

PSEG LONG ISLAND LLC

On Behalf of and as Agent for the

LONG ISLAND LIGHTING COMPANY d/b/a LIPA

Western Nassau Transmission Project

EXHIBIT 7 — LOCAL ORDINANCES

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EXHIBIT 7: LOCAL ORDINANCES

7.1 Introduction

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

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

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

Notwithstanding LIPA’s exemption from the jurisdiction of local municipalities, the Applicant submits the following analysis of Local Ordinances. The analysis is submitted for the sole purpose of allowing the Commission to evaluate under Article VII the Western Nassau Transmission Project’s (“Project”) 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 code 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 local municipality; waive its exemption from such jurisdiction; or waive or forfeit any other right to which it is entitled under the law.

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

- County of Nassau
 - Town of Hempstead
 - Village of Lynbrook
 - Village of Malverne
 - Village of Garden City

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

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

The Compliance Summary Table set forth on the following page(s) lists every substantive Local Ordinance relevant to the Project activities in the municipalities the Project is proposed to traverse as well as every substantive Local Ordinance that the Applicant requests that the Commission not apply.

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
<i>County of Nassau</i>		
	Admin. Code Section 12-4.1 - Sidewalks and curbs on state highways and county roads outside of incorporated villages and cities	Will Comply
	Admin. Code Section 12-4.3 – Deposits of material on county roads	Will Comply
	Admin. Code Section 12-13.0 – Construction, maintenance and control of bridges within the County	Will Comply
	Admin. Code Section 21-24.2 – Preventing the spread of invasive species in Nassau County; Prohibitions	Will Comply
	Admin. Code Section 21-24.6 – Disposal of prohibited invasive species	Will Comply
	Nassau County Ordinance No. 35-2017 – An ordinance to regulate County rights of way in relation to utilities	Will Comply
<i>Town of Hempstead</i>		
	Town Code Chapter 128 – Garbage and Rubbish Section 128-2 – Accumulation and dumping prohibited	Will Comply
	Town Code Chapter 128 – Garbage and Rubbish Section 128-6 – Precollection practices in collection districts	Will Comply
	Town Code Chapter 128 – Garbage and Rubbish Section 128-24 – Litter in public places	Will Comply
	Town Code Chapter 128 – Garbage and Rubbish Section 128-29 – Truck loads causing litter	Will Comply
	Town Code Chapter 128 – Garbage and Rubbish Section 128-31 – Litter in lakes and fountains	Will Comply
	Town Code Chapter 128 – Garbage and Rubbish Section 128-39 – Owner to maintain premises free of litter	Will Comply
	Town Code Chapter 138 – Smoke Section 138-1 – Emission of dense smoke	Will Comply
	Town Code Chapter 138 – Smoke Section 138-2- Escape of soot, cinders, etc.	Will Comply
	Town Code Chapter 140 – Earth and Soil Removal Section 140-3 – Pit and bank excavations	Will Comply
	Town Code Chapter 140 – Earth and Soil Removal Section 140-4 – No stripping or removal	Will Comply
	Town Code Chapter 144 – Noise	Requests PSC Partial Refusal to Apply

