

**PSEG LONG ISLAND LLC**

**On Behalf of and as Agent for the**

**LONG ISLAND LIGHTING COMPANY d/b/a LIPA**

**Southampton to Deerfield Transmission Project**

**EXHIBIT 7 - LOCAL ORDINANCES**

## TABLE OF CONTENTS

| <u>SECTION</u>  | <u>PAGE</u> |
|---|-------------|
| <b>EXHIBIT 7: LOCAL ORDINANCES.....</b>   | <b>7-1</b>  |
| <b>7.1 Introduction.....</b>  | <b>7-1</b>  |
| <b>7.2 County of Suffolk.....</b>   | <b>7-7</b>  |
| 7.2.1 Chapter 8 – Development of Agricultural Land.....                               | 7-7         |
| 7.2.2 Chapter 274 – Agricultural Operations .....                                     | 7-7         |
| 7.2.3 Chapter 433 – Dumping and Littering .....                                       | 7-7         |
| 7.2.4 Chapter 446 – Environmental Protection .....                                    | 7-8         |
| 7.2.5 Chapter 459 – Fertilizer.....   | 7-8         |
| 7.2.6 Chapter 618 – Noise.....  | 7-8         |
| 7.2.7 Chapter 639 – Parking, Off-Street.....  | 7-10        |
| 7.2.8 Chapter 713 – Safe School Zones .....   | 7-10        |
| 7.2.9 Section 740 – Sewers .....  | 7-10        |
| 7.2.10 Chapter 759 – Storm Sewers .....   | 7-10        |
| 7.2.11 Chapter 763 – Stormwater Management.....                                       | 7-11        |
| 7.2.12 Chapter 765 – Streets and Sidewalks .....                                      | 7-11        |
| 7.2.13 Chapter 808 – Utilities; Utility Workers .....                                 | 7-11        |
| 7.2.14 Suffolk County Sanitary Code .....   | 7-11        |
| 7.2.14.1 Article 5 – General Sanitation .....   | 7-11        |
| 7.2.14.2 Article 7 – Water Pollution Control .....                                    | 7-11        |
| 7.2.14.3 Article 12 – Toxic and Hazardous Materials Storage and Handling Controls.... | 7-12        |
| 7.2.14.4 Article 18 – Petroleum Bulk Storage .....                                    | 7-12        |
| <b>7.3 Town of Southampton.....</b>   | <b>7-13</b> |
| 7.3.1 Chapter 123 – Building Construction.....  | 7-13        |
| 7.3.1.1 Section 123-1 – Enforcement of State Standards.....                           | 7-13        |
| 7.3.1.2 Section 123-37 – Energy Conservation Requirements.....                        | 7-13        |
| 7.3.1.3 Section 123-48 – Clean Fill.....  | 7-13        |
| 7.3.2 Chapter 161 – Right to Farm.....  | 7-13        |
| 7.3.3 Chapter 164 – Fire Prevention.....  | 7-13        |
| 7.3.4 Chapter 169 – Flood Damage Prevention .....                                     | 7-14        |

|           |   |      |
|-----------|---|------|
| 7.3.5     | Chapter 205 – Waste Management .....  | 7-14 |
| 7.3.6     | Chapter 211 – Littering and Handbills .....   | 7-14 |
| 7.3.7     | Chapter 235 – Noise .....   | 7-14 |
| 7.3.8     | Chapter 261 – Property Maintenance .....  | 7-16 |
| 7.3.9     | Chapter 285 – Stormwater Management and Erosion and Sediment Control ....   | 7-17 |
| 7.3.10    | Chapter 285A – Storm Sewers .....   | 7-17 |
| 7.3.11    | Chapter 287 – Streets and Sidewalks .....   | 7-17 |
| 7.3.12    | Chapter 308 – Protection of Vegetation .....  | 7-18 |
| 7.3.13    | Chapter 312 – Vehicles and Traffic .....  | 7-18 |
| 7.3.14    | Chapter 325 – Wetlands .....  | 7-18 |
| 7.3.15    | Chapter 330 – Zoning .....  | 7-18 |
| 7.3.15.1  | Zoning Map and Districts .....  | 7-18 |
| 7.3.15.2  | Section 330-10 – Residence Districts Table of Use Regulations .....   | 7-19 |
| 7.3.15.3  | Section 330-11 – Residence Districts Table of Dimensional Regulations .....                                       | 7-19 |
| 7.3.15.4  | Section 330-31 and 330-32 – Maximum Number of Uses and Separate Use .....   | 7-20 |
| 7.3.15.5  | Section 330-33 – Business Districts Table of Use Regulations .....  | 7-20 |
| 7.3.15.6  | Section 330-34 – Business Districts Table of Dimensional Regulations .....  | 7-20 |
| 7.3.15.7  | Section 330-34.3 – University District Table of Use Regulations .....   | 7-20 |
| 7.3.15.8  | Section 330-34.4 – University District Table of Dimensional Regulations .....                                     | 7-21 |
| 7.3.15.9  | Section 330-50 and 330-51 – Farmland Preservation Program .....   | 7-21 |
| 7.3.15.10 | Section 330-67 – Protection of Natural Vegetation .....   | 7-21 |
| 7.3.15.11 | Section 330-68 – Restriction of Fertilized Vegetation .....   | 7-21 |
| 7.3.15.12 | Section 330-69.1 – Waste Disposal Areas .....   | 7-22 |
| 7.3.15.13 | Section 330-76 – Placement of Accessory Buildings, Structures and Uses in All Districts .....                     | 7-22 |
| 7.3.15.14 | Section 330-77 – Placement of Accessory Buildings, Structures and Uses in Residence Districts .....               | 7-22 |
| 7.3.15.15 | Section 330-78 – Placement of Accessory Buildings and Uses in Nonresidential Districts .....                      | 7-22 |
| 7.3.15.16 | Section 330-92 – Off-Street Parking and Truck Loading Spaces .....  | 7-22 |
| 7.3.15.17 | Section 330-97 – Supplemental Regulations for Private Garages and Off-Street Parking in Residence Districts ..... | 7-22 |
| 7.3.15.18 | Section 330-103 – Corner Clearance .....  | 7-23 |

|            |   |             |
|------------|---|-------------|
| 7.3.15.19  | Section 330-109 – Fences, Walls, Accessory Driveway Structures and Clotheslines ..... | 7-23        |
| 7.3.15.20  | Section 330-122 – General Standards .....   | 7-23        |
| 7.3.15.21  | Section 330-182 – Objectives of Site Plan Procedure and Review .....                  | 7-24        |
| 7.3.15.22  | Article XXII – Signs.....   | 7-24        |
| 7.3.15.23  | Section 330-214.1 – Screening Requirements .....                                      | 7-24        |
| 7.3.15.24  | Article XXVIII – Landmarks and Historic Districts and Heritage Resources ....         | 7-24        |
| 7.3.15.25  | Article XXIX – Outdoor Lighting.....  | 7-25        |
| <b>7.4</b> | <b>Village of Southampton .....</b>   | <b>7-26</b> |
| 7.4.1      | Chapter 41 – Brush, Grass, Weeds and Hedges .....                                     | 7-26        |
| 7.4.2      | Chapter 58 – Fire Prevention.....   | 7-26        |
| 7.4.3      | Chapter 62 – Flood Damage Prevention .....  | 7-26        |
| 7.4.4      | Chapter 64 – Garbage, Rubbish and Refuse.....   | 7-26        |
| 7.4.5      | Chapter 65 – Historic and Landmark Preservation .....                                 | 7-26        |
| 7.4.6      | Chapter 74 – Littering .....  | 7-27        |
| 7.4.7      | Chapter 77 – Noise .....  | 7-27        |
| 7.4.8      | Chapter 78 – Nuisances .....  | 7-29        |
| 7.4.9      | Chapter 82 – Peace and Good Order .....   | 7-31        |
| 7.4.10     | Chapter 86 – Permit Parking .....   | 7-32        |
| 7.4.11     | Chapter 92 – Storm Sewer System.....  | 7-32        |
| 7.4.12     | Chapter 93 – Stormwater Management and Erosion and Sediment Control .....             | 7-32        |
| 7.4.13     | Chapter 95 – Streets and Sidewalks .....  | 7-32        |
| 7.4.14     | Chapter 107 – Trees .....   | 7-33        |
| 7.4.15     | Chapter 110 – Vehicles and Traffic .....  | 7-33        |
| 7.4.16     | Chapter 116 – Zoning.....   | 7-34        |
| 7.4.16.1   | Zoning Map and Districts.....   | 7-34        |
| 7.4.16.2   | Section 116-4 – Residence Districts.....  | 7-34        |
| 7.4.16.3   | Section 116-5 – Business Districts.....   | 7-34        |
| 7.4.16.4   | Section 116-9 – Placement of Accessory Buildings and Uses.....                        | 7-35        |
| 7.4.16.5   | Section 116-12 – Height Regulations.....  | 7-35        |
| 7.4.16.6   | Section 116-13 – Sign Regulations .....   | 7-35        |
| 7.4.16.7   | Section 116-13.1 – Outdoor Lighting.....  | 7-35        |

7.4.16.8 Section 116-14 – Off-Street Parking, Truck Loading Space, and Curb-Cut Construction..... 7-36

7.4.16.9 Section 116-16 – Corner Clearance..... 7-36

7.4.16.10 Section 116-18 – Permitted Fences and Walls..... 7-36

7.4.16.11 Article IIIA – Wetlands ..... 7-37

**LIST OF TABLES**

Table 7.1-1 Compliance Summary Table ..... 7-3

**LIST OF FIGURES**

Figure 7.3-1 Town of Southampton Zoning Map

Figure 7.4-1 Village of Southampton Zoning Map

## EXHIBIT 7: LOCAL ORDINANCES

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### 7.1 INTRODUCTION

PSEG Long Island LLC has filed the Application<sup>1</sup> 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 Southampton to Deerfield Transmission Project’s compliance with the substantive local requirements that would otherwise be applicable to a major utility transmission facility. As the analysis demonstrates, the Project will comply with the substantive provisions of virtually all Local Ordinances evaluated. Where local law provisions cannot be complied with because they are unreasonably restrictive, the Applicant requests that the Commission refuse to apply them to the Project. Previous Article VII decisions have waived similar provisions. 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

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<sup>1</sup> For clarity and consistency, the Application includes a Master Glossary of Terms that defines numerous capitalized terms and acronyms used throughout the Application, including this one.

