

BEFORE THE
TOWN OF HAVERSTRAW PLANNING BOARD

**NARRATIVE STATEMENT IN SUPPORT OF UNITED WATER NEW YORK INC.'S
REVISED APPLICATION FOR SITE PLAN APPROVAL
FOR THE INTAKE LINE AND PUMPING STATION COMPONENTS OF ITS
PROPOSED PILOT PLANT**

I. INTRODUCTION

United Water New York Inc. ("United Water") respectfully submits this revised application for site plan approval to build and operate a pumping station and raw water intake line at 710 Beach Road in the Town of Haverstraw, Rockland County, New York ("Property" or "Site") as part of the temporary pilot plant for United Water's long-term water supply project ("Pilot Plant"). The Site is owned by U.S. Gypsum and it is located within a Commercial Recreation ("CR") zoning district.

On June 24 2008, United Water submitted an application for site plan approval to build and operate the Pilot Plant at the Property ("June 2008 Application").¹ The Pilot Plant consists of: (1) testing facilities;² (2) a raw water intake line ("Intake Line"); (3) up to two raw water abstraction pumps (one duty and one standby) ("Pumping Station"); and (4) a raw water transmission main. Since the filing of the June 2008 Application, the plans for the Pilot Plant have changed. The primary change is the relocation of the Pilot Plant's testing facilities from the Property to an existing building in the Village of West Haverstraw that is owned by DSB Realty

¹ Additional information was submitted to the Planning Board on July 23, 2008 in furtherance of United Water's application for site plan approval.

² The testing facilities were originally to be housed on the Property in a thirty to thirty-five foot, 3,960 square foot wood frame building on a concrete slab.

Associates, LLC. The Intake Line and Pumping Station would remain at the Site.³ Accordingly, this revised application seeks site plan approval solely for the construction and operation of the Intake Line and Pumping Station.

As noted in the June 2008 Application, United Water's long-term water supply project would ultimately involve the construction of a desalination facility to meet the long-term public water supply needs of United Water's Rockland County customers (the "Project"). The Project would consist of a water treatment facility, including desalination capability, which would withdraw water from the Hudson River, treat the water, and make the water available for use for drinking and other water demands ("Full-Scale Facility").

Prior to construction of the Full-Scale Facility (also known as the Long-Term Facility), United Water seeks to build the Pilot Plant to test a number of treatment processes and evaluate their effectiveness in comparison to a selected baseline process. United Water would use the Pilot Plant to gather information on ambient water quality and treatment methods. The information gathered would be used to refine the treatment processes and sequencing of treatment for the Full-Scale Facility. The primary process to be tested for desalination is reverse osmosis, with two types of pretreatment systems upstream of the reverse osmosis to be tested by the Pilot Plant. Three different process trains would be tested; with process control and water quality instrumentation measuring the effectiveness of the different treatment methods. Data to be gathered from the Testing Facilities would include the optimum depth or depths to draw water under various tidal and/or salinity regimes, the sequencing of the treatment methods to result in the highest quality potable water while optimizing the treatment cost and volume for delivery, and information on the volume and quality of the waste streams generated from the treatment

³ The approximately 1.7 mile raw water transmission line will carry untreated Hudson River water from the Site to the Testing Facilities in the Village of West Haverstraw via existing utility right-of-ways along Beach Road/Grassy Point Road and then west along Railroad Avenue into the Village of West Haverstraw.

methods so disposal options and their associated costs can be quantified for the Full-Scale Facility.

The Pilot Plant could also allow United Water to evaluate the potential environmental effects of the Full-Scale Facility on a smaller scale. United Water could use the Pilot Plant to evaluate the effectiveness of the screen design on the Intake Line to reduce impingement and entrainment of aquatic organisms. Raw water used for the Pilot Plant process could be sampled and analyses could be conducted during peak fish abundance periods in order to calculate total entrainment by species. This data could help to validate the modeled assumptions for entrainment potential. United Water expects to operate the Pilot Plant for approximately 12 to 18 months, with the Intake Line and Pumping Station present on the Property for 12 to 24 months.

Section A173-1 of the Town of Haverstraw Code ("Town Code") requires United Water to obtain site plan approval for the Pilot Plant from the Town of Haverstraw Planning Board ("Planning Board").

II. THE APPLICANT

United Water is a public utility organized under the New York State Transportation Corporations Law. United Water's services and rates are regulated by the New York State Public Service Commission. United Water provides a public water supply, including drinking water, to the vast majority (approximately 90%) of Rockland County.

III. DESCRIPTION OF THE INTAKE LINE AND PUMPING STATION

The Intake Line would be placed in the Hudson River to supply 200 to 340 gallons per minute of water to the Pilot Plant's testing facilities. The intake would consist of a screen and the Pumping Station (*i.e.*, up to two raw water abstraction pumps (one duty and one standby)). The pressure required would be determined upon selection of the intake site. Depending on the

location of intake and length of suction pipe, a priming pump may also be required. The intake would also require an air compressor for cleaning the screen using bursts of air.