**Table 7.1-1
Compliance Summary Table**

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Town Code Chapter 160 – Precautions Against Oil Spills Section 160-2 – Oil discharge prohibited	Will Comply
	Town Code Chapter 160 – Precautions Against Oil Spills Section 160-4 – Duty to notify	Will Comply
	Town Code Chapter 160 – Precautions Against Oil Spills Section 160-6 – Liability and corrective measures relating to spillage	Will Comply
	Town Code Chapter 164 – Public Wetlands Preservation	Will Comply
	Town Code Chapter 165 – Freshwater Wetlands	Will Comply
	Town Code Chapter 175 – Excavations in Streets Section 175-5 – Street opening regulations and restrictions	Will Comply
	Town Code Chapter 175 – Excavations in Streets Section 175-7 – Detail of construction	Will Comply
	Town Code Chapter 176 – Roll-Off Containers	Will Comply
	Town Code Chapter 177 – Materials: Deposit	Will Comply
	Town Code Chapter 181 – Sidewalks, Roads and Streets Section 181-2 – Requirements of construction	Will Comply
	Town Code Chapter 181 – Sidewalks, Roads and Streets Section 181-4 - Trees	Will Comply
	Town Code Chapter 181 – Sidewalks, Roads and Streets Section 181-13 – Littering	Will Comply
	Town Code Chapter 181 – Sidewalks, Roads and Streets Section 181-14 – Obstructing walks	Will Comply
	Town Code Chapter 182 – Curb Cuts	Will Comply
	Town Code Chapter 184 – Tree Preservation Section 184-2 and 184-5 - Removal of trees prohibited without permit; replacement required; Permissible trees in sidewalk area	Will Comply
	Town Code Chapter 184 – Tree Preservation Section 184-10 – Prohibited deposits on public property	Will Comply
	Town Code Chapter 190 – Vehicle Speed Limits	Will Comply
	Town Code Chapter 192 – Weight Restrictions: Commercial Vehicles Section 192-1 – Gross weight restrictions upon commercial vehicles using certain Town highways	Will Comply
	Town Code Chapter 192 – Weight Restrictions: Commercial Vehicles Section 192-3 – Exception	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Town Code Chapter 202 – Parking	Will Comply
	Town of Hempstead Building Zone Ordinance	
	Building Zone Ordinance Section 310 – Public utility buildings	Will Comply
	Building Zone Ordinance Section 20 – A Residence District; Special uses	Will Comply
	Building Zone Ordinance Section 27 – A Residence District; Fences	Will Comply
	Building Zone Ordinance Section 67 – B Residence District; Special uses	Will Comply
	Building Zone Ordinance Section 74 – B Residence District; Fences	Will Comply
	Building Zone Ordinance Section 220 – Y Industrial District; Permitted uses; prohibited uses	Will Comply
	Building Zone Ordinance Section 222 – Y Industrial District; Front Yards	Will Comply
	Building Zone Ordinance Section 223 – Y Industrial District; Rear Yards	Will Comply
	Building Zone Ordinance Section 244 – Signs permitted in specific use districts	Will Comply
	Building Zone Ordinance Section 245 – Setback requirements	Will Comply
	Building Zone Ordinance Section 246 – General provisions	Will Comply
	Building Zone Ordinance Section 302 – Prohibited and restricted uses	Will Comply
	Building Zone Ordinance Section 305 – Site plans	Will Comply
	Building Zone Ordinance Section 308 – Reduction of lot area restricted	Will Comply
	Building Zone Ordinance Section 311 – Clear sight triangle	Will Comply
	Building Zone Ordinance Section 313 – Location of parking spaces for premises zoned for business, light manufacturing or industrial uses	Will Comply

**Table 7.1-1
Compliance Summary Table**

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Building Zone Ordinance Article XXXVIII – Stormwater Management and Erosion and Sediment Control Section 389 – Applicability	Will Comply
	Building Zone Ordinance XXXVIII – Stormwater Management and Erosion and Sediment Control Section 393 - Maintenance and repair of stormwater facilities	Will Comply
<i>Village of Lynbrook</i>		
	Chapter 81 – Building Construction and Fire Prevention	Will Comply
	Chapter 126 – Fire Prevention Section 126-9 – Handling of materials likely to cause spontaneous combustion	Will Comply
	Chapter 126 – Fire Prevention Section 126-10 – Control of litter and weeds	Will Comply
	Chapter 126 – Fire Prevention Section 126-13 – Storage of combustible containers	Will Comply
	Chapter 126 – Fire Prevention Section 126-18 – Limit on keeping flammable liquids near dwellings	Will Comply
	Chapter 126 – Fire Prevention Section 126-20 – Obstructing fire hydrants	Will Comply
	Chapter 126 – Fire Prevention Section 126-21- Interference with fire apparatus	Will Comply
	Chapter 154 – Littering Section 154-2 – Deposit of litter in public places	Will Comply
	Chapter 154 – Littering Section 154-4 – Sweeping litter into gutters prohibited	Will Comply
	Chapter 154 – Littering Section 154-6 – Materials on trucks to be properly covered; matter on tires	Will Comply
	Chapter 154 – Littering Section 154-8 – Litter in fountains, lakes or streams	Will Comply
	Chapter 154 – Littering Section 154-15 – Litter on occupied private property	Will Comply
	Chapter 154 – Littering Section 154-16 – Maintenance of private premises	Will Comply