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 Suffolk
  - Town of Southampton
  - Village of Southampton

This exhibit identifies the Local Ordinances for each of the jurisdictions listed above. 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 Commission not apply those substantive Local Ordinances identified as unreasonably restrictive.

Due to the preemptive effect of 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.

The Compliance Summary Table set forth on the following page(s) lists every substantive Local Ordinance potentially applicable to the Project as well as every substantive Local Ordinance that the Applicant requests that the Commission 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> |
| <i>County of Suffolk</i>                    |  |   |
|   | Chapter 8 – Development of Agricultural Land                             | Will Comply   |
|   | Chapter 274 – Agricultural Operations                                    | Will Comply   |
|   | Chapter 433 – Dumping and Littering                                      | Will Comply   |
|   | Chapter 446 – Environmental Protection                                   | Will Comply   |
|   | Chapter 459 – Fertilizer   | Will Comply   |
|   | Chapter 618 – Noise  | Requests Partial PSC Refusal to Apply               |
|   | Chapter 639 – Parking, Off-Street  | Will Comply   |
|   | Chapter 713 – Safe School Zones  | Will Comply   |
|   | Section 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   |
| <i>Town of Southampton</i>                  |  |   |
|   | Chapter 123 – Building Construction                                      |   |
|   | Section 123-1 – Enforcement of State Standards                           | Will Comply   |
|   | Section 123-37 – Energy Conservation Requirements                        | Will Comply   |
|   | Section 123-48 – Clean Fill  | Will Comply   |
|   | Chapter 161 – Right to Farm  | Will Comply   |
|   | Chapter 164 – Fire Prevention  | Will Comply   |
|   | Chapter 169 – Flood Damage Prevention                                    | Will Comply   |
|   | Chapter 205 – Waste Management   | Will Comply   |
|   | Chapter 211 – Littering and Handbills                                    | Will Comply   |
|   | Chapter 235 – Noise  | Requests Partial PSC Refusal to Apply               |
|   | Chapter 261 – Property Maintenance                                       | Will Comply   |
|   | Chapter 285 – Stormwater Management and Erosion and Sediment Control     | Will Comply   |
|   | Chapter 285A – Storm Sewers  | 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 287 – Streets and Sidewalks   | Will Comply   |
|   | Chapter 308 – Protection of Vegetation  | Will Comply   |
|   | Chapter 312 – Vehicles and Traffic  | Will Comply   |
|   | Chapter 325 – Wetlands  | Will Comply   |
|   | Chapter 330 – Zoning  |   |
|   | Zoning Map and Districts  |   |
|   | Section 330-10 – Residence Districts Table of Use Regulations   | Will Comply   |
|   | Section 330-11 – Residence Districts Table of Dimensional Regulations                                       | Requests Partial PSC Refusal to Apply               |
|   | Section 330-31 and 330-32 – Maximum Number of Uses and Separate Use   | Will Comply   |
|   | Section 330-33 – Business Districts Table of Use Regulations  | Will Comply   |
|   | Section 330-34 – Business Districts Table of Dimensional Regulations  | Requests Partial PSC Refusal to Apply               |
|   | Section 330-34.3 – University District Table of Use Regulations   | Will Comply   |
|   | Section 330-34.4 – University District Table of Dimensional Regulations                                     | Will Comply   |
|   | Section 330-50 and 330-51 – Farmland Preservation Program   | Will Comply   |
|   | Section 330-67 – Protection of Natural Vegetation   | Will Comply   |
|   | Section 330-68 – Restriction of Fertilized Vegetation   | Will Comply   |
|   | Section 330-69.1 – Waste Disposal Areas   | Will Comply   |
|   | Section 330-76 – Placement of Accessory Buildings, Structures and Uses in All Districts                     | Will Comply   |
|   | Section 330-77 – Placement of Accessory Buildings, Structures and Uses in Residence Districts               | Will Comply   |
|   | Section 330-78 – Placement of Accessory Buildings and Uses in Nonresidential Districts                      | Will Comply   |
|   | Section 330-92 – Off-Street Parking and Truck Loading Spaces  | Will Comply   |
|   | Section 330-97 – Supplemental Regulations for Private Garages and Off-Street Parking in Residence Districts | Will Comply   |
|   | Section 330-103 – Corner Clearance  | 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> |
|   | Section 330-109 – Fences, Walls, Accessory Driveway Structures and Clotheslines | Will Comply   |
|   | Section 330-122 – General Standards   | Will Comply   |
|   | Section 330-182 – Objectives of Site Plan Procedure and Review                  | Will Comply   |
|   | Article XXII – Signs  | Will Comply   |
|   | Section 330-214.1 – Screening Requirements                                      | Will Comply   |
|   | Article XXVIII – Landmarks and Historic Districts and Heritage Resources        | Will Comply   |
|   | Article XXIX – Outdoor Lighting   | Will Comply   |
| <b><i>Village of Southampton</i></b>        |   |   |
|   | Chapter 41 – Brush, Grass, Weeds and Hedges                                     | Will Comply   |
|   | Chapter 58 – Fire Prevention  | Will Comply   |
|   | Chapter 62 – Flood Damage Prevention  | Will Comply   |
|   | Chapter 64 – Garbage, Rubbish and Refuse  | Will Comply   |
|   | Chapter 65 – Historic and Landmark Preservation                                 | Will Comply   |
|   | Chapter 74 – Littering  | Will Comply   |
|   | Chapter 77 – Noise  | Requests Partial PSC Refusal to Apply               |
|   | Chapter 78 – Nuisances  | Requests Partial PSC Refusal to Apply               |
|   | Chapter 82 – Peace and Good Order   | Requests Partial PSC Refusal to Apply               |
|   | Chapter 86 – Permit Parking   | Will Comply   |
|   | Chapter 92 – Storm Sewer System   | Will Comply   |
|   | Chapter 93 – Stormwater Management and Erosion and Sediment Control             | Will Comply   |
|   | Chapter 95 – Streets and Sidewalks  | Will Comply   |
|   | Chapter 107 – Trees   | Will Comply   |
|   | Chapter 110 – Vehicles and Traffic  | Will Comply   |
|   | Chapter 116 – Zoning  |   |
|   | Zoning Map and Districts  |   |
|   | Section 116-4 – Residence Districts   | Requests Partial PSC Refusal to Apply               |
|   | Section 116-5 – Business Districts  | Requests Partial PSC Refusal to Apply               |
|   | Section 116-9 – Placement of Accessory Buildings and Uses                       | 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> |
|   | Section 116-12 – Height Regulations   | Will Comply   |
|   | Section 116-13 – Sign Regulations   | Will Comply   |
|   | Section 116-13.1 – Outdoor Lighting   | Will Comply   |
|   | Section 116-14 – Off-Street Parking, Truck Loading Space, and Curb-Cut Construction | Will Comply   |
|   | Section 116-16 – Corner Clearance   | Will Comply   |
|   | Section 116-18 – Permitted Fences and Walls   | Will Comply   |
|   | Article IIIA – Wetlands   | Will Comply   |

## **7.2 COUNTY OF SUFFOLK<sup>2</sup>**

### **7.2.1 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. Section 8-5(B)(2) provides that properties acquired under this program shall be used for agricultural production, in support of a commercial horse boarding operation, or in support of a commercial equine operation. Section 8-8(E) provides that activities on such properties such as the installation of “structures” (defined in Section 8-2 as “[a]ny improvement constructed or erected which requires location in, on or under the ground ..., including ... utilities”) shall, among other things, (i) promote agricultural production or agricultural tourism, (ii) not negatively affect agricultural land short and long term viability for agricultural production, (iii) not negatively affect the value of agricultural land, (iv) not undermine the viability of natural resources, (v) not significantly affect adjacent property that is not consistent with standard agricultural practices, and (vi) minimize all other negative impacts.

Section 8-10 provides maximum lot coverage for agricultural lots as follows: (i) 0-25 acres: 15%; (ii) 25-50 acres: 12.5%; (iii) greater than 50 acres: 10%. Section 8-14 of this Local Ordinance prohibits dumping, storage of solid waste, storage of vehicles, creation of impermeable parking areas, or any non-agricultural activity not expressly permitted by this Chapter.

### **7.2.2 Chapter 274 – Agricultural Operations**

This Local Ordinance contains provision designed to promote and protect the right to farm in Suffolk County.

### **7.2.3 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, any County-owned property or within the Suffolk County Pine Barrens.

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<sup>2</sup> The Applicant obtained the local laws of the County of Suffolk online at <https://ecode360.com/SU0867> (last visited February 6, 2024).

