

**PSEG LONG ISLAND LLC**  
**On Behalf of and as Agent for the**  
**LONG ISLAND LIGHTING COMPANY d/b/a LIPA**

**Syosset to Oakwood Project**

**EXHIBIT 7**  
**LOCAL ORDINANCES**

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## **EXHIBIT 7: LOCAL ORDINANCES**

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### **7.1 Introduction**

The applicant (“Applicant”) is PSEG Long Island LLC (“PSEG Long Island”) on behalf of and as agent for the Long Island Lighting Company d/b/a LIPA, a wholly-owned subsidiary of the Long Island Power Authority (“LIPA”). LIPA is a corporate municipal instrumentality of the state, a body corporate and politic and political subdivision of the state, exercising essential governmental and public powers. Public Authorities Law, § 1020-c(1). In addition, Public Authorities Law § 1020-p provides that:

[i]t is hereby found and declared that the operation of the authority is primarily for the benefit of the people of the state of New York, for the improvement of their health, welfare and prosperity, and is a public purpose, and the authority shall be regarded as performing an essential governmental function in carrying out the provisions of this title.

To carry out its essential governmental purposes, LIPA is required solely to “apply to the appropriate agencies and officials of the federal and state governments for such licenses, permits or approval of its plans or projects as it may deem necessary or advisable....” See Public Authorities Law § 1020-g(e).

Notwithstanding LIPA’s exemption from the jurisdiction of local municipalities, the Applicant submits the following analysis of Local Ordinances. The analysis is submitted for the sole purpose of allowing the Commission to evaluate under Article VII the Syosset to Oakwood Project’s (“Project”) compliance with the substantive local requirements that would otherwise be applicable to a major utility transmission facility. Where code provisions cannot be complied with because they are unreasonably restrictive, the Applicant requests that the Commission refuse to apply them to the Project.

Nothing herein should be construed or interpreted as either LIPA or PSEG Long Island agreeing to subject itself to the jurisdiction of any county or local municipality; waive its exemption from such jurisdiction; or waive or forfeit any other right to which it is entitled under the law.

The Project is proposed to be sited in the following jurisdictions:

- County of Nassau
  - Town of Oyster Bay
- County of Suffolk
  - Town of Huntington

This exhibit identifies, for each of the jurisdictions listed above, the substantive local ordinances, laws, resolutions, regulations, standards and other requirements relevant to the Project activities (“Local Ordinances”). The Applicant will comply with the substantive requirements of these Local Ordinances, and the location of the Project and its construction and operation will be in accordance with all such Local Ordinances, except for those substantive requirements of Local Ordinances that the Applicant in this Exhibit 7 identifies as unreasonably restrictive in view of: (i) the existing technology; (ii) factors of costs or economics; or (iii) the needs of consumers. This Exhibit 7 contains justification statements in support of the Applicant’s request that the Public Service Commission (“Commission”) not apply those substantive Local Ordinances identified as unreasonably restrictive.

Due to the preemptive effect of Public Service Law (“PSL”) Section 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

<b>Table 7.1-1 Compliance Summary Table</b>		
<b>Municipality</b>	<b>Subject of Ordinance</b>	<b>Applicant Will Comply or Requests PSC Relief</b>
<b><i>County of Nassau</i></b>		
	Admin. Code Section 11-A-3.0 - Violations	Will Comply
	Admin. Code Section 12-4.1 - Sidewalks and curbs on state highways and county roads outside of incorporated villages and cities	Will Comply
	Admin. Code Section 12-4.3 – Deposits of material on county roads	Will Comply
	Admin. Code Section 12-13.0 – Construction, maintenance and control of bridges within the County	Will Comply
	Admin. Code Section 21-24.2 – Preventing the spread of invasive species in Nassau County; Prohibitions	Will Comply
	Admin. Code Section 21-24.6 – Disposal of prohibited invasive species	Will Comply
	Nassau County Ordinance No. 35-2017 – An ordinance to regulate County rights of way in relation to utilities	Will Comply
	Rules & Regulations Pertaining to Work on County Roads and Within County Right-of-Way	Will Comply
<b><i>Town of Oyster Bay</i></b>		
	Chapter 93- Building Construction	Will Comply
	Chapter 96-Dangerous Buildings and Abandoned Buildings	Will Comply
	Chapter 121-Flood Damage Prevention	Will Comply
	Chapter 145-Landscaping	Will Comply
	Chapter 156-Noise	Requests PSC Partial Refusal to Apply
	Chapter 164-Oil, Storage and Handling of	Will Comply
	Chapter 181-Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Drain System	Will Comply
	Chapter 182-Property Maintenance, Industrial and Commercial	Will Comply
	Chapter 201-Solid Waste	Will Comply
	Chapter 203-Speed Limits	Will Comply
	Chapter 204-Stormwater Management and Erosion and Sediment Control	Will Comply

<b>Table 7.1-1 Compliance Summary Table</b>		
<b>Municipality</b>	<b>Subject of Ordinance</b>	<b>Applicant Will Comply or Requests PSC Relief</b>
	Chapter 205-Streets and Sidewalks	Will Comply
	Chapter 225-Trees	Will Comply
	Chapter 233-Vehicles and Traffic	Will Comply
	Chapter 246-Zoning	
	Zoning Maps and Districts	Will Comply
	Section 246-4.1 Application Regulations	Will Comply
	Section 246-4.4 Provisions Governing Yards	Will Comply
	Section 246-4.5 Provisions Governing Height	Requests PSC Partial Refusal to Apply
	Section 246-4.7 Provisions Governing Fences and Walls	Will Comply
	Section 246-4.8 Provisions Governing Exterior Light	Will Comply
	Section 246-4.10 Provisions Governing Slopes	Will Comply
	Section 246-5.2 Schedule of Use Regulations	Requests PSC Partial Refusal to Apply
	Section 246-5.3 Schedule of Dimensional Regulations	Requests PSC Partial Refusal to Apply
	Section 246-6 Site Plan Review	Will Comply
	Section 246-7 Site Design Standards	Requests PSC Partial Refusal to Apply
	Section 246-8 Off Street Parking and Loading	Will Comply
	Section 246-9 Special Use Permit Review	Will Comply
Section 246-10 Performance Standards	Requests PSC Partial Refusal to Apply	
Section 246-11 Sign Regulations	Will Comply	
<b><i>County of Suffolk</i></b>		
	Chapter 8-Development of Agricultural Land	Will Comply
	Chapter 433-Dumping and Littering	Will Comply
	Chapter 446-Environmental Protection	Will Comply
	Chapter 459-Fertilizer	Will Comply