**Table 7.1-1
Compliance Summary Table**

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 185 – Property Maintenance Section 185-1 – Conformity required	Will Comply
	Chapter 185 – Property Maintenance Section 185-4 – Open areas and parking spaces	Will Comply
	Chapter 185 – Property Maintenance Section 185-5 – Business units; registration of business and multiple dwellings; shopping carts; carbon monoxide detectors	Will Comply
	Chapter 185 – Property Maintenance Section 185-6 – Buildings and structures	Will Comply
	Chapter 185 – Property Maintenance Section 185-7- Infestation and screening	Will Comply
	Chapter 203 – Signs Section 203-4 – Prohibited signs	Will Comply
	Chapter 203 – Signs Section 203-5 – Permitted signs	Will Comply
	Chapter 203 – Signs Section 203-6 – Temporary signs; permit required	Will Comply
	Chapter 203 – Signs Section 203-7 – Signs permitted in Commercial, Light Manufacturing and Industrial Districts	Will Comply
	Chapter 206 – Smoke Control Section 206-2 – Restrictions on emission of dense smoke	Will Comply
	Chapter 206 – Smoke Control Section 206-4 – Other noxious emissions prohibited	Will Comply
	Chapter 209 – Storm Management and Erosion and Sediment Control	Will Comply
	Chapter 210 – Storm Sewer System Section 210-6 – Discharge prohibitions	Will Comply
	Chapter 210 – Storm Sewer System Section 210-12 – Notification of spills	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-1 – Maintenance of sidewalks, curbs and gutters	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-1.1 – Repair and maintenance of sidewalks, curbs, paths and public thoroughfares	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-5 – Shrubbery obstructing intersections	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 212 – Streets and Sidewalks Section 212-6 – Cutting or trimming trees; enforcement	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-7 – Destruction of shade trees	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-9 – Building materials in streets	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-11 – Drainage	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-15 – Leaving vehicles on public property	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-20 – Required agreements	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-23 – Guarding of excavation	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-29 – Tunneling prohibited	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-30 – Preservation of reinforcement	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-31 – Longitudinal trenches	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-32 – Trenches within earth shoulders	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-33 – Replacement of backfill	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-34 – Replacement of bituminous pavement	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-35 – Replacement of concrete pavement	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-36 – Guarding of work areas	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-37 – Protection of newly replaced pavement	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-40 – Exemption from provisions; conditions	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-45 – Conformity required	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-46 – Lines and grades	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 212 – Streets and Sidewalks Section 212-48 – Time limit	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-50 - Repair and replacement of existing facilities	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-52 – Maintenance of grade	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-53 – Material specifications	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-54 – Construction procedure for sidewalks	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-55 – Construction procedure for curbs and gutters	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-56 – Construction procedure for driveway	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-57 – Concrete mix required	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-58 – Protection of work	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-59 – Cleaning of site; bond	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-60 – Limitation on transportation of materials that are detrimental to public area	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-61 – Removal of snow and ice	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-63 – Deposit of materials prohibited	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-64 – Encroachments; placement of bins or dumpsters	Will Comply
	Chapter 212 – Streets and Sidewalks Section 212-70 – Placement of materials near fire hydrants	Will Comply
	Chapter 240 – Vehicles and Traffic Section 240-6 – Dimensions and weights of vehicles	Requests PSC Partial Refusal to Apply
	Chapter 240 – Vehicles and Traffic Section 240-6.1 – Applicability of Federal Motor Carrier Safety Regulations	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 240 – Vehicles and Traffic Section 240-14 – Speed limits	Will Comply