#### **7.2.4 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.

#### **7.2.5 Chapter 459 – Fertilizer**

Section 459-3 of this Local Ordinance prohibits the purchase and sale of ironite fertilizer within the County. Section 459-9 prohibits the application of fertilizer to any turf within the County between November 1 and April 1 of the following year except for newly seeded or planted landscapes and prohibits the application of fertilizer within 20 feet of a surface waterbody unless there is a 10-foot vegetated buffer separating such waterbody from the fertilized turf area.

#### **7.2.6 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. While the bulk of the construction activities on the Project will occur during daytime*

*hours, the Applicant anticipates that small portions of the Project work will need to be conducted during overnight hours 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 while splicing is performed at those locations. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. As described in Exhibit E-1, each of the three cables that comprise the three phases of the AC electric line will be installed in a 10-inch diameter conduit, and two four-inch conduits will hold the Facility's communication and ground lines. To connect the individual cable lengths to each other, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 2,000 to 2,500 feet along the route. Splice vaults are used for each set of three splices (plus the ground line) because splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process inside each splice vault 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 will need to be conducted during overnight hours is the installation of duct banks and splice vaults at locations where the Applicant in consultation with County officials determine that such work should be performed at night to reduce roadway/traffic impact, 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 will 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.*

*Installation of each splice vault, which measures approximately 10 feet by 20 feet, requires use of a crane that must be sited within the roadway. In many locations, the work zone required for the splice vault excavation and for vault installation will occupy additional space within the roadway. This may require closure of roads and parking spots that support nearby businesses. Such closures are much less impactful to vehicle traffic if performed at night rather than daytime. The same can be said for duct bank installations in such locations. It is possible in some locations that conflicts with underground utilities will necessitate that the Project's intended duct bank alignment be shifted across several travel lanes in a short distance. This may force the Applicant to restrict two-way vehicular traffic for a period of time. In such instances, night work may be preferable to minimize vehicular traffic impacts. 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 of Suffolk County as necessary to allow nighttime work at such locations.*

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

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

#### **7.2.8 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.

#### **7.2.9 Section 740 – Sewers**

Section 740-11 of this Local Ordinance requires that utility companies that damage a County sewer while performing construction within a highway right-of-way shall report such damage and will be responsible for the repair of such damage. Section 240-23 prohibits unauthorized discharges to any County sewer system. Section 740-26 prohibits causing any condition that will allow groundwater infiltration into a sanitary sewer and prohibits the discharge of treated or untreated sewage, industrial waste or objectionable waste to any natural outlet within the County.

#### **7.2.10 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.

### **7.2.11 Chapter 763 – Stormwater Management**

This Local Ordinance regulates County stormwater recharge basins.

### **7.2.12 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.

### **7.2.13 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.

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

#### **7.2.14.1 Article 5 – General Sanitation**

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.

#### **7.2.14.2 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.

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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).

#### 7.2.14.3 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.

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.

#### 7.2.14.4 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.”

## **7.3 TOWN OF SOUTHAMPTON<sup>4</sup>**

### **7.3.1 Chapter 123 – Building Construction**

#### **7.3.1.1 Section 123-1 – Enforcement of State Standards**

This Section provides for the Town of Southampton’s administration and enforcement of the New York State Uniform Fire Prevention and Building Code (“Uniform Code”).

#### **7.3.1.2 Section 123-37 – Energy Conservation Requirements**

This Section provides for the Town of Southampton’s administration and enforcement of the 2020 Energy Conservation Construction Code of New York State, as modified in the manner contemplated by NYStretch Energy Code 2020.

#### **7.3.1.3 Section 123-48 – Clean Fill**

This Local Ordinance requires that fill in excess of 20 cubic yards brought onto a parcel from any other location must be “clean fill,” which is defined as “[t]opsoil, loam, earth, sand, gravel, and other material such as wood in its natural or reprocessed state [that does] not contain wood creosote, coal tar creosote, coal tar, coal tar pitch, and/or coal tar pitch volatiles.”

### **7.3.2 Chapter 161 – Right to Farm**

This Local Ordinance contains provision designed to promote and protect the right to farm in the Town of Southampton.

### **7.3.3 Chapter 164 – Fire Prevention**

This Chapter provides for the Town of Southampton’s administration and enforcement of the Uniform Code, as well as the imposition of certain requirements set forth in the National Fire Protection Association (“NFPA”) standards.

Section 164-5(A)(9) of this Local Ordinance requires that any cutting, welding or other hot work must be performed in accordance with NFPA 51-B.

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<sup>4</sup> The Applicant obtained the local laws of the Town of Southampton online at <https://ecode360.com/SO0286> (last visited February 6, 2024).

Section 164-6 of this Local Ordinance requires that any owner of a fixed fire extinguisher system or warning system shall notify the Fire Marshall when such system is inoperable or taken out of service.

Section 164-6.1 of this Local Ordinance requires that sufficient access be provided to all premises upon which the Fire Department may be called upon to protect in the case of fire.

Section 164-6.4 of this Local Ordinance prohibits the dangerous accumulation of rubbish or flammable material on any property within the Town.

Section 164-12(B) provides that fire extinguishers and fire extinguishing systems shall be inspected, tested and maintained in accordance with the Uniform Code.

#### **7.3.4 Chapter 169 – Flood Damage Prevention**

This Chapter implements the National Flood Insurance Program.

#### **7.3.5 Chapter 205 – Waste Management**

This Local Ordinance regulates the storage, transportation and disposal of solid waste. Section 205-3 of this Local Ordinance prohibits the accumulation and disposal of solid or hazardous waste on any property, street, sidewalk or public place within the Town. Section 205-5(D) requires that vehicles used in the transportation and disposal of solid waste be covered and that no debris be permitted to fall upon any street during the collection and transportation of such waste. Section 205-6(A) requires the use of suitable containers to store waste and Section 205-6(B) requires the source separation of recyclable materials from solid waste.

#### **7.3.6 Chapter 211 – Littering and Handbills**

This Local Ordinance regulates littering within the Town. Section 211-2(A) prohibits the placement of litter in public places except in designated receptacles. Section 211-2(C) requires private property to be maintained free of litter and Section 211-2(D) prohibits littering from vehicles.

#### **7.3.7 Chapter 235 – Noise**

This Local Ordinance regulates noise within the Town. Section 235-2 prohibits noise pollution, which includes noise that can result in hearing loss, is injurious to public health or welfare, causes a nuisance, exceeds the standards set forth in this Local Ordinance, or interferes with the comfortable enjoyment of life and property or the conduct of business. Additionally, Section 235-3 provides the following noise standards for certain zoning districts: (i) Residential

Districts: 65 dBA between 7:00 a.m. and 7:00 p.m. and 50 dBA between 7:00 p.m. and 7:00 a.m.; and (ii) Commercial/Industrial Districts: 70 dBA between 7:00 a.m. and 7:00 p.m. and 55 dBA between 7:00 p.m. and 7:00 a.m. Section 235-4 provides that construction activity performed between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 6:00 p.m. Saturday and Sunday is exempt from the standards set forth in Section 235-3, provided that such noise levels otherwise comply with the requirements of this Chapter, such as the prohibition on noise pollution.

*The Applicant requests that the Commission refuse to apply the prohibition set forth in Section 235-2 and the decibel limits set forth in Section 235-3 with respect to the performance of construction work during nighttime hours that could be deemed to “cause a nuisance,” “interferes with the comfortable enjoyment of life and property or the conduct of business,” or exceeds the prescribed decibel limits during time periods that are outside of the construction activity exemption periods included in Section 235-4. This is because this prohibition is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. While the bulk of the construction activities on the Project will occur during daytime hours, the Applicant anticipates that small portions of the Project work will need to be conducted during overnight hours in the Town of Southampton 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 while splicing is performed at those locations. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. As described in Exhibit E-1, each of the three cables that comprise the three phases of the AC electric line will be installed in a 10-inch diameter conduit, and two four-inch conduits will hold the Facility’s communication and ground lines. To connect the individual cable lengths to each other, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 2,000 to 2,500 feet along the route. Splice vaults are used for each set of three splices (plus the ground line) because splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process inside each splice vault 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 will need to be conducted during overnight hours is the installation of duct banks and splice vaults at locations where the Applicant in consultation with Town officials determine that such work should be performed at night to reduce roadway/traffic impact, 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 will 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. Installation of each splice vault, which measures approximately 10 feet by 20 feet, requires use of a crane that must be sited within the roadway. In many locations, the work zone required for the splice vault excavation and for vault installation will occupy additional space within the roadway. This may require closure of roads and parking spots that support nearby businesses. Such closures are much less impactful to vehicle traffic if performed at night rather than daytime. The same can be said for duct bank installations in such locations. It is possible in some locations that conflicts with underground utilities will necessitate that the Project's intended duct bank alignment be shifted across several travel lanes in a short distance. This may force the Applicant to restrict two-way vehicular traffic for a period of time. In such instances, night work may be preferable to minimize vehicular traffic impacts. 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 of the Town of Southampton as necessary to allow nighttime work at such locations.*

### **7.3.8 Chapter 261 – Property Maintenance**

This Local Ordinance sets forth property maintenance standards, including the following: proper drainage of surface and subsurface water; proper maintenance of paved and landscaped

areas; proper storage and disposal of waste; maintenance of yards free of hazards and rubbish; maintenance of lights and utility poles in a safe condition; keeping all lights, lighting stanchions, utility poles and other appurtenances located on commercial property suitably maintained in a safe condition so as to prevent hazards to the public health, safety and welfare; minimum driveway clearances of 14 feet in both width and height for emergency vehicle access; and, for improved properties with buildings 150 feet or more from the nearest roadway, keeping shrubs and bushes at least 20 feet from such roadway to accommodate the turning radii of emergency vehicles.

