the Myers Corners Substation on Myers Corners Road (Town of Wappinger), to the area just west of Victor Lane (Town of Poughkeepsie). The total length of the proposed replacement project is approximately ± 2.8 miles, with ± 1.7 miles within the Town of Wappinger and ± 1.1 miles within the Town of Poughkeepsie. Within the Town of Poughkeepsie, all parcels along this utility corridor are located in the R-20 (Residential, Single-Family 20,000) Zoning District; Within the Town of Wappinger, parcels along this utility corridor are located in the Airport Industry District, GB (General Business) District, R-40 (One-Family Residential District), R-80 (One-Family Residential District); and COP (Conservation Office Park) District; ± 37.5 -acre right-of-way; There are 59 parcels along this utility corridor; Type 1 Action; *Central Hudson Gas & Electric Corp., Applicant and Owners.*

Background

The following is a summary of the application received for the January 20, 2022 Town of Poughkeepsie Planning Board meeting.

- Proposed work within the Town of Poughkeepsie includes ± 1.1 miles of the utility corridor where 20 poles are to be replaced. Proposed work within the Town of Wappinger includes ± 1.7 miles of the utility corridor where 29 poles are to be replaced.
- Per the proposed action project description, the existing right-of-way (ROW) ranges from 60 feet wide to 125 feet wide throughout and is not proposed to change.
- Per the Attachment C project description, dated December 20, 2021, the proposed action is anticipated to temporarily disturb ± 8.3 acres of the existing ± 37.5 -acre ROW.
- The *average* height of poles will increase by ± 5 feet, from approximately 54.5 feet to approximately 59.5 feet. The replacement poles will be brown and steel. Per EAF Part 1, the tallest existing pole is ± 78 feet and the largest proposed replacement pole is ± 81.5 feet. The applicant provided a visibility assessment in Attachment I.
- Per Attachment B, Figure 3: FEMA Flood Zones, there are sections of the utility corridor found in the 100-year and 500-year floodplain. Additionally, portions of those areas are designated as a FEMA floodway. The proposed action involves the replacement of two (2) poles within the floodway and both poles are located within the Town of Poughkeepsie.

- There are Agricultural District parcels found in the Town of Wappinger as it relates to this proposed action. There are no Agricultural District parcels found in the Town of Poughkeepsie as it relates to this proposed action.
- The Town of Wappinger is anticipated to serve as the SEQR Lead Agency, where the Town will be an involved agency.

SEQRA Review

Upon review of the application, staff recommends that the Planning Board adopt a resolution consenting to the Town of Wappinger being the SEQR Lead Agency for a Type 1 Action.

As an involved agency, staff recommends that the Town of Poughkeepsie Planning Board review and discuss the following items with the applicant:

1. Per the Wetland and Stream Delineation Report, dated December 2021, the applicant's consultant, EDR, identified twelve (12) wetlands and three (3) perennial streams. Per Attachment E: Evaluation of the Magnitude and Importance of Potential Project Impacts, the impact on water analysis identifies eleven (11) wetlands and two (2) streams along the ROW. Per Table 1 found in the Attachment E reference, there are twelve (12) poles being replaced within wetlands in the Town of Wappinger and there are zero (0) poles being replaced within wetlands in the Town of Poughkeepsie. Despite there being zero poles being replaced within wetlands found in the Town of Poughkeepsie, the aforementioned Table 1 also references the presence of one (1) wetland where *matting* is suggested to be a potential temporary impact within the Town of Poughkeepsie.
 - a. *Please clarify and/or make consistent the total number of wetlands and streams across all materials.*
 - b. *Please provide more detail about proposed matting.*
2. Town staff recognizes the following materials provided with the application:
 - a. NYS Historic Preservation Office (SHPO) *No Impact* consultation, dated March 1, 2018.
 - b. NY Natural Heritage Program rare and endangered species consultation, dated October 19, 2020.
 - c. US Fish and Wildlife Services (USFWS) endangered, threatened, or candidate species consultation, dated July 29, 2021.
 - d. *Please provide consultation correspondence with NYS Department of Environmental Conservation (NYSDEC), USFWS National Wetlands Inventory, and US Army Corps of Engineers (USACOE) as it relates to the wetlands and jurisdiction conversation contemplated in Attachment E.*
3. Town staff understands that the proposed action is to replace utility poles within an existing utility corridor. *Given that a portion of the proposed action takes place within a FEMA designated floodway, staff recommends that the applicant consult with FEMA and provide correspondence accordingly.* This will afford the Town of Wappinger as anticipated Lead Agency to review as part of their due diligence.
 - a. Separately, but similarly, the Town of Poughkeepsie's Floodplain Development Permit reviewer has reviewed this application and acknowledges the replacement in-kind nature of the project with no additional comments at this time, requesting that the applicant complete the Checklist N for their review.

Site Plan Review

1. Applicant to place the following signature blocks on the title sheet of the plan set:
 - a. <https://www.townofpoughkeepsie.com/DocumentCenter/View/880/Signature-Blocks-for-Plan-Set-PDF>
 - b. Owner/Applicant
 - c. Planning Board Chairman
 - d. Town Department

*boxes 1, 2, and 6 at link
2. Applicant to confirm if replacement poles whether in part or as a whole will include lighting.
3. Applicant remitted a Checklist N for a Floodplain Development Permit Review. However, the checklist was completed by placing N/A next to each checklist item. Applicant to coordinate with the Town's Floodplain Development Permit Review Administrator and remit all required materials for review.
4. Staff respectfully requests that schedules for temporary road closures as a result of construction or otherwise be relayed to all local fire departments, the Town Police Department, and local schools so that they may plan accordingly and/or weigh in accordingly.
5. The Town of Poughkeepsie Planning Board will not be able to vote on the application until the Town of Wappinger, as Lead Agency, has completed their environmental review.
6. Applicant will be required to follow all necessary site plan review procedures upon its return to the Town of Poughkeepsie Planning Board. Similarly, staff respectfully requests that the Applicant acknowledge that this includes all applicable pre-construction meeting requirements through close-out requirements.