<b>Table 7.1-1 Compliance Summary Table</b>			
<b>Municipality</b>	<b>Subject of Ordinance</b>	<b>Applicant Will Comply or Requests PSC Relief</b>	
	Chapter 618-Noise	Requests PSC Partial Refusal to Apply	
	Chapter 639-Parking, Off Street	Will Comply	
	Chapter 713-Safe School Zones	Will Comply	
	Chapter 740-Sewers	Will Comply	
	Chapter 759-Storm Sewers	Will Comply	
	Chapter 763-Stormwater Management	Will Comply	
	Chapter 765-Streets and Sidewalks	Will Comply	
	Chapter 808-Utilities; Utility Workers	Will Comply	
	Suffolk County Sanitary Code		
	Article 5 General Sanitation	Will Comply	
	Article 7 Water Pollution Control	Will Comply	
	Article 12 Toxic and Hazardous Materials Storage and Handling Controls	Will Comply	
	Article 18 Petroleum Bulk Storage	Will Comply	
<b><i>Town of Huntington</i></b>			
	Chapter 87-Building Construction	Will Comply	
	Chapter 111-Fire Prevention	Will Comply	
	Chapter 117-Solid Waste Management: Collection, Recycling and Disposal	Will Comply	
	Chapter 120-Harbors and Waterways	Will Comply	
	Chapter 132-Landscaping	Will Comply	
	Chapter 133-Littering and Dumping	Will Comply	
	Chapter 141-Noise	Requests PSC Partial Refusal to Apply	
	Chapter 143-Outdoor Lighting	Will Comply	
	Chapter 156-Property Maintenance; Nuisances	Will Comply	
	Chapter 164-Sewer Use Management	Will Comply	
	Chapter 168-Floodplain Management	Will Comply	

**Table 7.1-1 Compliance Summary Table**

<b>Municipality</b>	<b>Subject of Ordinance</b>	<b>Applicant Will Comply or Requests PSC Relief</b>
	Chapter 170-Stormwater Management	Will Comply
	Chapter 171-Streams, Watercourse and Wetlands	Will Comply
	Chapter 173-Streets and Sidewalks	Will Comply
	Chapter 186-Tree Preservation and Protection	Requests PSC Partial Refusal to Apply
	Chapter 195-Waste Management	Will Comply
	Chapter 198 Zoning	
	Zoning Map and Districts	Will Comply
	Sections 198-13 R-80; 198-14 R-40; 198-14 R-20; 198-17 R-10; 198-19 R-5 Residence Districts and R-HS Residential Health Services District-Use Regulations	Will Comply
	Section 198-32-C-11 Automotive Service Station District-Use Regulations	Will Comply
	Section 198-38-I-5 General Industry District-Use Regulations	Will Comply
	Article VII Off-Street Parking	Will Comply
	Article IX Height, Area and Bulk Regulations	Will Comply
	Article XI Conditional Uses; Supplementary Regulations	Will Comply
	Article XIII Performance Standards	Will Comply
	Article XIV Signs and Advertising Devices	Will Comply
Traffic Code	Will Comply	

## **7.2 County of Nassau<sup>1</sup>**

### ***7.2.1 Admin. Code Section 11-A-3.0 – Violations***

This Local Ordinance prohibits the disposal of litter or waste on County property.

### ***7.2.2 Admin. Code Section 12-4.1 - Sidewalks and curbs on state highways and county roads outside of incorporated villages and cities.***

This Local Ordinance requires that construction on sidewalks or curbs on state highways or county roads located outside of incorporated villages or cities to be performed in accordance with the specifications of the Nassau County Department of Public Works.

### ***7.2.3 Admin. Code Section 12-4.3 – Deposits of material on county roads.***

This Local Ordinance prohibits the “accumulation of sand, gravel, cinders, topsoil, mud, earth or other material or any container, box, dumpster, or other instrumentality for the storage of such materials to be placed, deposited, tracked, or flowed upon any county road.”

### ***7.2.4 Admin. Code Section 12-13.0 – Construction, maintenance and control of bridges within the County***

This Local Ordinance provides that prior to the use of heavy equipment on a bridge in the county, a New York State certified professional engineer shall certify that in the opinion of the professional engineer such use of heavy equipment will not damage the bridge’s foundations, abutments, substructures, beams, concrete, steel, bearings, pins, hangers, and superstructures. (The law defines “bridge” as any bridge located wholly inside Nassau County with a span greater than 20 feet.)

### ***7.2.5 Admin. Code Section 21-24.2 – Preventing the spread of invasive species in Nassau County; Prohibitions***

This Local Ordinance provides that “[n]o person shall introduce, throw, dump, deposit, place or cause to be propagated ... in any river, stream, lake, pond, wetland or storm water drain” any

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<sup>1</sup> The Applicant obtained the Local Ordinances of the County of Nassau online at: <https://www.nassaucountyny.gov/581/Laws-Regulations-Codes> (last visited March 26, 2025).

invasive plant species listed in this Section. This Local Ordinance also provides that “[n]o person shall knowingly collect, transport, sell, distribute, propagate or transplant any living and viable portion of any plant, or the compost, mulch, soil, or other materials containing seeds or other viable parts of any such plant, included in the Nassau County prohibited invasive plant species” set forth in this Section.

**7.2.6 Admin. Code Section 21-24.6 – Disposal of prohibited invasive species**

This Local Ordinance states that “invasive species shall only be disposed of in a manner that renders them non-living and non-viable.”

**7.2.7 Nassau County Ordinance No. 35-2017 – An Ordinance to Regulate County Rights-of-Way in Relation to Utilities**

This Local Ordinance regulates the placement and maintenance of utility equipment within County rights-of-way. Section 2(f) requires that utility equipment within County rights-of-way be placed and maintained in a manner that does not “unreasonably interfere with County and other municipal public safety systems, the use of the County Rights-of-Way by the public and with the rights and convenience of property owners who adjoin any of the County Rights-of-Way.” Section 2(g) requires that the utility company restore the right-of-way to the condition existing prior to the commencement of work in accordance with Nassau County standards and specifications. Section 10(a) prohibits any placement or maintenance of equipment within County rights-of-way in a manner that would “displace, damage or destroy any facilities or underground utilities....”

**7.2.8 Rules & Regulations Pertaining to Work on County Roads and Within County Right-of-Way**

This Local Ordinance regulates work performed within County road Rights-of-Way.

## **7.3 Town of Oyster Bay<sup>2</sup>**

### ***7.3.1 Chapter 93 – Building Construction***

Section 93-14.1 requires temporary fencing of at least six feet in height be erected around excavations performed for the installation of structure foundations or footings. Section 93-6 provides for the Town’s administration of the Uniform Fire Prevention and Building Code.

### ***7.3.2 Chapter 96 – Dangerous Buildings and Abandoned Buildings***

Section 96-3 provides that unsafe structures are a public nuisance that must be repaired, secured, demolished or removed.

### ***7.3.3 Chapter 121 – Flood Damage Prevention***

This Chapter implements the National Flood Insurance Program.

### ***7.3.4 Chapter 145 – Landscaping***

This Chapter regulates landscapers and landscaping activities within the Town.

### ***7.3.5 Chapter 156 – Noise***

This Local Ordinance regulates noise within the Town. Section 156-4(B)(5) prohibits “Loading [and] unloading...building materials between the hours of 10:00 p.m. the previous day to 7:00 a.m., Monday through Saturday, and 10:00 p.m. the previous day to 8:00 a.m. on Sunday... in such a manner as to cause a noise disruption across a residential real property boundary...” Section 156-4(B)(6) prohibits “[o]perating ... any commercial tools ...between the hours of 10:00 p.m. the previous day and 8:00 a.m. in such a manner as to create a noise disturbance across a residential real property...” Section 156-4(B)(7) prohibits “[o]perating...any tools or equipment used in construction, drilling or demolition work: ... [b]etween the hours of 10:00 p.m. the previous day to 7:00 a.m., Monday through Saturday, and at any time on Sunday or Holidays, such that the sound therefrom creates a noise disruption across a residential real property...” Section 156-4(B)(12) prohibits “[o]perating...any device that creates vibration which is above the vibration

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<sup>2</sup> The Applicant obtained the Local Ordinances of the Town of Oyster Bay at <https://ecode360.com/OY1221> (last visited March 26, 2025).

perception threshold of an individual at or beyond the property of the source if on private property or at approximately 50 feet from the source if on a public space or public right-of-way...”