### **7.3.9 Chapter 285 – Stormwater Management and Erosion and Sediment Control**

This Chapter regulates stormwater discharges to comply with requirements of the SPDES General Permit for MS4.

The Applicant will seek coverage from the NYSDEC under its SPDES General Permit by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES Permit. The EM&CP will address storm water management, temporary soil erosion and sediment controls, as well as spill prevention and control measures. These measures will be set forth in the EM&CP and will constitute the Project's SWPPP. Refer to Exhibits 4 and 8 for details.

### **7.3.10 Chapter 285A – Storm Sewers**

This Chapter regulates discharges to the Town's MS4. Section 285A-5 provides that non-stormwater discharges to the MS4 are prohibited and Section 285A-9 prohibits any discharges that cause or contribute to a violation of the Town's MS4 SPDES permit. Section 285A-14 requires that any person responsible for a facility or operation that becomes aware of a discharge of pollutants to the MS4 shall take steps for the discovery, containment, and cleanup of such release, and shall notify the Town of such discharge.

### **7.3.11 Chapter 287 – Streets and Sidewalks**

Section 287-8 of this Local Ordinance prohibits the deposition of soil, loam, dirt, gravel, or sand on any public highway.<sup>5</sup> Section 287-9 prohibits any grading or excavation activity that would impede drainage or cause flooding on any public highway. Section 287-10 prohibits the use of barbed wire fencing along the property line abutting a public highway. Section 287-16 prohibits

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<sup>5</sup> The Town of Southampton Highway Department advised the Applicant's counsel that the prohibitions set forth in Section 287-8 of the Town Code do not apply to activities performed pursuant to its Road Opening Permit for Town-owned roads.

the creation of a condition on any street, sidewalk or public way that is dangerous or obstructs the use thereof.<sup>6</sup> Section 287-29 prohibits the obstruction of any private road and prohibits vehicle parking on private roads in residential districts between 1:00 a.m. and 6:00 a.m.

### **7.3.12 Chapter 308 – Protection of Vegetation**

This Local Ordinance prohibits the removal or destruction of vegetation located on the property of another without the consent of the owner or occupant of such property.

### **7.3.13 Chapter 312 – Vehicles and Traffic**

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

### **7.3.14 Chapter 325 – Wetlands**

This Chapter regulates certain construction activities occurring within 200 feet of a wetland boundary within the Town. Section 325-9 provides that (i) the net loss of wetlands and impacts to wetlands shall be minimized to the extent practicable, (ii) the maximum practicable buffer zone shall be established to protect wetlands from regulated activities, (iii) mitigation measures shall be implemented to protect wetlands, and (iv) such impacted wetlands shall not be diminished in size or quality unless there is no practicable alternative.

### **7.3.15 Chapter 330 – Zoning**

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

Figure 7.3-1 is the Town of Southampton Zoning Map. Within this Town, the Project is located in the following zoning district(s): Country Residence (CR-60), Country Residence (CR-80), Country Residence (CR-200), Residence (R-20), Highway Business (HB) zoning districts, and the Agricultural and Aquifer Protection Overlay Districts. The only Project uses or activities the Applicant proposes in the University (U-25) zoning district is to locate the Project's marshaling yard there.

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<sup>6</sup> The Town of Southampton Highway Department advised the Applicant's counsel that the prohibitions set forth in Section 287-16 of the Town Code do not apply to activities performed pursuant to its Road Opening Permit for Town-owned roads.

### 7.3.15.2 Section 330-10 – Residence Districts Table of Use Regulations

Pursuant to Section 330-10 of the Town Zoning Code, a “public utility structure or right-of-way... necessary to serve the municipality...” is a special exception use within the CR-60, CR-80, and CR-200 Country Residence districts and within the Residence R-20 district. “Structure” is defined in Section 330-5 as “[a]nything constructed or erected on or under the ground or upon another structure or building, excluding walkways and driveways.”

### 7.3.15.3 Section 330-11 – Residence Districts Table of Dimensional Regulations

Section 330-11 includes the following dimensional requirements within the CR-60 district: (i) minimum lot area – 60,000 square feet; (ii) minimum lot width – 150 feet; (iii) maximum height – 32 feet; (iv) minimum distance from street for accessory structures – 90 feet; and (ii) minimum distance from side- and rear-lot lines for accessory structures – 30 feet.

Section 330-11 includes the following dimensional requirements within the CR-80 district: (i) minimum lot area – 80,000 square feet; (ii) minimum lot width – 175 feet; (iii) maximum height – 32 feet; (iv) minimum distance from street for accessory structures – 90 feet; and (ii) minimum distance from side- and rear-lot lines for accessory structures – 30 feet.

Section 330-11 includes the following dimensional requirements within the CR-200 district: (i) minimum lot area – 200,000 square feet; (ii) maximum lot coverage – 5% (iii) minimum lot width – 200 feet; (iv) maximum height – 32 feet; (v) minimum front yard for principal building – 100 feet, (vi) minimum side yard – 50 feet, (vii) minimum side yards combined for interior lot – 125 feet, (viii) minimum side lot abutting side street or corner lot – 100 feet; (ix) minimum distance from street for accessory structures – 110 feet; and (ii) minimum distance from side- and rear-lot lines for accessory structures – 50 feet.

*The Applicant requests that the Commission refuse to apply to the Project the minimum lot area, minimum lot width, and minimum setback requirements detailed in Section 330-11 because they are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The proposed position of the Project is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety. The proximity of Project transmission line to the lot lines is completely unrelated to the location of the lot lines. The Applicant could, in theory, site the Project transmission line in sub-optimal locations, or acquire additional property in order to satisfy the minimum yard and/or lot requirements, but such action would only incur unnecessary cost to the Applicant, decrease public safety, and be of no benefit to the town.*

#### 7.3.15.4 Section 330-31 and 330-32 – Maximum Number of Uses and Separate Use

Section 330-31 provides that within the Highway Business (HB) zoning district, there shall be only one use for every 20,000 square feet of lot area. Section 330-32 explains that each enterprise using a lot, land or building shall be considered a separate use.

#### 7.3.15.5 Section 330-33 – Business Districts Table of Use Regulations

Pursuant to Section 330-33, a “public utility structure or right-of-way... necessary to serve the municipality...” is a special exception use within the HB business district.

#### 7.3.15.6 Section 330-34 – Business Districts Table of Dimensional Regulations

Section 330-34 includes the following dimensional requirements within the HB business district: (i) minimum lot area – 40,000 square feet; (ii) minimum lot width – 150 feet; (iii) maximum height – 35 feet; (iv) minimum distance from street for accessory structures – 100 feet; and (ii) minimum distance from rear-lot lines for accessory structures – 50 feet.

*The Applicant requests that the Commission refuse to apply to the Project the minimum lot area, minimum lot width, and minimum setback requirements detailed in Section 330-34 because they are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The proposed position of the Project is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety. The proximity of Project’s transmission line to the lot lines is completely unrelated to the location of the lot lines. The Applicant could, in theory, site the Project’s transmission line in sub-optimal locations, or acquire additional property in order to satisfy the minimum yard and/or lot requirements, but such action would only incur unnecessary cost to the Applicant, decrease public safety, and be of no benefit to the town.*

#### 7.3.15.7 Section 330-34.3 – University District Table of Use Regulations

The Applicant’s proposed marshaling yard will include staging and laydown of construction equipment and materials and an occupiable trailer containing office/meeting spaces and sanitary facilities. Section 330-167(F) of the Zoning Code provides that a temporary permit may be issued for “a nonconforming building, structure or use incidental to a building or other construction project, including such uses as the storage of building supplies and machinery....”

#### 7.3.15.8 Section 330-34.4 – University District Table of Dimensional Regulations

Section 330-34.4 includes the following dimensional requirements within the University (U-25) district: (i) minimum lot area – 25 acres; (ii) maximum lot coverage – 30%, (iii) minimum lot width – 500 feet; (iv) maximum height – 35 feet; (v) minimum distance from street, and rear- and side-lot lines for accessory building and structures – 100 feet.

#### 7.3.15.9 Section 330-50 and 330-51 – Farmland Preservation Program

Section 330-50(D) prohibits any structures from being erected or maintained on land within the Agricultural Overlay District following the transfer of development rights, with the exception of (i) repair of structures existing on the date of such transfer, (ii) installation of fences, irrigation facilities, and structures for feed, fertilizer, harvested crops, fuel or machinery, (iii) temporary uses and structures in connection with farmstands. Section 330-51 prohibits any structures from being erected or maintained on lands that have been preserved for agricultural purposes pursuant to conditions of a subdivision or site plan approval or pursuant to an instrument conveying a property interest to the Town.

#### 7.3.15.10 Section 330-67 – Protection of Natural Vegetation

This Local Ordinance prohibits development on nonresidential lots within the Aquifer Protection Overlay District that would disturb natural vegetation in an amount exceeding 50% of the area of such lot. For residential lots within the Aquifer Protection Overlay District, the amount of vegetation disturbance shall not exceed the following percentages of lot area: (i) 1 to 15,000 sq. ft.: 75%, (ii) 15,001 to 30,000 sq. ft.: 60%, (iii) 30,001 to 60,000 sq. ft.: 50%, (iv) 60,001 to 90,000 sq. ft.: 35%, (v) 90,001 to 140,000 sq. ft.: 25%, (vi) 140,001 to 200,000 sq. ft.: 20%, and (vii) 200,001 or greater sq. ft.: 15%. However, subsection 330-67(C) provides that the clearing limits set forth above do not apply to clearing that occurred prior to April 4, 1984.