Access to the Intake Line and Pumping Station would be via Beach Road and an existing access road on the U.S. Gypsum property. The Property would have two parking spaces. A copy of the revised site plan for the Intake Line and Pumping Station is included in United Water's revised site plan application. The Pilot Plant would be a temporary (12 to 18 months) operation. However, United Water anticipates that the Intake Line and Pumping Station would be present for 12 to 24 months. Ultimately, the Intake Line and Pumping Station would be removed and the Site would be restored to pre-construction conditions.

In addition to site plan approval, United Water is requesting a waiver of certain construction standards set forth in Section 172-16 of the Town Code, Section 172-16 of the Town Code governs monuments. Monuments are proposed at two of the five property corners (*i.e.*, the upland property corners). Since the remaining property corners are underwater in the Hudson River, and the Intake Line and Pumping Station are temporary, United Water is requesting a waiver of the requirement to place monuments at the underwater corners. United Water seeks to avoid the burden and cost involved with installing temporary monuments in the Hudson River, thereby making it easier for United Water to return the site to pre-development condition after the Intake Line and Pumping Station are no longer operational.

The Pilot Plant also requires the following from the Town of Haverstraw ("Town"): a Special Permit pursuant to Section 167-19 of the Town Code from the Town Board; certain area variances from the Town Zoning Board of Appeals (a variance of the flood plain buffer set forth in Section 167-65 of the Code and a variance of the minimum lot frontage requirement set forth

in the Table of General Bulk regulations (both of which are existing non-conforming conditions)); from the Town Architectural Review Board; and a building permit.⁴

IV. COMPLIANCE WITH THE TOWN CODE

The instant application is for site plan approval. Section A173-3 of the Town Code states that when considering site development plans, the Planning Board “shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular.” Town Code § A173-3. Section A173-3 also sets forth a number of objectives for site plan approval. The Intake Line and Pumping Station meets the standards, requirements and objectives for site plan approval. Each objective and United Water's response thereto follows.

- A. Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and in conformity with other similar safety considerations.**

The Intake Line and Pumping Station would be used for gathering and collecting data on water quality, treatment methods, sequencing of treatment methods, and volumes of waste and brine streams generated from the desalination process. The Intake Line and Pumping Station do not require full-time staffing. Staff would only need to access the Property for ongoing maintenance. Construction of the Intake Line and Pumping Station would require minimal deliveries of materials. Materials and supplies would be delivered to the Property periodically.

⁴ In addition, pursuant to General Municipal Law §§239-l, 239-m, and 239-nn, the Planning Board referred the original site plan application to the Rockland County Department of Planning and the Town of Stony Point on or about June 23, 2008. The Rockland County Department of Planning submitted recommendations and modifications to the Planning Board on July 23, 2008. Since the Rockland County Department of Planning and the Town of Stony Point already considered the effects of the Intake Line and Pumping Station, the revisions to the application are not substantial and the Planning Board, therefore, does not need to rerefer the revised application to the Town of Stony Point or the Rockland County Department of Planning. See Ferrari v. Town of Penfield Planning Board, 181 A.D.2d 149 (4th Dep't 1992) (holding that GML §239-m contemplates the county board review and make recommendations on an application in substantially the form and content which is before the municipal agency for final action).

Most of the deliveries would arrive via small trucks. All access to the Intake Line and Pumping Station (for construction and operation and maintenance) would be via Beach Road and an existing access road on the U.S. Gypsum property. As such, the Intake Line and Pumping Station would have no impact on traffic conditions and would provide adequate traffic access via existing roads.

- B. Circulation and parking. Adequate off-street parking and loading spaces will be provided to prevent the parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.**

As mentioned above, access to the Intake Line and Pumping Station would be via Beach Road and an existing access road on the U.S. Gypsum property. Construction of the Intake Line and Pumping Station would require minimal deliveries of materials. Construction is estimated to take six to ten weeks. Materials and supplies would be delivered to the Property periodically. Most of the deliveries would arrive via small trucks. The Intake Line and Pumping Station do not require full-time staffing. Staff would only need to access the Property for ongoing maintenance. The Property would have two (off-street) parking spaces, which would be more than adequate for staff parking. The parking area would be able to accommodate deliveries. Thus, the Intake Line and Pumping Station would have adequate and accessible off-street parking and interior circulation system.

C. Landscaping and screening.

1. Landscaping shall be provided as part of the overall development design and integrated into building arrangements, topography, parking and screening requirements. Landscaping shall include trees, shrubs, ground cover, perennial and annual flowers, other plants, sculpture, art and the use of building and paving materials in an imaginative manner. Landscaping shall be maintained and the owner shall be responsible for replacement of dead plant materials or other damaged landscaping items. All developments, except one- or two-family residential construction, shall

have landscaping designed and executed by a New York State-licensed landscape architect.

United Water would construct a six-foot fence around the Intake Line and Pumping Station that will be screened by existing vegetation. All landscaping would be maintained and dead plant materials or other damaged landscaping items shall be replaced. Existing screening (from the river) would also be used to the extent possible.