*The Applicant requests that the Commission refuse to apply the prohibitions in Sections 156-4(B)(5), 156-4(B)(6), 156-4(B)(7), and 156-4(B)(12) on producing sound during nighttime hours that may cause noise disruption, noise disturbance or perceptible vibration at or beyond the property of the source of such vibration or at approximately 50 feet from the source on public rights-of-way. This is because these prohibitions are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. A number of the processes and activities to be conducted in the course of the Project, including use of motorized equipment engaged in excavation, produce noise and vibration. The noise and vibration associated with the Project is limited to the construction phase of the Project, which is temporary and anticipated to take place primarily during daytime hours. Noise associated with the construction phase is estimated to range from 65 dBA to 83 dBA at distances of 100 to 200 feet from the construction activity. Estimated construction noise levels at distances of 100 feet or more do not exceed the Federal Transit Administration (“FTA”) daytime residential noise level guideline of 90 dBA. Estimated construction noise levels from trenchless construction at distances of 100 feet or more do not exceed the FTA nighttime residential noise level guideline of 80 dBA. At distances of 500 feet or more, construction noise levels are estimated to be 69 dBA or less. Indoor noise levels would be lower than outdoor noise levels by 15 dBA or more. Full compliance with these town noise and vibration prohibitions is technically impossible or impracticable. All of these impacts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of such construction activities. This request cannot be obviated by design changes to the Project because noise and vibration is unavoidable given the nature of such construction activities. The Applicant will implement noise and vibration mitigation measures during the course of the Project. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.*

*While the bulk of the construction activities on the Project will occur during daytime hours, the Applicant anticipates that a number of small portions of Project work will need to be conducted during overnight hours in the Town of Oyster Bay to support two types of Project activities.*

*One type of Project activity that will need to be conducted during overnight hours is continuous operation at each splicing location during the period that splicing is performed there. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. To connect each cable length to the lengths on either end of it along the Project route, a splicing crew will join these lengths of cable. Splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process will take approximately one week. To maintain the controlled environment inside the vault during that time, the installation contractor will park a specialized splice trailer directly over a manhole at the splicing location. The trailer has equipment to maintain the necessary air cleanliness and temperature in the vault throughout the splicing process. A generator and similar equipment in the trailer produce noise continuously during splicing operations to facilitate the trailer's operations. The existing technology to meet high quality splicing standards requires that, once the cable splicing process in a splice vault commences, it must continue uninterrupted to completion and the specialized trailer must operate continuously to regulate atmospheric conditions inside the vault. This necessitates 24-hour operation for the full duration of the splicing process. Failure to perform each splice in the above manner may diminish the reliability of the transmission line during its operational life. The Applicant will endeavor to keep the duration of continuous operation of each splice vault and its associated trailer to the minimum necessary consistent with high quality splicing standards.*

*The second type of Project activity that may occur during overnight hours is the installation of cable within manholes along Town roadways at locations where the Applicant in consultation with officials of the town that the Project traverses determine that such work should be performed at night in order to create lesser impacts than work conducted during the day, even taking into account the lower overall ambient noise levels and persons' heightened sensitivity to noise at night. Certain locations along the Project route are roads in commercial corridors with sufficiently high daytime vehicular traffic volumes that these Project activities would create considerable impacts if conducted during the day. This is particularly true in areas where the Project will require the use of detours or alternating one way traffic. Such detours are much less impactful to vehicle traffic if performed at night rather than daytime. Similarly, Project activities*

*near daytime-operating facilities such as businesses and schools will have less impact if conducted at night. The Applicant will consult with local government officials with the goal of reaching agreement with them on locations where nighttime Project work is less impactful than daytime work, and requests that the Commission refuse to apply the above-cited laws as necessary to allow nighttime work at such locations.*

### ***7.3.6 Chapter 164 – Oil, Storage and Handling of***

This Local Ordinance prohibits the discharge of oil to any private or public land or waterbody within the Town.

### ***7.3.7 Chapter 181 – Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Drain System***

This Local Ordinance regulates discharges to the Town’s MS4. With certain exceptions, this Chapter prohibits non-stormwater discharges to the MS4 and prohibits discharges to the MS4 that would cause a violation of the MS4 SPDES permit. Section 181-12 requires the discovery, containment, cleanup and notification of pollutant discharges to the MS4.

### ***7.3.8 Chapter 182 – Property Maintenance, Industrial and Commercial***

This Local Ordinance requires (i) that exterior structural elements on premises within the Town be properly maintained, (ii) pavement be maintained in good condition, (iii) exterior lighting be shielded and not shine on neighboring properties, (iv) grounds be maintained free of insect or vermin infestation, and (v) the disposal of garbage and refuse to avoid causing a hazardous condition on properties within the Town.

### ***7.3.9 Chapter 201 – Solid Waste***

This Local Ordinance regulates the storage, collection and disposal of solid waste within the Town. Section 201-31 provides that the transport of waste shall be in “trucks or wagons securely covered with tarpaulins and having watertight bodies or covered containers.” Section 201-32 provides that it shall be unlawful to deposit “any solid waste anywhere in the Town except at the Town solid waste disposal complex.” Article V prohibits littering. Section 201-71 requires source separation of recyclable materials.

### ***7.3.10 Chapter 203 – Speed Limits***

This Chapter sets forth motor vehicle speed limits on Town roads.

### ***7.3.11 Chapter 204 – Stormwater Management and Erosion and Sediment Control***

This Chapter requires the preparation of a SWPPP for all construction activity with disturbance of more than one acre within the Town.

### ***7.3.12 Chapter 205 – Streets and Sidewalks***

Section 205-1 prohibits the “accumulation of sand, gravel, cinders, topsoil, mud, earth, snow, ice, or other materials” on any street or highway in the Town. Section 205-2 requires the occupant of land adjacent to sidewalks to maintain same in a safe condition and free from snow, ice or obstructions. Section 205-10 requires compliance with Town Public Works specifications for sidewalks, curbs and gutters. Section 205-27 requires that excavation in streets and sidewalks be surrounded by protective barriers and lights during nighttime hours for safety. Section 205-29 requires proper backfilling of excavations and requires the person causing such excavation to be responsible for the correction of any defects.

### ***7.3.13 Chapter 225 – Trees***

This Chapter regulates the removal of trees with a diameter at breast height of 8 inches or more. Section 225-6 provides a list of acceptable and recommended replacement tree species. Section 225-7 permits public utilities to trim and remove trees growing adjacent to public streets in the Town.

### ***7.3.14 Chapter 233 – Vehicles and Traffic***

This Chapter regulates the operation of motor vehicles in the Town.

### ***7.3.15 Chapter 246 – Zoning***

#### ***7.3.15.1 Zoning Map and Districts***

The Project’s electric transmission line is proposed to be located in the following zoning districts within the Town of Oyster Bay: Zone R1-2A (One-Family Residence), Zone R1-1A (One-Family Residence) and NB (Neighborhood Business). The pertinent portion of the Town of Oyster Bay Zoning Map is attached as Figure 7.3-1.

7.3.15.2      *Section 246-4.1 – Application of Regulations*

Section 246-4.1.4.2 provides that uses of state agencies are subject to the special use permit standards that are included in Section 9.4 of the Town’s Zoning Code.