#### 7.3.15.11 Section 330-68 – Restriction of Fertilized Vegetation

This Local Ordinance provides that to “minimize the potential for groundwater contamination from fertilizers, pesticides, herbicides and other substances, fertilized vegetation shall not exceed 15% of the area of a lot within” the Aquifer Protection Overlay District.

7.3.15.12 Section 330-69.1 – Waste Disposal Areas

This Local Ordinance provides that “new public or private waste disposal areas to be used for ... the disposal of septage or waste materials shall be prohibited” in the Aquifer Protection Overlay District.

7.3.15.13 Section 330-76 – Placement of Accessory Buildings, Structures and Uses in All Districts

Section 330-76(G) of this Local Ordinance provides that off-street parking and loading areas shall not be encroached upon by buildings, open storage, or other uses.

7.3.15.14 Section 330-77 – Placement of Accessory Buildings, Structures and Uses in Residence Districts

This Local Ordinance provides that accessory parking areas shall not be located in rear- or side-yards and shall be at least 10 feet from the property line in a rear yard in Residence districts. It also prohibits the parking of commercial vehicles in in rear- or side-yards and within 10 feet of a property line in a rear yard in Residence districts.

7.3.15.15 Section 330-78 – Placement of Accessory Buildings and Uses in Nonresidential Districts

This Local Ordinance provides that accessory parking may be located in the rear- side- and front-yards in the Highway Business (HB) and certain other nonresidential districts, provided same is located at least 10 feet from all property lines.

7.3.15.16 Section 330-92 – Off-Street Parking and Truck Loading Spaces

This Local Ordinance regulates off-street parking and truck loading areas within the Town.

7.3.15.17 Section 330-97 – Supplemental Regulations for Private Garages and Off-Street Parking in Residence Districts

This Local Ordinance provides that not more than one commercial vehicle may be parked in an off-street parking area within a residence district and that such vehicle may not exceed 10,000 pounds or 25 feet in length.

#### 7.3.15.18 Section 330-103 – Corner Clearance

This Section provides that no fence, wall, structure, shrubs, hedge or other growth shall be placed within the triangular area formed by the intersection of two street lines and two points located 50 feet from the intersection of such street lines.

#### 7.3.15.19 Section 330-109 – Fences, Walls, Accessory Driveway Structures and Clotheslines

Section 330-109(A) sets forth fence regulations for Residence districts within the Town. This Local Ordinance prohibits fences or walls located within a front yard with a height greater than 4 feet, and no greater than six feet in height in a rear or side yard. In no case shall a fence or wall be greater than six feet in height and all fences must have the finished side facing adjoining properties.

Section 330-109(B) provides fence regulations for non-residential districts. This section prohibits fences greater than six (6) feet in height within ten (10) feet of a lot line in a front or side yard and prohibits fences greater than ten (10) feet in height within ten (10) feet of a lot line in a required rear yard.

Section 33-109(D) prohibits the use of electric fences.

#### 7.3.15.20 Section 330-122 – General Standards

This Local Ordinance provides that the following general standards apply to special exception uses: (i) such use will be in harmony with and promote the general purposes and intent of the zoning code, (ii) the plot area is sufficient for the use, (iii) the proposed use will not prevent the orderly and reasonable use of adjacent properties, (iv) the site is particularly suitable for the location of such use in the Town, (v) the characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly, (vi) the proposed use, conforms to the zoning code's definition of the special exception use, (vii) access facilities are adequate to assure public safety and avoid traffic congestion, (viii) there is adequate off-street parking and truck loading areas, (ix) there are adequate buffer yards and screening, (x) there are adequate stormwater drainage facilities, and (xi) no outdoor equipment storage will be located in the required front yard area of any business district.

#### 7.3.15.21 Section 330-182 – Objectives of Site Plan Procedure and Review

This Local Ordinance provides that site plan review for parcels shall ensure that the following objectives are achieved: (i) the site has adequate traffic access; (ii) there is adequate off-street parking and loading and interior traffic circulation systems; (iii) there is sufficient landscape screening and same is consistent with the character prevailing in that area of the Town; (iv) the proposal is consistent with the Town’s Master Plan; (v) due regard is paid to adjacent natural features such as water bodies, wetlands, and woodlands; (vi) due regard is paid to cultural features on and located adjacent to the site; (vii) the use of pavement shall be minimized; (viii) lighting glare to adjacent properties is minimized; (ix) building facades are compatible with the surrounding area; (x) the drainage system is adequate; (xi) plans for public utility connections are sufficient; (xii) energy conservation is maximized; and (xiii) developments within the Agricultural Overlay District shall be located to minimize the loss of prime agricultural soils, minimize impacts to farmland vistas, encourage the continuity of farming on adjacent lots, and to minimize impacts on future subdivisions.

#### 7.3.15.22 Article XXII – Signs

This Article regulates signage within the Town. Section 330-203(A) exempts from regulations construction signs provided same are limited to one per construction site, are not illuminated, are limited to eight square feet in area and only identify the contractors or developer of the site. Section 330-210(A) provides that signs erected by a governmental agency may be placed within the right-of-way of a public street. Section 330-209 requires signs to be properly maintained.

#### 7.3.15.23 Section 330-214.1 – Screening Requirements

This Section provides that wherever screening is required, the “owner of the property shall be required to erect, replace, repair and/or maintain such screening in good condition.”

#### 7.3.15.24 Article XXVIII – Landmarks and Historic Districts and Heritage Resources

This Article provides regulations regarding the protection of historic landmarks and historic districts within the Town. Section 330-323 provides that work relating to a landmark or historic district properties shall be performed in the following manner: (i) properties contributing to the character of the historic district shall be retained, with their historic features altered as little as possible; (ii) alterations of existing property shall be compatible with its historic character, as

well as with the surrounding district; and (iii) new construction shall be compatible with the district in which it is located. Section 330-327 requires the proper maintenance of properties included within a historic district. Section 330-333 requires construction work stoppage and reporting to the appropriate authorities of any unmarked grave sites encountered during construction. This Section further prohibits the removal, defacement or destruction of a burial site.

#### 7.3.15.25 Article XXIX – Outdoor Lighting

Section 330-343(A) of this Local Ordinance provides that lighting “used in municipal road construction or emergency repair or maintenance of utility lines, sewer, water mains or similar public infrastructure” is exempt from regulation.

Section 330-343(B) prohibits certain outdoor lighting, such as the following, among others: (i) lamps with a correlated color temperature exceeding 3,000 kelvin; (ii) lighting used to illuminate property other than where the fixture is located; (iii) lighting that causes distracting glare into a public highway; and (iv) flashing lights unless temporarily triggered by a security system. Additionally, Section 330-344 prohibits lighting that results in a nuisance, is excessive, causes glare, results in light trespass, causes unnecessary sky glow, interferes with animal species, or interferes with pedestrian or vehicular traffic.

Section 330-346 includes lighting standards for non-residential properties. This Section provides that: (i) lighting fixtures shall be fully shielded and aimed straight downward; (ii) building-mounted lights shall not be more than 12 feet high and pole-mounted lights shall not be more than 14 feet high; (iii) freestanding light poles within ten feet of a side- or rear-lot line shall not be more than 10-feet tall and shall have full cutoff fixtures; and (iv) full cutoff fixtures deliver 100% of lumens in the 0-90 degree zone and maximum of 10% lumens in the 80-90 degree zone. Section 330-346(G) provides that light levels shall not exceed 0.5 foot candles in private parking lots and shall be between 0.2 and 1 foot candles for building approaches. Additionally, the light uniformity shall not exceed 20:1 maximum to minimum for parking lots and building approaches. Section 330-346(H) provides light trespass limits of 0.05 footcandles for properties abutting residential, nature preserves or waterways, and 0.1 footcandles for property abutting nonresidential property or public rights-of-way.

## **7.4 VILLAGE OF SOUTHAMPTON<sup>7</sup>**

### **7.4.1 Chapter 41 – Brush, Grass, Weeds and Hedges**

This Chapter provides that landowners must implement certain vegetation maintenance practices. Section 41-1 provides that property owners must “maintain their properties in such a manner as to properly control the growth of brush, grass, hedges and weeds and the accumulation of rubbish.” Section 41-5 prohibits the “growth of brush, grass or weeds to a greater height than five inches or any accumulation of rubbish” between the property line of such lot and the adjacent street. Section 41-7 requires owners with property line hedges to maintain them by trimming at least once annually.

### **7.4.2 Chapter 58 – Fire Prevention**

This Chapter provides for the Village of Southampton’s administration and enforcement of the Uniform Fire Prevention and Fire Code. Section 58-4 of this Local Ordinance requires the proper inspection, testing, and maintenance of fire protection equipment. Section 58-17 provides that new and existing buildings shall have address numbers. Section 58-22 requires utility mark-outs be obtained prior to performing any excavation. Section 58-23 prohibits the unsafe accumulation of rubbish or flammable materials on any property.

### **7.4.3 Chapter 62 – Flood Damage Prevention**

This Chapter implements the National Flood Insurance Program.

### **7.4.4 Chapter 64 – Garbage, Rubbish and Refuse**

Section 64-3 of this Local Ordinance includes requirements for the storage of trash for nonresidential uses in a number of zoning districts, including the OD (Office Business) District. Specifically, it requires that nonresidential uses store trash and garbage in secure covered containers screened from view on all sides by a fence or enclosure of at least six feet in height.

