

**Village of South Blooming Grove
Planning Board
Minutes
October 9, 2013
7:00 P.M.**

➤ **Call to order:**

- Chairperson Sas called to order the Planning Board at 7:03 p.m. on October 9, 2013, at the South Blooming Grove Village Hall located at 811 State Route 208, within the Village of South Blooming Grove, and having a mailing address of Monroe, New York. Chairperson Sas opened the Board Meeting with the Pledge of Allegiance.

➤ **Roll call:**

- Chairperson Sas conducted a roll call. The following persons were present:
 - Julius Sas- Chairperson
 - Manny Aleixo- Member
 - Robert Corrado- Member
 - James Campbell- Member
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- Also Present:
 - Joe McKay, Esq.- Village Attorney
 - John Szarowski- Village Engineer
- Absent:
 - Steve Corrallo- Member
 - Ronald Torpey- Member

➤ **Adoption of Minutes:**

- Motion to accept the minutes from the August 28, 2013 meeting made by Member Campbell, seconded by Member Corrado. *3 Ayes, 2 Absent, 1 Abstain- Member Aleixo.*
- Motion to accept the minutes from the September 25, 2013 meeting made by Member Corrado, seconded by Member Aleixo. *3 Ayes, 2 Absent, 1 Abstain- Chairperson Sas.*

➤ **Public Comment:**

- None.

➤ **Correspondence:**

- October 4, 2013 correspondence regarding the Orange & Rockland accessory building.

➤ **Old Business:**

- The Board reviewed the Final Application for Subdivision as submitted by Robert Geneslaw, Village Planner.

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➤ **New Business:**

- Orange & Rockland Accessory Building: Orange and Rockland submitted a Planning Board application for an accessory building.
- Orange & Rockland attorney Alan Lipman stated that due to the recent storms and hurricanes, Orange & Rockland would like to install a Uninterrupted Power Source (UPS) to better serve the public when those storms occur. This UPS would be a backup system used from the time the power goes out to the time the generator will kick in.
- Chairperson Sas questioned the O&R representatives on the type of battery the UPS would use. Kevin Duggan, O&R Facility Engineer stated that it's similar to a car battery. He stated that they have a few of them so that they can maintain power to the computers, since the generator takes a few minutes to kick in after loss of power on the street. The UPS would be there to take over during that time between the loss of power and the generator starting up. It is sized to handle only the critical computers that handle the communications. He also stated that each UPS has about half an hour of battery life. The power will go straight through the UPS and is always feeding through it.
- Steve Napolitano, Engineer for O&R, stated that the proposal is for a new UPS and a telecommunications building. He stated that they are staying away from any environmental related DEP or DEC areas. There will be no additional office space or parking added, and none of the new structures will hold people. It is only for the equipment. The construction will all be contained to behind a fence at the rear of the building and there will be no construction at the front of the building. He also mentioned that the UPS is a pre-engineered unit and will be brought to the site.
- Chairperson Sas asked if there would be any hydrochloric fumes that would come out of the UPS, as it is a relatively large unit. Duggan stated that they are deep cell batteries that are vented and shouldn't cause any issue. The O&R Spring Valley building uses the same UPS and hasn't had any issues with it.
- Village Attorney Joe McKay mentioned that the Board had specifically requested the full site plan as there is still a pending conditional use permit application that they are intending on withdrawing.
- Napolitano mentioned that the survey and site plan are up to date and have been done within the last year.
- Napolitano added that the UPS will be for the building to operate and allow its people to storm harden and better be able to leave the telecommunications open to communicate amongst the other O&R facilities when needed.
- McKay referenced a correspondence between himself and the Village Planner, Robert Geneslaw. He stated that Geneslaw believed there were

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service trucks that were still parked on the property. He asked if the outer portion of the property can be deemed as utility use because they might service vehicles from there.

- Duggan stated that they have gas and electric crews stationed there that park their vehicles overnight. They come back in in the mornings, pick up their assignments and go out to do their jobs. There are canopies for the trucks to park under s they are out of the weather. He also mentioned that they have fueling facilities for diesel and gasoline for their vehicles. They are underground tanks.
- Member Corrado asked if there are any special precautions taken for the transformer storage in case of a fire. Duggan replied stating that any damaged transformers are brought back and confined to certain areas. He also stated that there are special precautions at the fuel tanks in case of a fire. They have a full fire system in place and the fire inspection comes out on a regular basis to inspect it. Corrado asked if they have special containment in case the chemicals leak out. Duggan ensured that there is a dam around the entire perimeter of the storage area to contain any chemical leaks so they do not go off the property.
- Member Corrado asked if all the existing structures have been permitted in the past and Duggan stated that the building inspectors come out regularly and they have met all the criteria they were supposed to meet.
- Chairperson Sas and Member Corrado inferred about the Cell Tower on their property. One of the O&R Representatives stated that it was a Nextel tower and that the company had just called about taking the tower down since they are no longer in business but there is another company that uses that tower as well. Corrado asked if it was being rented out and not strictly for O&R's use. The representative stated that it was being rented out. Joe McKay asked if that use was permitted by the town and the representative responded, stating that he was unsure.
- Member Aleixo mentioned that the previous Village Deputy Clerk, Celina Rofer, had begun to put together a file containing all of the existing Certificates of Occupancies and Compliances and other permits the Town of Blooming Grove had issued to O&R over the years. He also stated that they needed to see a full site plan to see what has already been done on the property. He asked whether or not they would be able to judge this project on its own individual merits or if it incorporates with the existing site plan. Joe McKay commented on the documents Rofer had begun to compile, stating that she had organized the information we had gotten but it was put on hold and there hasn't been any reason to address it until now.
- Chairperson Sas noted that when O&R was previously in front of the Board that had submitted a partial picture of the site and this time they have submitted a full one.