7.3.15.3      *Section 246-4.4 – Provisions Governing Yards*

Section 246-4.4.2 provides that no structure shall be erected in any required yard and any structure greater than eight inches in height shall comply with minimum setbacks for accessory buildings. Section 246-4.4.2.2 provides that underground utility lines are not subject to the Zoning Code’s setback requirements. Section 246-4.4.4 provides requirements for visibility at intersections.

7.3.15.4      *Section 246-4.5 – Provisions Governing Height*

Section 246-4.5.1 provides that structures shall comply with the building height limitations for the respective zoning district. The maximum structure height in the NB district, where the Project’s aboveground structures are proposed to be sited in the Town of Oyster Bay, is 18 feet.

*The Applicant requests that the Commission refuse to apply to the Project the 18-foot height restriction set forth in Section 246-4.5.1 because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The height of the proposed Project facilities is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety.*

*The Applicant proposes constructing approximately two to four transmission structures in the Town of Oyster Bay as a part of the Project and, based on prudent engineering considerations and NESC safety standards, has determined the height for these structures will range from approximately 30 to 45 feet above the ground surface. Based on these considerations, it is technically impossible, impracticable and otherwise unreasonable to change the Project design to comply with the town’s height restriction without sacrificing public safety and the security of Project facilities, and this request cannot be obviated by design changes to the Project. By keeping the height of these structures to a minimum after taking into account prudent engineering considerations, the Applicant has mitigated to the maximum extent practicable the impact of granting this request. These requests cannot be obviated by design changes to the Project and is*

*the minimum necessary. Any adverse impacts of granting this request are mitigated to the maximum extent practicable.*

7.3.15.5      *Section 246-4.7 – Provisions Governing Fences and Walls*

This Local Ordinance regulates fences and walls within the Town of Oyster Bay.

7.3.15.6      *Section 246-4.8 – Provisions Governing Exterior Lighting*

This Section provides that exterior lighting “shall be directed away from neighboring properties and from adjoining *streets* and public areas, and shall otherwise be designed so that it will not interfere with the reasonable use and enjoyment of any such neighboring property...”

7.3.15.7      *Section 246-4.10 – Provisions Governing Slopes*

This Local Ordinance regulates activities on steep slopes. It requires the preparation of a SWPPP in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

7.3.15.8      *Section 246-5.2 – Schedule of Use Regulations*

The Schedule of Use Regulations – Residential Districts does not include “public utility buildings or structures” as a permitted or special permit use within the R1-1A and R1-2A zoning districts. The Schedule of Use Regulations – Nonresidence Districts provide that the “public utility buildings or structures” use is a special permit use within the NB zoning district.

*The Applicant requests that the Commission refuse to apply to the Project the public utility use restriction in Section 246-5.2 for the R1-1A and R1-2A zoning districts because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The Project is comprised of linear utility transmission line that is proposed to be located primarily within existing right-of-way and, thus, must be located within these zoning districts. The Project’s location is a function of the overall integrated Project design and reflects the requirements of constructability, security and public safety. This request cannot be obviated by design changes to the Project and is the minimum necessary. Any adverse impacts of granting this request are mitigated to the maximum extent practicable.*

7.3.15.9      *Section 246-5.3 – Schedule of Dimensional Regulations*

The Schedule of Dimensional Regulations includes the following requirements within the R1-1A district: (i) minimum front-, side- and rear-yard structure setbacks: 70 feet, 20 feet and 20 feet, respectively, (ii) maximum height: 1 story or 12 feet, and (iii) maximum coverage of rear yard: 20%.

The Schedule of Dimensional Regulations includes the following requirements within the R1-2A district: (i) minimum front-, side- and rear-yard structure setbacks: 80 feet, 20 feet and 20 feet, respectively, (ii) maximum height: 18 feet, and (iii) maximum coverage of rear yard: 20%.

The Schedule of Dimensional Regulations includes the following requirements within the NB district: (i) minimum front-, side- and rear-yard structure setbacks: 10 feet for each, (ii) maximum height: 18 feet, and (iii) maximum coverage of rear yard: 25%.

*The Applicant requests that the Commission refuse to apply to the Project the 18-foot height restriction set forth in Section 246-5.3 because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant's consumers. The height of the proposed Project facilities is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety.*

*The Applicant proposes constructing approximately two to four transmission structures in the Town of Oyster Bay as a part of the Project and, based on prudent engineering considerations and NESC safety standards, has determined the height for these structures will range from approximately 30 to 45 feet above the ground surface. Based on these considerations, it is technically impossible, impracticable and otherwise unreasonable to change the Project design to comply with the town's height restriction without sacrificing public safety and the security of Project facilities, and this request cannot be obviated by design changes to the Project. By keeping the height of these structures to a minimum after taking into account prudent engineering considerations, the Applicant has mitigated to the maximum extent practicable the impact of granting this request. These requests cannot be obviated by design changes to the Project and is the minimum necessary. Any adverse impacts of granting this request are mitigated to the maximum extent practicable.*

7.3.15.10      *Section 246-6 – Site Plan Review*

This Section requires site plan review for certain uses within the Town.

7.3.15.11      *Section 246-7 – Site Design Standards*

Section 246-7.1 requires open spaces on a lot be landscaped. Section 246-7.2 requires that buffer screening of at least 10 feet wide and 5 feet high be provided along lot lines for nonresidential uses that abut residence districts. Section 246-7.3 requires that exterior lighting be shielded to avoid being visible from adjoining streets, public areas and neighboring properties. Section 246-7.10 provides that exterior structures shall be maintained in good condition.

*The Applicant requests that the Commission refuse to apply Sections 246-7.1 and 246-7.2 because they are unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflict with the Applicant’s Right-of-Way (ROW) and Grounds Maintenance Procedures. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines and the structures upon which they will be installed. The needs of the Applicant’s consumers are best met by enabling the Applicant to perform Project construction, operation and maintenance of the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission’s refusal to apply these local laws.*

7.3.15.12      *Section 246-8 – Off-Street Parking and Loading*

Section 246-8.1 requires all uses and structures to have adequate off-street parking and loading spaces. Section 246-8.4.1 requires parking and loading spaces to be covered with asphaltic concrete or stone concrete. Section 246-8.4.2 requires off-street parking and loading areas to have sufficient drainage to direct runoff to a stormwater recharge facility.

7.3.15.13 Section 246-9 – Special Use Permit Review

Section 246-9.4 provides standards for special permit uses. The standards include requirements to ensure (i) compatibility with the character of the zoning district, (ii) that the land is suitable for the proposed use, (iii) no hazard will be created by the use, (iv) protection of groundwater resources, (v) the use will not hinder development of adjacent land, (vi) there are sufficient provisions for the removal of sewage, refuse and other effluent, (vii) there are adequate provisions for traffic, access and parking, (viii) public facilities and recreational facilities will not be overburdened, and (ix) the safety, health and order of the Town will not be adversely affected.