### **7.4.5 Chapter 65 – Historic and Landmark Preservation**

This Chapter provides regulations regarding the protection of historic landmarks and historic districts within the Village. Section 65-5 provides that work that relates to a landmark or historic district shall be permitted only if it is determined that, with respect to a landmark, same will not have a “substantial adverse effect on the aesthetic, historical, or archeological significance

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<sup>7</sup> The Applicant obtained the local laws of the Village of Southampton online at <https://ecode360.com/SO0841> (last visited February 6, 2024).

and value of the individual landmark” or, with respect to a historic district, will not have a “substantial adverse effect on the aesthetic, historical, or archeological significance of the property itself, the district, or neighboring properties in such district.”

#### **7.4.6 Chapter 74 – Littering**

Section 74-2 of this Local Ordinance prohibits throwing or depositing litter anywhere within the Village.

#### **7.4.7 Chapter 77 – Noise**

This Local Ordinance regulates noise within the Village. Section 77-2 prohibits noise pollution, which includes noise that can result in hearing loss, is injurious to public health or welfare, causes a nuisance, exceeds the standards set forth in this Local Ordinance, or interferes with the comfortable enjoyment of life and property or the conduct of business. Additionally, Section 77-3 provides the following noise standards: (i) Residential Districts: 65 dBA between 7:00 a.m. and 7:00 p.m. and 50 dBA between 7:00 p.m. and 7:00 a.m., (ii) Commercial Districts: 70 dBA between 7:00 a.m. and 7:00 p.m. and 55 dBA between 7:00 p.m. and 7:00 a.m. Section 77-4 provides that construction activity performed between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. Saturday (excepting in all cases public holidays) is exempt from the standards set forth in Section 77-3 provided that such noise levels otherwise comply with the requirements of this Chapter, such as the prohibition on noise pollution.

*The Applicant requests that the Commission refuse to apply the prohibition set forth in Section 77-2 and Section 77-3 with respect to the performance of construction work during nighttime hours that could be deemed to “cause a nuisance,” “interferes with the comfortable enjoyment of life and property or the conduct of business,” or exceeds the prescribed decibel limits for time periods that are outside of the construction activity exemption periods included in Section 77-4. This is because this prohibition is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. While the bulk of the construction activities on the Project will occur during daytime hours, the Applicant anticipates that small portions of the Project work will need to be conducted during overnight hours in the Village of Southampton 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 while splicing is performed at those locations. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. As described in Exhibit E-1, each of the three cables that comprise the*

*three phases of the AC electric line will be installed in a 10-inch diameter conduit, and two four-inch conduits will hold the Facility's communication and ground lines. To connect the individual cable lengths to each other, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 2,000 to 2,500 feet along the route. Splice vaults are used for each set of three splices (plus the ground line) because splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process inside each splice vault 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 will need to be conducted during overnight hours is the installation of duct banks and splice vaults at locations where the Applicant in consultation with Village officials determine that such work should be performed at night to reduce roadway/traffic impact, 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 will 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. Installation of each splice vault, which measures approximately 10 feet by 20 feet, requires use of a crane that must be sited within the roadway. In many locations, the work zone required for the splice vault excavation and for vault installation will occupy additional space within the roadway. This may require closure of roads and parking spots that support nearby businesses. Such closures are much less impactful to vehicle traffic if performed at night rather than daytime. The same can be said for duct bank installations in such locations. It is possible in some locations that conflicts with underground utilities will necessitate that the Project's intended duct bank alignment be*

*shifted across several travel lanes in a short distance. This may force the Applicant to restrict two-way vehicular traffic for a period of time. In such instances, night work may be preferable to minimize vehicular traffic impacts. 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 of the Village of Southampton as necessary to allow nighttime work at such locations.*

#### **7.4.8 Chapter 78 – Nuisances**

This Chapter prohibits conduct or the maintenance of any condition that creates a public nuisance. The term “public nuisance” includes “[a]ny conduct, activity or condition which is unreasonable under the circumstances and which endangers public health or public safety...; any conduct, activity or condition which is unreasonable under the circumstances and which is substantially detrimental to public welfare...; [and] any conduct, activity or condition which is hereinafter deemed to create a ‘public nuisance.’” Section 78-3 provides that the emission of noxious or offensive odors constitutes a public nuisance. Section 78-4 provides that “construction work” performed “earlier than 8:00 a.m. or later than 6:00 p.m.... on any weekday, and ....earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays...[and any time] on Sunday and on federal and state holidays” constitutes a nuisance. Section 78-4 provides that “property maintenance and landscaping, earlier than 8:00 a.m. or later than 6:00 p.m.,...on any weekday, and ... earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays” and any time on Sundays and holidays is a public nuisance. Section 78-4 prohibits the use of gas-powered leaf blowers between May 16 and October 15, at times earlier than 8:00 a.m. or later than 6:00 p.m. on weekdays, earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays, and at all times on Sundays and holidays. Additionally, walk-behind leaf blowers and the use of more than two hand-held or backpack leaf blowers at one time is prohibited unless the property being cleared is greater than ½-acre in size. Section 78-4(B)(3)(f) provides that, effective October 1, 2024, the use of all gas-powered leaf blowers is banned within the Village.

*The Applicant requests that the Commission refuse to apply the prohibition set forth in Section 78-4 regarding the performance of construction work “earlier than 8:00 a.m. or later than 6:00 p.m.... on any weekday, and ....earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays...[and any time] on Sunday and on federal and state holidays.” This is because this prohibition is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. While the bulk of the construction activities on the Project will occur*

during daytime hours, the Applicant anticipates that small portions of the Project work will need to be conducted during overnight hours in the Village of Southampton 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 while splicing is performed at those locations. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. As described in Exhibit E-1, each of the three cables that comprise the three phases of the AC electric line will be installed in a 10-inch diameter conduit, and two four-inch conduits will hold the Facility's communication and ground lines. To connect the individual cable lengths to each other, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 2,000 to 2,500 feet along the route. Splice vaults are used for each set of three splices (plus the ground line) because splicing must be performed inside a controlled environment and in a continuous operation until completed. The cable splicing process inside each splice vault 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 will need to be conducted during overnight hours is the installation of duct banks and splice vaults at locations where the Applicant in consultation with Village officials determine that such work should be performed at night to reduce roadway/traffic impact, 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 will 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. Installation of each splice vault, which measures approximately 10 feet by 20 feet, requires use of a crane that must be sited within the roadway. In many locations, the work zone required for the splice vault excavation and for vault installation will occupy additional space within the roadway. This may require closure of roads and parking spots that support nearby businesses. Such closures are much less impactful to vehicle traffic if performed at night rather than daytime. The same can be said for duct bank installations in such locations. It is possible in some locations that conflicts with underground utilities will necessitate that the Project's intended duct bank alignment be shifted across several travel lanes in a short distance. This may force the Applicant to restrict two-way vehicular traffic for a period of time. In such instances, night work may be preferable to minimize vehicular traffic impacts. 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 of the Village of Southampton as necessary to allow nighttime work at such locations.*

#### **7.4.9 Chapter 82 – Peace and Good Order**

Section 82-9 of this Local Ordinance prohibits any person from injuring or destroying any shade tree placed along the streets or sidewalks of the Village. Section 82-10 prohibits any encroachments upon any street within the Village.

*The Applicant requests that the Commission refuse to apply Section 82-9 because they are unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. These laws 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. 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.*

#### **7.4.10 Chapter 86 – Permit Parking**

This Chapter regulates vehicle parking in certain areas of the Village.

#### **7.4.11 Chapter 92 – Storm Sewer System**

This Chapter regulates stormwater discharges to the Village’s MS4 in order to comply with requirements of the SPDES General Permit for MS4. Section 92-6 prohibits non-stormwater discharges to the Village’s MS4. Section 92-12 requires that those responsible for a facility or operation that become aware of an illegal discharge to the MS4, shall take steps to investigate, contain and cleanup such discharge, and shall notify the Village and the appropriate responding agencies.

#### **7.4.12 Chapter 93 – Stormwater Management and Erosion and Sediment Control**

This Chapter regulates stormwater discharges to the Village’s MS4 in order to comply with requirements of the SPDES General Permit for MS4.

The Applicant will seek coverage from the NYSDEC under its SPDES General Permit by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES Permit. The EM&CP will address storm water management, temporary soil erosion and sediment controls, as well as spill prevention and control measures. These measures will be set forth in the EM&CP and will constitute the Project’s SWPPP. Refer to Exhibits 4 and 8 for details.

#### **7.4.13 Chapter 95 – Streets and Sidewalks**

Section 95-10 of this Local Ordinance requires owners and occupants of real property adjacent to a sidewalk to keep such sidewalk free of obstruction resulting from snow, ice, dirt, filth, hedges or other obstruction or encumbrance and prohibits the placement of same in the gutter or drain of the street. Section 95-34 requires excavations in streets and sidewalks to be properly barricaded and lighted to delineate work areas during hours of darkness. Section 95-35 requires that (i) construction activity not impede water drainage within the street, (ii) protective measures be in place to prevent spills to the stormwater drains, (iii) drainage following construction activity must be equal to or better than what existed prior to construction activities, (iv) trenches are not to be left open or unfilled overnight, (v) final backfilling of trenches must be completed within 18 days from the date of opening, (vi) when possible, all pipes crossing pavement shall be driven beneath the roadway to avoid pavement disturbance, (vii) openings in concrete roads shall be a minimum of 5 feet wide, (viii) no roadways are to be tunneled, (ix) all trenching to be made by

trenching machine or saw cutting, (x) excavation restoration and backfilling must be performed in accordance with Village standards, (xi) final pavement replacement be performed in accordance with Village standards, (xii) roadway shoulders must be backfilled pursuant to the Village's standards, (xiii) traffic control measures be maintained during work, (xiv) no construction material or equipment shall be left on the pavement during off-hours and shall not obstruct roadway or rail crossing signs, and (xv) barricades shall be prominently displayed and access to adjacent properties must be maintained.