2. Screening shall be located to minimize glare from headlights, noise, light from structures, the movement of people and vehicles and to shield activities from adjacent properties when necessary. Screening may consist of fencing, berms, evergreens, shrubs, deciduous trees, physical barriers or combinations thereof to achieve the stated objectives.

United Water would construct a six-foot fence around the Intake Line and Pumping Station that will be screened by existing vegetation. All landscaping would be maintained and dead plant materials or other damaged landscaping items shall be replaced.

- D. Compatibility. Signs and lights will be compatible and in scale with building elements and will not predominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.**

No buildings or walls would be located on the Property. United Water would, however, construct a six-foot fence around the Intake Line and Pumping Station that will be screened by existing vegetation. The height of the fence is appropriate, and the Intake Line and Pumping Station were specifically located on the Property so that they would not interfere with existing or future uses of the Property or adjacent land, uses, structures and buildings. Signs would not predominate the overall visual impact of the Intake Line and Pumping Station. The proposed Intake Line and Pumping Station design are neither massive nor monolithic in appearance.

- E. Environmental considerations.** The design, layout and operational characteristics of the proposed use will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Town. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.

As discussed in more detail in Section V below, the construction and operation of the Intake Line and Pumping Station is a Type II action based on its size, nature and purpose. Type II actions are those actions which have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8 (the New York State Environmental Quality Review Act).

By its nature (gathering and collection of water quality data) and design (a temporary facility that, when operational, only requires periodic staffing for ongoing maintenance), the Intake Line and Pumping Station would not create or involve noise, fumes, vibration or lights that would be more objectionable to nearby properties than any use permitted by right.

Moreover, the Intake Line and Pumping Station would be located on an existing industrial property so that they would not result in a waste of land and other natural resources of the Town. The proposed Intake Line and Pumping Station design takes into account soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life and would have no impact on such elements. Accordingly, the Intake Line and Pumping Station would not adversely impact the environment.

- F. Development.** The site development plan elements, including buildings, parking, drainage, circulation, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use.

U.S. Gypsum currently uses the Property for commercial/industrial purposes and it would continue to do so. The Property contains a conveyor system and other buildings, structures and

equipment necessary to U.S. Gypsum's business. In consultation with U.S. Gypsum, the Intake Line and Pumping Station were designed and would be located on the Property so that it would not interfere with U.S. Gypsum's ongoing operations. Thus, the Intake Line and Pumping Station would not impair the market value of said U.S. Gypsum buildings, uses and structures if the site plan approval is granted.

Moreover, adjoining properties would not be impacted by the Intake Line and Pumping Station given their size, nature (gathering and collecting data), temporary operation, and design. The Intake Line and Pumping Station would not impose a safety risk to adjoining properties and would be fully accessible to fire and police protection. Given the height and the distance to adjoining property (as indicated on the site plan), the Intake Line and Pumping Station would have no impact on adjoining properties. In addition, the Pilot Plant would have no impact on existing or future streets or drainage systems.

No buildings or walls would be located on the Property. United Water would, however, construct a six-foot fence around the Intake Line and Pumping Station that will be screened by existing vegetation. The location, nature and height of the fence would not discourage the appropriate development and/or use of adjacent land, uses, structures and buildings or impair the value thereof for the following reasons: (1) the Property, owned by U.S. Gypsum, is currently used for commercial/industrial purposes; (2) the Intake Line and Pumping Station would be a temporary operation and the Site would be restored to pre-construction conditions; (3) the height of the building, walls and fences is appropriate; and (4) the Intake Line and Pumping Station were specifically located on the Property so that they would not interfere with existing or future uses of the Property or adjacent land, uses, structures and buildings.

V. STATE ENVIRONMENTAL QUALITY REVIEW ACT

The Pilot Plant, as originally proposed and as revised, is a Type II action under the State Environmental Quality Review Act ("SEQRA"). See 6 NYCRR § 617.5 (2008). Type II actions are those actions which "have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8" and "are not subject to review under [SEQRA]," assuming that the proposed action does not meet or exceed any of the listed Type I thresholds. *Id.* §§ 617.4 and 617.5(a) and (c). Type II actions do not require the preparation of an environmental impact statement. Type II actions are set forth in Section 617.5(c) of the New York State Department of Environmental Conservation's regulations.

The Town Board and the New York State Department of Environmental Conservation on June 23, 2008 and January 26, 2009, respectively, classified the Pilot Plant as a Type II action under SEQRA pursuant to 6 NYCRR §617.5(c)(18) because the stated purpose for the construction and temporary operation of the Pilot Plant is basic data collection in partial support of United Water's application for long term water supply project, including undertaking water quality, pollution and engineering studies.

Potential approval of the revised site plan application remains a Type II determination pursuant to 6 NYCRR §617.5(c)(18) because the purpose of the Pilot Plant (as revised), including the Intake Line and Pumping Station, is identical to the purpose of the Pilot Plant as originally proposed (*i.e.*, information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies). Therefore, the revised application should not require a second SEQRA Type II determination.