7.3.15.14 Section 246-10 – Performance Standards

This Section includes standards for noise, vibration, smoke, dust, odors, electromagnetic interference, liquid waste and traffic. Section 246-10.3.1.2 sets forth the following maximum sound pressure levels at the lot line of the parcel on which the noise originates:

<b>Octave Band (Cycles per Second)</b>	<b>Maximum Permitted Sound Pressure Level (Decibels)</b>
0 — 74	66
75 — 149	58
150 — 299	55
300 — 599	50
600 — 1,199	45
1,200 — 2,399	42
2,400 — 4,799	38
4,800 — 20,000	35

Section 246-10.3.2.2 sets forth the following maximum vibration displacement:

Frequency (cycles per second)	Vibration Displacement (inches)	
	Steady-State	Impact
Under 10	0.0005	0.0010
10 — 19	0.0004	0.0008
20 — 29	0.0003	0.0006
30 — 39	0.0002	0.0004
40 and Over	0.0001	0.0002

*The Applicant requests that the Commission refuse to apply the maximum sound pressure levels in Section 246-10.3.1.2 and maximum vibration displacement in Section 246-10.3.2.2. This is because these prohibitions are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. A number of the processes and activities to be conducted in the course of the Project, including use of motorized equipment engaged in excavation, produce noise and vibration. The noise and vibration associated with the Project is limited to the construction phase of the Project, which is temporary and anticipated to take place primarily during daytime hours. Noise associated with the construction phase is estimated to range from 65 dBA to 83 dBA at distances of 100 to 200 feet from the construction activity. Estimated construction noise levels at distances of 100 feet or more do not exceed the Federal Transit Administration (“FTA”) daytime residential noise level guideline of 90 dBA. Estimated construction noise levels from trenchless construction at distances of 100 feet or more do not exceed the FTA nighttime residential noise level guideline of 80 dBA. At distances of 500 feet or more, construction noise levels are estimated to be 69 dBA or less. Indoor noise levels would be lower than outdoor noise levels by 15 dBA or more. Full compliance with these town noise and vibration prohibitions is technically impossible or impracticable. All of these impacts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of such construction activities. This request cannot be obviated by design changes to the Project because noise and vibration is unavoidable given the nature of such construction activities. The Applicant will implement noise and vibration mitigation measures during the course of the Project. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.*

*7.3.15.15 Section 246-11 – Sign Regulations*

Section 246-11.5.4 provides that public utility information signs may be placed in roadway right-of-way. Section 246-11.6.1.3 of this Local Ordinance permits temporary signs with noncommercial content to be displayed for up to 135 days and shall not be more than 64 square feet in area. Section 246-11.7.3 provides that traffic control signs are exempt from regulation.

## **7.4 County of Suffolk**

### ***7.4.1 Chapter 8 – Development of Agricultural Land***

This Chapter regulates activities on land for which the County has acquired development rights under the Purchase of Development Rights Program for properties used for agricultural purposes. This Local Ordinance contains provision designed to promote and protect the right to farm in Suffolk County.

### ***7.4.2 Chapter 433 – Dumping and Littering***

This Chapter prohibits the placement or disposal of litter, garbage, solid waste or hazardous materials on any County right-of-way, and any County-owned property.

### ***7.4.3 Chapter 446 – Environmental Protection***

Section 446-3 of this Local Ordinance prohibits the introduction of invasive nonnative aquatic animal or plant species into the County. Section 446-11 prohibits the knowing distribution or transport of invasive species within the County.

### ***7.4.4 Chapter 459 – Fertilizer***

This Local Ordinance regulates the use of fertilizer in the County.

### ***7.4.5 Chapter 618 – Noise***

This Local Ordinance regulates noise within the County. Section 618-3 prohibits the creation of “noise disturbance” on any County highway or within the limits of the right-of-way of such highway. The term “noise disturbance” includes any sound that endangers the health or safety of any person, disturbs a reasonable person of normal sensitivities and/or endangers personal or real property. Section 618-4 provides the following sound pressure limits in the following receiving properties: (i) residential receiving properties: 65 dBA between the hours of 7:00 a.m. and 10:00 p.m., and 50 dBA between the hours of 10:00 p.m. and 7:00 a.m.; (ii) commercial properties all times: 65 dBA; and (iii) industrial properties all times: 70 dBA. Section 618-5(B)(3) provides that construction activity performed between 7:00 a.m. and 6:00 p.m. is exempt from the requirements of Section 618-3 except if performed on weekends or holidays, and also provides that such general noise disturbance prohibition does not apply to emergency work, work performed in accordance

with the limits set forth in Section 618-4, or when such work is performed for a municipal entity. Noise created by a stationary emergency signaling device owned or operated by a public utility is also exempt from the requirements set forth in Section 618-3.

*The Applicant requests that the Commission refuse to apply the prohibition set forth in Sections 618-3 and 618-4 with respect to the performance of construction work during nighttime hours that could be deemed to create a “noise disturbance” or exceed the prescribed sound pressure limits set forth in Section 618-4 outside of the construction activity exemption period of 7:00 a.m. to 6:00 p.m. that is included in Section 618-5(B)(3). This is because this prohibition is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. A number of the processes and activities to be conducted in the course of the Project, including use of motorized equipment engaged in excavation, produce noise. The noise associated with the Project is limited to the construction phase of the Project, which is temporary and anticipated to take place primarily during daytime hours. Noise associated with the construction phase is estimated to range from 65 dBA to 83 dBA at distances of 100 to 200 feet from the construction activity. Estimated construction noise levels at distances of 100 feet or more do not exceed the Federal Transit Administration (“FTA”) daytime residential noise level guideline of 90 dBA. Estimated construction noise levels from trenchless construction at distances of 100 feet or more do not exceed the FTA nighttime residential noise level guideline of 80 dBA. At distances of 500 feet or more, construction noise levels are estimated to be 69 dBA or less. Indoor noise levels would be lower than outdoor noise levels by 15 dBA or more. Full compliance with these town noise prohibitions is technically impossible or impracticable. All of these impacts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of such construction activities. This request cannot be obviated by design changes to the Project because noise is unavoidable given the nature of such construction activities. The Applicant will implement noise mitigation measures during the course of the Project. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.*

*While the bulk of the construction activities on the Project will occur during daytime hours, the Applicant anticipates that a number of small portions of Project work will need to be conducted during overnight hours in Suffolk County to support two types of Project activities.*

*One type of Project activity that will need to be conducted during overnight hours is continuous operation at each splicing location during the period that splicing is performed there. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. To connect each cable length to the lengths on either end of it along the Project route, a splicing crew will join these lengths of cable. Splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process will take approximately one week. To maintain the controlled environment inside the vault during that time, the installation contractor will park a specialized splice trailer directly over a manhole at the splicing location. The trailer has equipment to maintain the necessary air cleanliness and temperature in the vault throughout the splicing process. A generator and similar equipment in the trailer produce noise continuously during splicing operations to facilitate the trailer's operations. The existing technology to meet high quality splicing standards requires that, once the cable splicing process in a splice vault commences, it must continue uninterrupted to completion and the specialized trailer must operate continuously to regulate atmospheric conditions inside the vault. This necessitates 24-hour operation for the full duration of the splicing process. Failure to perform each splice in the above manner may diminish the reliability of the transmission line during its operational life. The Applicant will endeavor to keep the duration of continuous operation of each splice vault and its associated trailer to the minimum necessary consistent with high quality splicing standards.*

*The second type of Project activity that may occur during overnight hours is the installation of cable within manholes along roadways at locations where the Applicant in consultation with officials of the towns that the Project traverses determine that such work should be performed at night in order to create lesser impacts than work conducted during the day, even taking into account the lower overall ambient noise levels and persons' heightened sensitivity to noise at night. Certain locations along the Project route are roads in commercial corridors with sufficiently high daytime vehicular traffic volumes that these Project activities would create considerable impacts if conducted during the day. This is particularly true in areas where the Project will require the use of detours or alternating one way traffic. Such detours are much less impactful to vehicle traffic if performed at night rather than daytime. Similarly, Project activities*

*near daytime-operating facilities such as businesses and schools will have less impact if conducted at night. The Applicant will consult with local government officials with the goal of reaching agreement with them on locations where nighttime Project work is less impactful than daytime work, and requests that the Commission refuse to apply the above-cited laws as necessary to allow nighttime work at such locations.*

#### ***7.4.6 Chapter 639 – Parking, Off-Street***

This Chapter regulates the operation and parking of motor vehicles on County-owned property.