#### **7.4.14 Chapter 107 – Trees**

Section 107-10 provides that owners or occupants of property bordering on any street upon which there are trees shall prune such trees “in such manner that they will not obstruct utilities (such as power lines or streetlights), the passage of pedestrians on sidewalks, vision of traffic signs or views of any street or drivable intersection.” This Section also provides that such owners or occupants shall treat or remove trees that are diseased or insect infested. Section 107-11 prohibits any person from damaging, cutting, transplanting, carving or removing any trees within the Village. Section 107-14 requires that trees within public places or within the Village rights-of-way be protected during construction activities. Section 107-15 provides that “a public utility subject to the jurisdiction of the New York State Public Service Commission and any duly constituted public agency authorized to provide utility services shall be permitted to trim, prune or maintain any tree which may otherwise be lawfully altered by such person, to the minimum extent necessary to enable such person to repair existing utility services.”

#### **7.4.15 Chapter 110 – Vehicles and Traffic**

This Chapter regulates the operation and parking of motor vehicles within the Village. Section 110-16 prohibits trucks, tractors and tractor-trailers in excess of five (5) tons from certain Village streets, excepting from such prohibition the use of those streets for local delivery of goods along such streets. Section 110-16.1 of this Chapter establishes truck routes for vehicles with a weight exceeding 10,000 pounds and prohibits the operation of such vehicles on other streets and other than in the direction of travel indicated.<sup>8</sup> Excepted from such truck route regulations is the use of County Road 39, as well as the use of such other roads for local deliveries. Section 110-31 prohibits the loading and unloading of vehicles with a load weight of greater than one ton between the hours of 9:00 a.m. and 5:00 p.m. along Main Street or Jobs Lane.

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<sup>8</sup> The Village's Ordinance Enforcement Officer advised the Applicant's counsel that the road use exception provided for the local delivery of goods set forth in Village Code Section 110-16 would apply to the Project vehicle's use of Village streets and to the restricted direction of travel set forth in Section 110-16.1, for the delivery of equipment and materials to the Project construction site.

## 7.4.16 Chapter 116 – Zoning

### 7.4.16.1 Zoning Map and Districts

Figure 7.4-1 is the Village of Southampton Zoning Map. Within this Village, the Project is located in the following zoning district(s): Single Family (R-12.5) Residence District, the Office (OD) Business District, and the Historic District.

### 7.4.16.2 Section 116-4 – Residence Districts

Pursuant to Sections 116-4(C) and 116-5(D), a “public utility structure...or right-of-way... necessary to serve the municipality” is a special exception use within the Single Family (R-12.5) Residence District and the Office (OD) Business District, respectively.

Section 116-4(D) includes the following dimensional requirements within the R-12.5 Residence District: (i) minimum lot area – 12,500 square feet; (ii) minimum lot width – 100 feet; (i) minimum distance from street for accessory structures – 90 feet; and (ii) minimum distance from side- and rear-lot lines for accessory structures – 40 feet. Section 116-11.2 limits lot coverage for buildings and structures to 14% of the lot areas plus 1,500 square feet, but in no event exceeding 30% of the lot area.

*The Applicant requests that the Commission refuse to apply to the Project the minimum lot area, minimum lot width, and minimum setback requirements detailed in Section 116-4(D) because they are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The proposed position of the Project is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety. The proximity of Project transmission line to the lot lines is completely unrelated to the location of the lot lines. The Applicant could, in theory, site the Project transmission line in sub-optimal locations, or acquire additional property in order to satisfy the minimum yard and/or lot requirements, but such action would only incur unnecessary cost to the Applicant, decrease public safety, and be of no benefit to the village.*

### 7.4.16.3 Section 116-5 – Business Districts

Section 116-5(E) includes the following dimensional requirements within the Office (OD) Business District: (i) minimum distance from street for accessory structures – 40 feet; and (ii) minimum distance from side- and rear-lot lines for accessory structures – 20 feet.

*The Applicant requests that the Commission refuse to apply to the Project the minimum setback requirements detailed in Section 116-4(D) because they are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. The proposed position of the Project is a function of the overall integrated transmission line design and reflects the requirements of constructability, security and public safety. The proximity of Project transmission line to the lot lines is completely unrelated to the location of the lot lines. The Applicant could, in theory, site the Project transmission line in sub-optimal locations, or acquire additional property in order to satisfy the minimum yard requirements, but such action would only incur unnecessary cost to the Applicant, decrease public safety, and be of no benefit to the village.*

#### 7.4.16.4 Section 116-9 – Placement of Accessory Buildings and Uses

Section 116-9(A)(14) of this Local Ordinance provides that “[g]arbage, trash, rubbish and refuse, when stored outside a building, shall be placed in securely fastened containers.... in a side or rear yard” at least 30 feet from the street line. Section 116-9(B)(1) requires that off-street parking areas in Residence Districts be set back five feet from front- and side-yard property lines and 10 feet from rear-yard property lines. Section 116-9(B)(2) provides that no commercial vehicle, house trailer or similar equipment maybe parked in any front yard, side yard, or within 10 feet of the property line in any rear yard with a Residence District. Section 116-9(C)(1) provides that within nonresidential zoning districts, off-street parking areas may be located in front-, rear- and side-yards provided they are set back 10 feet from the property lines.

#### 7.4.16.5 Section 116-12 – Height Regulations

Section 116-12(A) provides that transmission lines, towers or similar structures are exempt from the Zoning Code’s height limitations.

#### 7.4.16.6 Section 116-13 – Sign Regulations

This Chapter regulates signage within the Village. Section 116-13(F)(8) provides that nothing in this Chapter shall prohibit a “municipality or any other governmental agency from erecting and maintaining public signs deemed to be necessary in the public interest.”

#### 7.4.16.7 Section 116-13.1 – Outdoor Lighting

Section 116-13.1(E)(1) of this Local Ordinance provides general standards for non-residential outdoor lighting including the following: (i) exterior lighting shall be designed and located to prevent over lighting, energy waste, glare, light trespass, and unnecessary skyglow, (ii)

area lights shall be fully shielded or have zero up-light, (iii) electric utility companies shall not utilize fixtures for pole mounted lights that exceed 3,000 K, fixtures shall be fully shielded, include middle of the night shutoffs, and shall not exceed 5 footcandles. Section 116-13.1(F) provides that no fixture shall be greater than 20 feet from the ground, shall be placed to prevent light trespass, protect adjacent properties from glare and excess lighting. Section 116-13.1(G) provides that the maximum illuminance at the property line for a parcel adjacent to a residential parcel or public right-of-way may not exceed 0.05 foot candles (“FC”) at ground level and at 5 feet above the ground, and maximum horizontal or vertical illuminance allowed between adjacent commercial properties is 0.1 FC.

#### 7.4.16.8 Section 116-14 – Off-Street Parking, Truck Loading Space, and Curb-Cut Construction

This Local Ordinance provides that off-street parking and truck loading spaces shall be provided as an accessory use to all permitted and special exception uses of buildings, structures and lots. Section 116-14(E) provides that nonresidential uses with less than 5,000 square feet of floor area require no loading spaces. Section 116-14(G) provides that one-way driveways shall have a minimum width of 12 feet and combined entrance/exit driveways shall have a minimum width of 24 feet on the street. Driveway gradients shall be such as to facilitate entrance and exit traffic flow. Section 116-14(H)(3) provides that no more than one curb cut shall be permitted for each parcel unless the parcel has at least 100 feet of frontage or is a corner lot. Section 116-14(I)(2) provides that off-street parking and truck loading areas shall include curbs, paving, sidewalks, drainage facilities, and appropriate screening for the protection of adjacent properties.

#### 7.4.16.9 Section 116-16 – Corner Clearance

This Local Ordinance provides that on a corner lot in any district within the triangular area determined by two points, one on each intersecting street line, each of which points is 20 feet from the intersection of such street lines, no wall, fence, structure or other obstruction shall be erected or placed to a height in excess of 30 inches.

#### 7.4.16.10 Section 116-18 – Permitted Fences and Walls

This Local Ordinance regulates fences and walls within the Village.

#### 7.4.16.11 Article IIIA – Wetlands

This Local Ordinance regulates certain construction and clearing activities occurring within 200 feet of a wetland boundary within the Village. Section 116-19.4 provides that the following standards shall apply to regulated activities: (i) the standards applicable to NYSDEC wetland permit applicants, (ii) such activity shall not have a substantial adverse impact to public health, safety and welfare, or the protection and enhancement of wetland functions and benefits, and (iii) the maximum achievable wetland setback for buildings and structures shall be imposed.

