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# Town of Huntington

## Long Island, New York

**FRANK P. PETRONE**  
*Supervisor*

November 1, 2005

Ms. Jaclyn A. Brillig, Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

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**RE: Case 04-T-1687- Town of Huntington Comment on Noise Issues - Application of Long Island Power Authority for a Certificate of Environmental Compatibility and Public Need for the Construction and Operation of a 13 mile, 345 kV Electric Transmission Facility, the Newbridge Road Connector, in the Towns of Hempstead, Oyster Bay and Huntington.**

Dear Secretary Brillig:

I am writing in response to an October 25, 2005 letter from the law firm of Read and Laniado, LLP requesting the Town of Huntington's comments on the New York State Public Service Commission's (NYSPSC) recommendation that Chapter 141 of the Huntington Town Code (Noise) not be applied to a particular aspect of the construction of the above-referenced facility. I want to thank the NYSPSC for providing the Town with an opportunity to comment on the impact of the project on the Town of Huntington and its residents.

The NYSPSC's proposed joint proposal dated October 21, 2005 recommends that Chapter 141 *not* be applied to the 24-hour operation of generator and air conditioning equipment used for manhole splicing operations associated with the project. For the reasons set forth in this letter, the Town of Huntington respectfully opposes the NYSPSC's recommendation and respectfully requests that the Huntington Town Code Chapter 141 be applied to this aspect of the project.

As a basic proposition, the Town of Huntington is the primary local government entity responsible for responding to and investigating quality of life complaints such as noise. We are aware of community concerns in particular neighborhoods and are in the best position to respond and address noise issues. Furthermore, in our experience, the decibel level of noise is not the basis for community noise complaints. Instead, residents also complain about the intensity and duration of the noise. The Town is extremely concerned that the noise generated by the 24-hr operation of the generator and air conditioning equipment will disturb residents in close proximity to the proposed work area.

The documents provided to the Town of Huntington do not specify: (i) the total number of days that Long Island Power Authority (LIPA) and its contractors anticipate 24-hour operation of generator and air conditioning equipment; and (ii) the intensity of the noise. The Town needs this information to properly evaluate any noise impacts.

The Town is therefore requesting that LIPA apply to the Town of Huntington Department of Engineering Services to seek permission for the continuous operation of the generator and air conditioning equipment. The relevant Huntington Town Code provision is §141(J) and is attached for your reference. Any application submitted to the Town should provide, at a minimum the following details: (i) the number of days entailed for this work; and (ii) how the noise will be monitored during construction. The Town will also need specific information on the noise monitoring and abatement equipment being used, *i.e.*, the equipment name, model number and any relevant engineering detail; and (iii) set forth a time-frame for the Town to visit the project area *prior to commencement of construction* for the purpose of conducting a "trial run" of the noise levels to determine the extent and nature of the noise. The Town also urges the NYSPSC require the utilization of noise abatement equipment at the site.

In addition, the Town is requesting clarification on the following issues relating to noise:

1. Page 7 of the Proposed Final Joint Proposal (Paragraph Number 2 under the heading of Land Use). This paragraph states that residents will be notified of the planned construction activities and the schedule prior to the start of construction. The proposal needs to state how many days notice LIPA will give to surrounding residents and by what means (*i.e.*, notices in newspapers, bills, internet, letters to property owners, notification of municipality, etc. or a combination thereof). *LIPA and the NYS Public Service Commission need to clarify whether this paragraph 2 applies to the proposed manhole splicing operations. If paragraph 2 does not apply to the Town of Huntington, the Town requests a rationale for this decision. If the paragraph applies to the Town of Huntington, the Town requests that we be provided with the detail regarding lead- time for the issuance of notices and the form of the notice.*

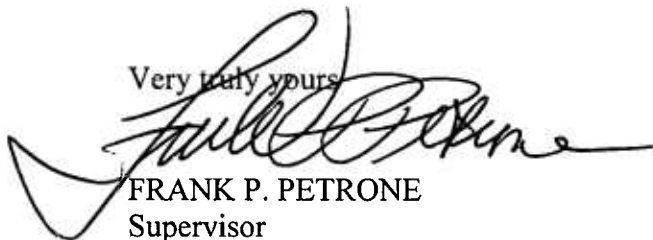
2. Page 12 of the Proposed Final Joint Proposal (Paragraph Number 18 under the heading of Noise). This paragraph states that LIPA will perform a “pre-operational” noise study and a “post-operational” noise study. The proposed final joint proposal does not give a specific time-frame regarding when these studies will occur and does *not* provide for input from municipalities. The paragraph explores several contingencies, including unspecified mitigation of noise and, if mitigation is unsuccessful, a “cost-benefit analysis” regarding “noise reducing measures.” Once again, this balancing does *not* provide for input from municipalities. *LIPA and the NYS Public Service Commission need to clarify whether paragraph 18 applies to the proposed manhole splicing operations. If paragraph 18 does not apply to the Town of Huntington, the Town requests a rationale for this decision. If paragraph 18 applies to the Town of Huntington, the Town needs to be consulted on development and implementation of the pre-operation and post-operational noise studies.*

The Town also requests clarification on the following LIPA mitigation measures set forth on page 16 of the proposed joint proposal that relate to the Town of Huntington:

- (1) Electric Truck Idling Station. One of the mitigation measures is to coordinate with the United States Postal Service to study the feasibility of installing and if feasible, to install, an electric truck idling station at the regional postal facility adjacent to the Ruland Road Substation. *The Town needs more information on this mitigation measure (i.e., number of trucks, duration of use, time of day of use, impact if any on local traffic); and*
- (2) Long Island Rapid Commute Vehicle Station. Another proposed mitigation measure is to coordinate with NYSDOT for studying feasibility of using LIPA property adjoining the Ruland Road substation for a Long Island Rapid Commute Vehicle Station (no information is set forth other than a reference to Long Island Transportation Plan 2000). *The Town needs further information on this mitigation measure as well.*

If you have any questions regarding this matter, please contact the John J. Leo, Town Attorney or Assistant Town Attorney, Heidi Levine-Sorkin, at (631)351-3042. Once again, thank you for the opportunity to comment on this important project.

Very truly yours



FRANK P. PETRONE  
Supervisor

cc: John J. Leo, Town Attorney; Patricia DelCol, Director, Engineering Services; Bruce Richard, Director, Public Safety

§ 141-3. **Unreasonable noises enumerated.** The following acts, among others, are declared to be loud, disturbing and unreasonable noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

J. Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of emergency in the interest of public health and safety, and then only with a permit from the Director of the Department of Engineering, Building and Housing, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.