#### ***7.4.7 Chapter 713 – Safe School Zones***

Section 713-12 of this Local Ordinance prohibits the operation of motor vehicles above the posted speed limits in designated school zones.

#### ***7.4.8 Chapter 740 – Sewers***

This Section regulates the County’s sewer system.

#### ***7.4.9 Chapter 759 – Storm Sewers***

This Chapter regulates discharges to the County’s Municipal Separate Storm Sewer System (“MS4”). Section 759-3 provides that non-stormwater discharges to the MS4 are prohibited.

#### ***7.4.10 Chapter 763 – Stormwater Management***

This Local Ordinance regulates County stormwater recharge basins.

#### ***7.4.11 Chapter 765 – Streets and Sidewalks***

Section 765-3 prohibits the use of coal tar sealers on any driveway, parking lot or other surface within the County.

#### ***7.4.12 Chapter 808 – Utilities; Utility Workers***

Article II of this chapter requires rest breaks for utility employees employed within the County whose job duties include locating and marking underground utility facilities.

### ***7.4.13 Suffolk County Sanitary Code<sup>3</sup>***

#### ***7.4.13.1 Article 5 – General Sanitation***

This Local Ordinance regulates the disposal, storage and transportation of waste material within the County. Section 760-501(2) of this Local Ordinance provides that “[n]o person shall permit, deposit, store, or hold any offensive material on any premises or place unless such material is so treated, screened, covered, placed or located so as not to create a public health nuisance.” Section 760-501(3) requires that containers for offensive material completely confine the material to such containers and section 760-501(4) provides that transportation of offensive material shall be performed in a manner that prevents the release of same. Section 760-502 prohibits the discharge of any sewage to the surface of the ground or to any waters within the County.

#### ***7.4.13.2 Article 7 – Water Pollution Control***

Section 760-705(B) of this Local Ordinance prohibits the discharge of any waste materials to any surface waters, groundwaters, surface of the ground, or to any disposal system unless same is in accordance with a State Pollutant Discharge Elimination System (“SPDES”) permit. Section 760-705(E) prohibits the development of land in a manner that causes the contamination and discharge of stormwater in contravention of the provisions of this Article. Section 760-706(B) regulates the storage of toxic and hazardous materials.

#### ***7.4.13.3 Article 12 – Toxic and Hazardous Materials Storage and Handling Controls***

This Article regulates the storage and handling of toxic and hazardous materials. Section 760-1205(A) prohibits the discharges of toxic or hazardous materials without a SPDES permit. Section 760-1205(D) prohibits the storage of toxic or hazardous materials unless the storage facility is compatible with product being stored. Section 760-1205(E) provides that reactive toxic or hazardous materials shall not be stored in a manner that would allow a reaction to occur in the case of leakage.

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<sup>3</sup> The Applicant obtained the Suffolk County Sanitary Code online at <https://suffolkcountyny.gov/Departments/Health-Services/Documents-and-Forms> (last visited February 6, 2024).

Section 760-1211 regulates outdoor aboveground storage tanks. Section 760-1211(D) provides that leaking tanks shall be removed from service and repaired. Section 760-1215 regulates portable containers of toxic and hazardous materials in excess of 250 gallons. Section 760-1215(B) includes requirements for the storage and handling of portable toxic and hazardous material storage containers. Section 760-1216 regulates the bulk storage of toxic and hazardous materials. Section 760-1217(A) provides that the owner or the person in control of a storage facility must report any spill of such toxic or hazardous material from such facility to the Commissions of the Department of Health Services within two hours of having knowledge of such spill. Section 760-1217(B) provides that the owner or operator of a facility shall keep proper records of the materials stored at such facility.

#### *7.4.13.4 Article 18 – Petroleum Bulk Storage*

This Local Ordinance regulates persons who transport petroleum and bulk storage petroleum facilities. Section 760-1801.3(x) (3)(xiii) provides that the term “Facility” does not include “any tank system owned or operated by a public authority created under the Public Authorities Law.

## **7.5 Town of Huntington**

### *7.5.1 Chapter 87 – Building Construction*

Section 87-52 regulates fences and retaining walls constructed within the Town. Section 87-54 requires that electrical work be performed in compliance with all applicable Town of Huntington requirements and the current regulations of the National Electrical Code.

### *7.5.2 Chapter 111 – Fire Prevention*

This Chapter provides for the Town’s administration and enforcement of the Fire Code of New York State. Section 111-92(A) prohibits obstructing any fire hydrant in the Town.

### ***7.5.3 Chapter 117 – Solid Waste Management: Collection, Recycling and Disposal***

Section 117-21 of this Local Ordinance includes requirements for the storage and disposal of solid waste within the Town.

### ***7.5.4 Chapter 120 – Harbors and Waterways***

Section 120-3 of this Local Ordinance prohibits the release of pollutants to waterways within the Town.

### ***7.5.5 Chapter 132 – Landscaping***

This Local Ordinance regulates commercial landscaping activities within the Town. Section 132-6 prohibits such landscapers from depositing landscaping waste materials onto public property or private property of another person without such person's permission. This Section also requires the transportation of such material in covered and secured vehicles to prevent spillage and prohibits the spillage of petroleum products within the Town.

### ***7.5.6 Chapter 133 – Littering and Dumping***

This Local Ordinance prohibits the disposal of refuse, litter, or other waste material on any public property within the Town.

### ***7.5.7 Chapter 141 – Noise***

This Local Ordinance regulates noise within the Town. Section 141-3 prohibits the production of any noise disturbance within the Town. Section 141-4(B) prohibits the sounding of a horn from any vehicle except as a danger warning; Section 141-4(E) prohibits the discharge of exhaust from any internal combustion engine without a muffler. Section 141-4(G) prohibits between the hours of 10:00 p.m. and 7:00 a.m. the operation of any pile driver, pneumatic hammer, derrick, electric hoist or other appliance, the use of which creates a noise disturbance.