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- Lipman stated that the trucks that come in and out of the facility are not related to the distribution of power and are only used to repair inefficiencies; therefore the structures would not be utility use due to the parking of the vehicles. The building is not a public utility building and it has nothing to do with furnishing utility services to the public. It does not fall under the category of utility building. He also mentioned that in this day and age there are antennas and transmitters all over the private sector, so that cannot be used as the criteria to determine if it is a public utility.
- Member Corrado asked if the enhanced communications they would be installing could control any switching stations. Lipman stated that it would only be to shut down facilities in case of an emergency.
- Duggan added that this facility would be an alternate to the Spring Valley facility so that they can maintain power to the smart grid system so they can operate. The goal is to do as much as they can automatically so that the residents are out of power for less time. None of the actual work would be done there, as it is all taken care of at Spring Valley. One of the other representatives stated that this would be for having communication between the two facilities if anything goes down.
- Member Corrado stated that they have to make sure that it won't be construed as a utility building, so they need to eliminate completely that it is not a utility use. Lipman responded by stating that if power is not coming through the building it cannot be considered utility.
- McKay stated that they've been focusing on that issue, and that it is an office building as there is no power going through it. He stated that the Village Planner got Google Earth images of the building and it shows the trucks, storage area and fuel tanks. He stated that even if they determine that it is not a utility use in that it doesn't generate use, they still have to determine if it's an unlisted use. If we determine that it's an office use but it has other uses associated with it, such as truck parking and service related matters, then it needs to be determined if it is enough such that the use is not strictly office building use but that it becomes an unlisted use that will require a special permit. He also stated that that was why he had suggested that Lipman not yet withdraw the Special Use Application that has been submitted until they know for sure if it will be needed.
- Lipman stated, concerning the designation as office use, that 98% of the building is being used for office purposes. The storage of vehicles on the site is not something he views as a violation of office use. He also mentioned, regarding plans having been approved by the Town of Blooming Grove, that he would doubt they had been able to put in the underground storage area without having gotten approval for it.
- Napolitano pulled out an original design drawing from the site done in 1982. He stated that it shows revisions made when it went before the Planning Board for the Town of Blooming Grove in 1982. McKay asked if

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it had reference to the underground storage. Napolitano stated that those underground storage areas were always there. Lipman added that the parking is also still the same as in the original plans. Duggan stated that the site has remained virtually unchanged since the construction began in 1984.

- Chairperson Sas asked if the Board could attain copies of that design drawing. McKay stated that it would be better to have a stamped approved copy of the drawing from the Town of Blooming Grove instead. Napolitano stated that his office would not have a copy of that. Duggan stated that he will search through O&R's files to see if they have a copy of it. McKay stated that the Village will look through their files to see if there is a copy.
- Napolitano asked if there is a presumption that everything done on the site has been approved, as they undergo regular building inspections. McKay responded stating that since it is a new Village and a new Board all the plans had be approved in a separate jurisdiction. He also stated that every application that comes before the Board sets precedent for every application that comes in later and it is necessary to make sure that all of the records are accurate.
- Napolitano stated that even though the copy of the plans he has are not stamped, they do show revisions that show that it went before the Planning board and shows that it was a maintenance building and was always intended as such.
- Member Corrado asked how the Board will handle the fact that the application says "Amended Application". McKay responded stating that he spoke with Lipman and had received a letter on O&R's behalf stating that this application will be treated as a new application and that the only changes to said application is the addition of the word "amended" in the title.
- It was decided that O&R will appear again at the next meeting, scheduled for October 23, 2013.

➤ **Next Meeting Date:**

- The meeting is scheduled for October 23, 2013.

➤ **Close Meeting:**

- Motion to close meeting made by Member Aleixo at 8:36 P.M. and seconded by Member Campell. *4 Ayes, 2 Absent.*

Minutes respectfully submitted by:

Mary Barnes – Deputy Clerk