## **EXHIBIT 7 – LOCAL ORDINANCES**

### **FIGURES**

**FIGURE 7.3-1 TOWN OF SOUTHAMPTON ZONING MAP**





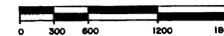






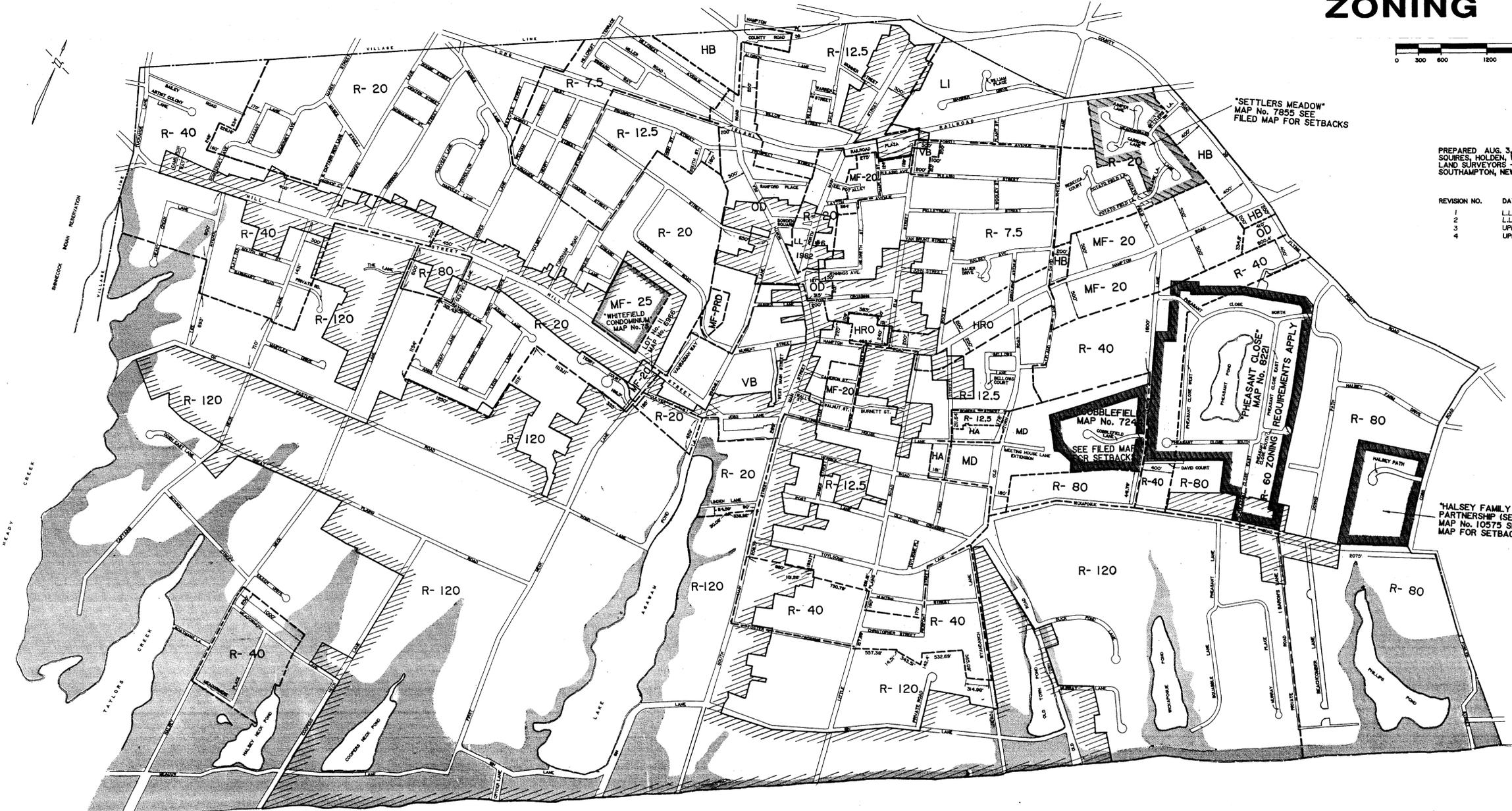
**FIGURE 7.4-1 VILLAGE OF SOUTHAMPTON ZONING MAP**

# VILLAGE OF SOUTHAMPTON SUFFOLK COUNTY, NEW YORK ZONING MAP



PREPARED AUG. 3, 1992  
SQUIRES, HOLDEN, WEISENBACHER & SMITH  
LAND SURVEYORS - ENGINEERS  
SOUTHAMPTON, NEW YORK

| REVISION NO. | DATE                              |
|--------------|-----------------------------------|
| 1            | L.L. 3-1993                       |
| 2            | L.L. 9-1990 & L.L. 9-1999         |
| 3            | UPDATE - DEC. 13, 2006            |
| 4            | UPDATE/HST. DIST. - OCT. 23, 2007 |

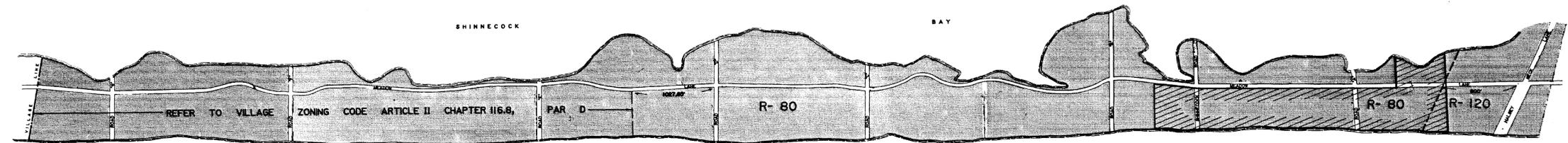


"SETTLERS MEADOW"  
MAP No. 7855 SEE  
FILED MAP FOR SETBACKS

"SOBBLEFIELD"  
MAP No. 724  
SEE FILED MAP  
FOR SETBACKS

"PHEASANT CREEK"  
MAP No. 8221  
SEE FILED MAP FOR SETBACKS  
R-60 ZONING REQUIREMENTS APPLY

"HALSEY FAMILY LIMITED  
PARTNERSHIP (SECT. 27)  
MAP No. 10575 SEE FILED  
MAP FOR SETBACKS



| DATE      | LL #   | TAX MAP PARCEL NO. | DATE | LL # | TAX MAP PARCEL NO. |
|-----------|--------|--------------------|------|------|--------------------|
| 7-21-1992 | 6-1992 | 904-005-03-018     |      |      |                    |
| 6-21-1994 | 3-1994 | 904-004-01-019,003 |      |      |                    |
| 4-8-2005  | 3-2005 | 904-018-02-024     |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |
|           |        |                    |      |      |                    |

|        |          |   |       |          |  |
|--------|----------|---|-------|----------|--|
| R-120  | DISTRICT | SINGLE FAMILY RESIDENCE (120,000 SQ. FT.) | MF-25 | DISTRICT | MULTI FAMILY RESIDENCE (25,000 SQ. FT.)                        |
| R-80   | DISTRICT | SINGLE FAMILY RESIDENCE (80,000 SQ. FT.)  | VB    | DISTRICT | VILLAGE BUSINESS   |
| R-40   | DISTRICT | SINGLE FAMILY RESIDENCE (40,000 SQ. FT.)  | HB    | DISTRICT | HIGHWAY BUSINESS (40,000 SQ. FT.)                              |
| R-20   | DISTRICT | SINGLE FAMILY RESIDENCE (20,000 SQ. FT.)  | OD    | DISTRICT | OFFICE DISTRICT BUSINESS (20,000 SQ. FT.)                      |
| R-12.5 | DISTRICT | SINGLE FAMILY RESIDENCE (12,500 SQ. FT.)  | MA    | DISTRICT | HOSPITAL ACCESSORY (20,000 SQ. FT.)                            |
| R-7.5  | DISTRICT | SINGLE FAMILY RESIDENCE (7,500 SQ. FT.)   | MD    | DISTRICT | MEDICAL DISTRICT (20,000 SQ. FT.)                              |
| MF-20  | DISTRICT | MULTI FAMILY RESIDENCE (20,000 SQ. FT.)   | LI    | DISTRICT | LIGHT INDUSTRY (40,000 SQ. FT.)                                |
|        |          |   | HRO   | DISTRICT | HAMPTON ROAD OFFICE DIST. (2,500 SQ. FT.)                      |
|        |          |   |       |          | ACCESSORY APARTMENT OVERLAY DISTRICT (FLOATING ZONE) SEE TABLE |

INDICATES VILLAGE OF SOUTHAMPTON HISTORIC DISTRICT

TIDAL FLOOD PLAIN OVERLAY DISTRICT REFER TO VILLAGE OF SOUTHAMPTON FLOOD INSURANCE RATE MAPS

TIDAL WETLAND AND OCEAN BEACH OVERLAY DISTRICT.

(SEE NOTE)

NOTE:  
This District shall include all Tidal Wetlands which are defined as being:  
All those areas within the Village of Southampton customarily inundated at mean high water level tides, and including intertidal soil marshes, which shall be presumed to be those areas upon which grow some but not necessarily all of the following soil marsh grass (Spartina alterniflora), black grass (Juncus roemerianus), soil meadow grass (Spartina patens), spike grass (Distichlis spicata) and sand spurry (Spergularia maritima), and upon which exists soil marsh peat.  
And the Ocean Beaches which are defined as being:  
The beach, shore or strand area lying between the mean high water level and the southern edge of the natural grass on the dunes.

THE WETLANDS DISTRICT OVERLAY MAP (WHEN LOCATED) IS THE INDICATOR OF JURISDICTION. IN THE ABSENCE OF THIS MAP, THE MOST CURRENT STATE TIDAL WETLANDS OR FRESHWATER WETLANDS SHOULD BE UTILIZED TO DETERMINE WHETHER WETLANDS MIGHT BE LOCATED ON OR NEAR THE PROPOSED ACTIVITY. AN ON-SITE FIELD INSPECTION SANCTIONED BY THE VILLAGE WILL BE THE FINAL ARBITER.