*The Applicant requests that the Commission refuse to apply the prohibitions in Section 141-3 on producing noise disturbance and Section 141-4(G) regarding the production of noise disturbance from certain activities between the hours of 10:00 p.m. and 7:00 a.m. This is because these*

*prohibitions are unduly restrictive in view of the existing technology, cost and the needs of the Applicant's consumers. A number of the processes and activities to be conducted in the course of the Project, including use of motorized equipment engaged in excavation, produce noise. The noise associated with the Project is limited to the construction phase of the Project, which is temporary and anticipated to take place primarily during daytime hours. Noise associated with the construction phase is estimated to range from 65 dBA to 83 dBA at distances of 100 to 200 feet from the construction activity. Estimated construction noise levels at distances of 100 feet or more do not exceed the Federal Transit Administration ("FTA") daytime residential noise level guideline of 90 dBA. Estimated construction noise levels from trenchless construction at distances of 100 feet or more do not exceed the FTA nighttime residential noise level guideline of 80 dBA. At distances of 500 feet or more, construction noise levels are estimated to be 69 dBA or less. Indoor noise levels would be lower than outdoor noise levels by 15 dBA or more. Full compliance with these town noise prohibitions is technically impossible or impracticable. All of these impacts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of such construction activities. This request cannot be obviated by design changes to the Project because noise is unavoidable given the nature of such construction activities. The Applicant will implement noise mitigation measures during the course of the Project. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.*

*While the bulk of the construction activities on the Project will occur during daytime hours, the Applicant anticipates that a number of small portions of Project work will need to be conducted during overnight hours in the Town of Huntington to support two types of Project activities.*

*One type of Project activity that will need to be conducted during overnight hours is continuous operation at each splicing location during the period that splicing is performed there. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. To connect each cable length to the lengths on either end of it along the Project route, a splicing crew will join these lengths of cable. Splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process will take approximately one week. To maintain the controlled environment inside the vault*

*during that time, the installation contractor will park a specialized splice trailer directly over a manhole at the splicing location. The trailer has equipment to maintain the necessary air cleanliness and temperature in the vault throughout the splicing process. A generator and similar equipment in the trailer produce noise continuously during splicing operations to facilitate the trailer's operations. The existing technology to meet high quality splicing standards requires that, once the cable splicing process in a splice vault commences, it must continue uninterrupted to completion and the specialized trailer must operate continuously to regulate atmospheric conditions inside the vault. This necessitates 24-hour operation for the full duration of the splicing process. Failure to perform each splice in the above manner may diminish the reliability of the transmission line during its operational life. The Applicant will endeavor to keep the duration of continuous operation of each splice vault and its associated trailer to the minimum necessary consistent with high quality splicing standards.*

*The second type of Project activity that may occur during overnight hours is the installation of cable within manholes along Town roadways at locations where the Applicant in consultation with officials of the municipalities that the Project traverses determine that such work should be performed at night in order to create lesser impacts than work conducted during the day, even taking into account the lower overall ambient noise levels and persons' heightened sensitivity to noise at night. Certain locations along the Project route are roads in commercial corridors with sufficiently high daytime vehicular traffic volumes that these Project activities would create considerable impacts if conducted during the day. This is particularly true in areas where the Project will require the use of detours or alternating one way traffic. Such detours are much less impactful to vehicle traffic if performed at night rather than daytime. Similarly, Project activities near daytime-operating facilities such as businesses and schools will have less impact if conducted at night. The Applicant will consult with local government officials with the goal of reaching agreement with them on locations where nighttime Project work is less impactful than daytime work, and requests that the Commission refuse to apply the above-cited laws as necessary to allow nighttime work at such locations.*

### ***7.5.8 Chapter 143 – Outdoor Lighting***

This Local Ordinance regulates outdoor lighting within the Town. Section 143-6(A) provides that outdoor lighting shall be designed to prevent over lighting, energy waste, glare, light trespass, unnecessary sky glow, interference with vehicular or pedestrian travel, and public nuisance. Section 143-6(B) requires full shielding on exterior lighting with same directed downward and Section 143-6(C) limits light poles to 20 feet in height for non-residential uses on residentially zoned properties.

### ***7.5.9 Chapter 156 – Property Maintenance; Nuisances***

This Local Ordinance regulates nuisance conditions on properties within the Town.

### ***7.5.10 Chapter 164 – Sewer Use Management***

Section 164-3 of this Local Ordinance prohibits the deposition of any objectionable waste within any private or public property within the Town's sewer district.

### ***7.5.11 Chapter 168 – Floodplain Management***

This Chapter implements the National Flood Insurance Program.

### ***7.5.12 Chapter 170 – Stormwater Management***

Subject to certain exceptions, Section 170-5 of this Local Ordinance prohibits non-stormwater discharges to the Town's MS4. Section 170-15 requires any person responsible for a pollutant spill to take necessary steps to discover, contain and cleanup such releases. Section 170-23 requires land development to comply with the substantive standards of the SPDES General Permit for Stormwater Discharges from Construction Activities.

### ***7.5.13 Chapter 171 – Streams, Watercourse and Wetlands***

Section 171-9 prohibits the disposal of any refuse, trash, garbage or litter in any water recharge protection areas.

#### **7.5.14 Chapter 173 – Streets and Sidewalks**

This Local Ordinance regulates work performed along sidewalks and streets within the Town. Section 173-4 of this Local Ordinance requires that excavation within roadways be properly barricaded and lighted during nighttime hours. Section 173-5 provides that work performed within the street or sidewalk shall provide a right-of-way for pedestrians and motor vehicles. Section 173-12 prohibits the use of vehicles with metal lugs, chains or spiked wheels that may damage pavement on Town roads. Section 173-16 requires the owner or occupant of land adjacent to any street or public lane, to keep such sidewalk free of snow, ice or other obstructions.

#### **7.5.15 Chapter 186 – Tree Preservation and Protection**

Section 186-3(B) of this Local Ordinance prohibits the damage or removal of any tree on Town-owned property. Section 186-3(C) requires the protection of trees during construction activity.

*The Applicant requests that the Commission refuse to apply Sections 186-3(B) and 186-3(C) because they are unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflict with the Applicant's ROW and Grounds Maintenance Procedures. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines and the structures upon which they will be located. Moreover, construction of the Project may require the trimming of trees along public roadways to allow construction equipment (i.e., cranes and other equipment) access to the Project work site. The needs of the Applicant's consumers are best met by enabling the Applicant to perform Project construction, operation and maintenance of the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply these local laws.*

### ***7.5.16 Chapter 195 – Waste Management***

This Local Ordinance regulates waste management within the Town. Section 195-4(C) prohibits the disposal of waste within the Town at any location other than a Town-designated waste disposal facility.

### ***7.5.17 Zoning***

#### ***7.5.17.1 Zoning Map and District***

The Project's underground electric transmission line would be located within the R-5, R-10, R-20, R-40 and R-80 Residence, R-HS Residential Health Services District, C-11 Automotive Service Station District, and I-5 General Industry District. The Town of Huntington Zoning Map is attached as Figure 7.5-1.

#### ***7.5.17.2 Sections 198-13 R-80; 198-14 R-40; 198-14 R-20; 198-17 R-10; 198-19 R-5 Residence Districts and R-HS Residential Health Services District - Use Regulations***

Although public utility uses are not among the enumerated permitted uses within the R-80, R-40, R-20, R-100 and R-5 Residence districts or the R-HS Residential Health Services District, Section 198-68(4) provides that public utility uses are permitted as a conditional use in residence districts if either (i) it is necessary to the service of the neighborhood or (ii) its location is fixed by the technical requirements of the utility system.

#### ***7.5.17.3 Section 198-32 – C-11 Automotive Service Station District-Use Regulations***

Although public utility uses are not among the enumerated permitted uses within the C-11 district, Section 198-68(4) provides that public utility uses are permitted as a conditional use.

#### ***7.5.17.4 Section 198-38 – I-5 General Industry District-Use Regulations***

Public utility facilities are a permitted use within the I-5 zoning district.

7.5.17.5 *Article VII – Off-Street Parking*

This Local Ordinance regulates off-street parking requirements within the Town.