Recommendation

Staff recommends that the Planning Board discuss the application and take the following actions:

- A. Adopt an alternate SEQRA Lead Agency consent resolution, as follows:
"I move that the Planning Board consent to the Town of Wappinger being the Lead Agency for this proposed action."
- B. Defer further action, with comments, as follows:
"I move that the Planning Board defer further action on this application, and direct the applicant to respond to comments, in writing, of the Planning Board and those received from Town departments and agencies including, but not limited to, the following:"
 1. Town Planning Department comments dated January 14, 2022 (this document).
 2. Town Engineering Department comments dated January 12, 2022.
 3. Town Zoning Department comments dated January 11, 2022.
 4. DC Department of Planning and Development comments dated January 4, 2022.
 5. Town Water Department comments dated January 4, 2022.
 6. Town Sewer Department comments dated January 3, 2022.
 7. Town Building Department comments dated December 29, 2021.
 8. Town Floodplain Development Administrator comments dated December 29, 2021.
 9. Arlington Fire Department comments dated December 29, 2021.
 10. Town of Wappinger review.

ATTACHMENT D



Town of Poughkeepsie

Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

January 24, 2022

Sent via email to: bdimisko@cenhud.com

Brian Dimisko
Central Hudson Gas & Electric Corp.
284 South Road
Poughkeepsie, NY 12601

RE: CENTRAL HUDSON KM TRANSMISSION LINE REPLACEMENT

Dear Mr. Dimisko:

This letter is to inform you of the action taken by the Town of Poughkeepsie Planning Board at a meeting held on January 20, 2022 at which time you requested a SEQRA Review, Site Plan Review, and Floodplain Development Permit Review to replace an existing electric transmission line, known as the "KM Line" at 69 kilovolts (kV) within an existing public utility right-of-way that traverses in a northwest direction from the border of the Myers Corners Substation on Myers Corners Road (Town of Wappinger), to the area just west of Victor Lane (Town of Poughkeepsie). The total length of the proposed replacement project is approximately ± 2.8 miles, with ± 1.7 miles within the Town of Wappinger and ± 1.1 miles within the Town of Poughkeepsie. Within the Town of Poughkeepsie, all parcels along this utility corridor are located in the R-20 (Residential, Single-Family 20,000) Zoning District; Within the Town of Wappinger, parcels along this utility corridor are located in the Airport Industry District, GB (General Business) District, R-40 (One-Family Residential District), R-80 (One-Family Residential District); and COP (Conservation Office Park) District; ± 37.5 -acre right-of-way; There are 59 parcels along this utility corridor; Type 1 Action; *Central Hudson Gas & Electric Corp., Applicant and Owners*

A motion was made that the Planning Board consent to the Town of Wappinger being the Lead Agency for this proposed action.

Moved: Nicole Gemmati
Seconded: Ben Paganelli
Carried: 5-0

ROLL CALL VOTE	AYE/NAY
ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Katnani, Alternate	Absent
Member Nasser	Absent
Member Paganelli	Aye
Member Quinn	Aye

Doc# 5098959.1

A motion was made that the Planning Board defer further action on this application, and direct the applicant to respond to comments, in writing, of the Planning Board and those received from Town departments and agencies including, but not limited to, the following:

1. Town Planning Department comments dated January 14, 2022.
 - a. Includes SEQR Review on behalf of the Town of Poughkeepsie Planning Board as an involved agency.
2. Town Engineering Department comments dated January 12, 2022.
3. Town Zoning Department comments dated January 11, 2022.
4. DC Department of Planning and Development comments dated January 4, 2022.
5. Town Water Department comments dated January 4, 2022.
6. Town Sewer Department comments dated January 3, 2022.
7. Town Building Department comments dated December 29, 2021.
8. Town Floodplain Development Administrator comments dated December 29, 2021.
9. Arlington Fire Department comments dated December 29, 2021.
10. Town of Wappinger review.

Moved: Nicole Gemmati
Seconded: Ben Paganelli
Carried: 5-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Katnani, Alternate	Absent
Member Nasser	Absent
Member Paganelli	Aye
Member Quinn	Aye
Member Romeo	Absent

NOTE TO THE APPLICANT: In responding to the comments of the Planning Board, Planning Department Staff, any of the various Town Departments and Agencies, and any of the Town's consultants, it is the responsibility of the applicant to prepare appropriate and complete responses to each and every comment contained in the comment letter(s) and memoranda listed above. Failure to submit appropriate and complete responses to each and every comment as noted may result in the removal of the application from the Planning Board agenda, or may delay plan signatures pending a revised response.

Very truly yours,

Carl Whitehead

Carl Whitehead
Planning Board Chairman

PRESENT:	ABSENT:
Chairman Whitehead	
Member Fanelli (attended via zoom)	
Member Gemmati	
	Member Katnani (Alt.)
	Member Nasser
Member Paganelli (attended via zoom)	
Member Quinn (attended via zoom)	
	Member Romeo

CW:rlp

cc: Felicia Salvatore, Town Clerk, via email
Lisa Cobb, Esq., Wallace & Wallace, LLP, Planning Board Attorneys, via email
Anthony Morando, Esq., Cuddy & Feder, LLP, via email
Greg Liberman, EDR, via email