7.5.17.6 *Article IX – Height, Area and Bulk Regulations*

Section 198-58 provides that required yards shall be open and unobstructed to the sky except for accessory buildings and structures.

7.5.17.7 *Article XI – Conditional Uses; Supplementary Regulations*

This Local Ordinance provides standards for conditional uses.

7.5.17.8 *Article XIII – Performance Standards*

Section 198-86 subjects public utility substations to performance standards set forth in this Article. Section 198-88 includes performance standards related to flammable and explosive materials, electrical disturbance, smoke emissions, air pollution, and liquid or solid waste discharges. Section 198-89 includes standards for vibration, noise, odors, and glare. Section 198-89(B) provides that “...the sound-pressure level of noise radiated continuously from an establishment at nighttime shall not exceed the values given in the table below...”

<b>Frequency Band</b> <b>(cycles per second)</b>	<b>Sound-Pressure Level</b> <b>(decibels re 0.0002 dyne/cm<sup>2</sup>)</b>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

7.5.17.9 *Article XIV – Signs and Advertising Devices*

This Local Ordinance regulates signage within the Town.

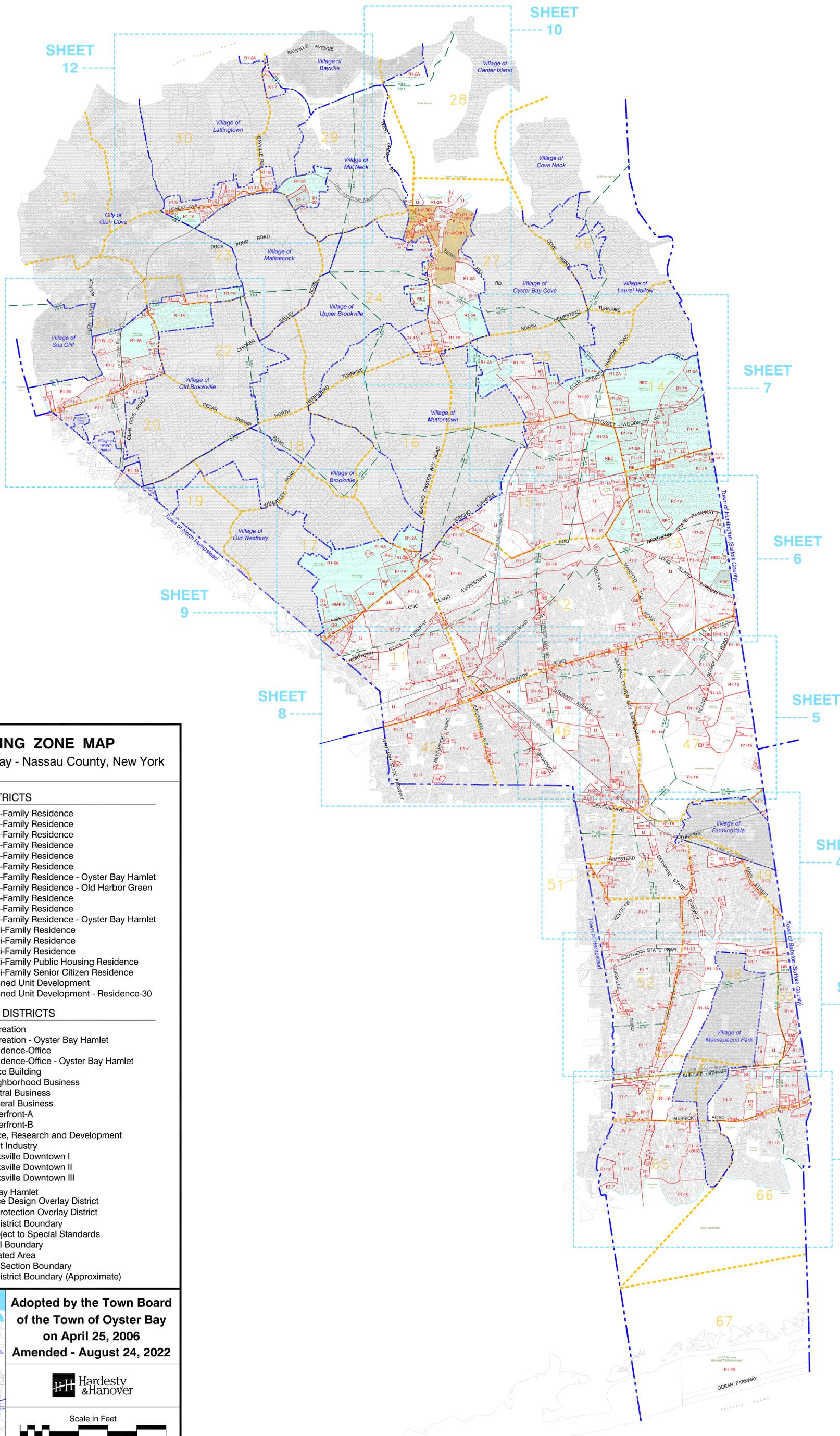
**7.5.18 *Traffic Code***

This Local Ordinance regulates the operation and parking of motor vehicles within the Town.

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**Figure 7.3-1**

**Portion of the Town of Oyster Bay Zoning Map**



### BUILDING ZONE MAP

Town of Oyster Bay - Nassau County, New York

#### RESIDENCE DISTRICTS

R1-5A	One-Family Residence
R1-2A	One-Family Residence
R1-1A	One-Family Residence
R1-20	One-Family Residence
R1-15	One-Family Residence
R1-10	One-Family Residence
R1-10/OBH	One-Family Residence - Oyster Bay Hamlet
R1-10/OHG	One-Family Residence - Old Harbor Green
R1-7	One-Family Residence
R1-6	One-Family Residence
R1-6/OBH	One-Family Residence - Oyster Bay Hamlet
RMF-6	Multi-Family Residence
RMF-10	Multi-Family Residence
RMF-16	Multi-Family Residence
RPH-20	Multi-Family Public Housing Residence
RSC-25	Multi-Family Senior Citizen Residence
PUD	Planned Unit Development
PUD/R-30	Planned Unit Development - Residence-30

#### NONRESIDENCE DISTRICTS

REC	Recreation
REC/OBH	Recreation - Oyster Bay Hamlet
RO	Residence-Office
RO/OBH	Residence-Office - Oyster Bay Hamlet
OB	Office Building
NB	Neighborhood Business
CB	Central Business
GB	General Business
WF-A	Waterfront-A
WF-B	Waterfront-B
ORD	Office, Research and Development
LI	Light Industry
HD-I	Hicksville Downtown I
HD-II	Hicksville Downtown II
HD-III	Hicksville Downtown III

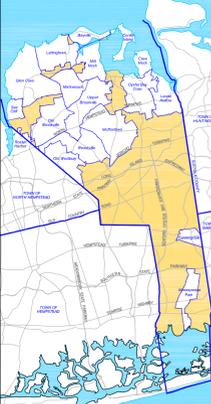
- Oyster Bay Hamlet
- Residence Design Overlay District
- Aquifer Protection Overlay District
- Zoning District Boundary
- Area Subject to Special Standards
- Municipal Boundary
- Incorporated Area
- Tax Map Section Boundary
- School District Boundary (Approximate)

Adopted by the Town Board  
of the Town of Oyster Bay  
on April 25, 2006  
Amended - August 24, 2022



1 of 12

SHEET





**Figure 7.5-1**

**Town of Huntington Zoning Map**