	Chapter 240 – Vehicles and Traffic Section 240-15.1 – Falling or spillage of loose cargo from trucks	Will Comply
	Chapter 240 – Vehicles and Traffic Section 240-19 – All-night parking	Will Comply
	Chapter 240 – Vehicles and Traffic Section 240-44 – Prohibited acts	Will Comply
	Chapter 245 – Water	Will Comply
	Chapter 252 – Zoning Sections 252-11; 252-29; and 252-45 – Permitted uses	Will Comply
	Chapter 252 – Zoning Section 252-13 – Signs and billboards	Will Comply
	Chapter 252 – Zoning Section 252-32 – Height restrictions	Will Comply
	Chapter 252 – Zoning Section 252-46 – Height requirements; rear yards	Will Comply
	Chapter 252 – Zoning Section 252-52 – Location of required off-street parking spaces	Will Comply
	Chapter 252 – Zoning Section 252-55 – General requirements	Will Comply
	Chapter 252 – Zoning Section 252-57 – Driveways	Will Comply
	Chapter 252 – Zoning Section 252-64 – Minimum setbacks	Will Comply
	Chapter 252 – Zoning Section 252-77 – Required yards between business and residence districts	Will Comply
	Chapter 252 – Zoning Section 252-81 – Scope of Article; screening required; maintenance	Will Comply
	Chapter 252 – Zoning Section 252-82 –Types of trees and fences	Will Comply
<i>Village of Malverne</i>		
	Chapter 265 – Building Construction Section 265-2 – Scope	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 265 – Building Construction Section 265-9 – Conditions of building permit	Requests PSC Partial Refusal to Apply
	Chapter 265 – Building Construction Section 265-48 – Excavations	Will Comply
	Chapter 265 – Building Construction Section 265-115 – Electrical Wiring and Electrical Equipment; General requirements	Will Comply
	Chapter 265 – Building Construction Section 265-153 – Dumpsters on public property	Will Comply
	Chapter 393 – Lighting, Outdoor Section 393-3 – Light sources to be directed away from adjacent property	Will Comply
	Chapter 393 – Lighting, Outdoor Section 393-4 – Light sources to be directed away from public streets	Will Comply
	Chapter 455 – Poles and wires	Will Comply
	Chapter 491 – Signs	Will Comply
	Chapter 500 – Solid Waste Section 500-3 – Storage and placement of refuse and garbage; containers	Will Comply
	Chapter 500 – Solid Waste Section 500-4 – Litter in public places	Will Comply
	Chapter 500 – Solid Waste Section 500-5 – Litter on private property	Will Comply
	Chapter 507 – Stormwater Management	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-3 – Permit requires; application; specifications	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-4 – Lines and grades	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-7 – Grades; maintenance	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-8 – Materials	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-9 – Construction of one-course sidewalks	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 512 – Streets and Sidewalks Section 512-10 – Construction of curbs, gutters and combined curbs and gutters	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-11 – Construction of driveways	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-13 – Removal of snow, rubbish, dirt required; deposit on street prohibited; penalties for offenses	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-14 – Duty to maintain curbs and sidewalks	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-23 – Guarding excavations and openings	Will Comply
	Chapter 512 – Streets and Sidewalks Section 512-24 – Requirements for work	Will Comply
	Chapter 540 – Trees Section 540-10 – Tree topping	Will Comply
	Chapter 600 – Zoning Permitted Uses (Section 600-13.16)	Will Comply
	Chapter 600 – Zoning Section 600-7.4 – Standards for Board Action	Will Comply
	Chapter 600 – Zoning Section 600-10 - Fences	Will Comply
	Chapter 600 – Zoning Section 600-12 – Performance Standards	Will Comply
<i>Village of Garden City</i>		
	Chapter 96 – Excavations and Obstructions	Will Comply
	Chapter 99 – Fences	Will Comply
	Chapter 103 – Fire Hydrants	Will Comply
	Chapter 105 – Fire Lanes	Will Comply
	Chapter 107 – Fire Prevention	Will Comply
	Chapter 123 – Health Nuisances Section 123-1 – Prohibited substances on vacant land	Will Comply
	Chapter 123 – Health Nuisances Section 123-3 –Mosquito-breeding places	Will Comply
	Chapter 164 – Roll-Off Containers	Will Comply
	Chapter 174 – Smoke Control Section 174-1 – Emission of dense smoke restricted	Will Comply

Table 7.1-1
Compliance Summary Table

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 174 – Smoke Control Section 174-4 – Emissions of soot, ashes or other noxious materials	Will Comply
	Chapter 176 – Storm Sewers Section 176-5 – Discharge prohibitions; exceptions	Will Comply
	Chapter 176 – Storm Sewers Section 176-12 – Notification of spills	Will Comply
	Chapter 177 – Stormwater Management and Erosion and Sediment Control	Will Comply
	Chapter 178 – Streets and Sidewalks Section 178-4 – Refuse or litter prohibited	Will Comply
	Chapter 178 – Streets and Sidewalks Section 178-5 – Obstructions or encumbrances prohibited	Will Comply
	Chapter 178 – Streets and Sidewalks Section 178-6 – Removal of snow and ice from sidewalks	Will Comply
	Chapter 178 – Streets and Sidewalks Section 178-16 – Fencing and lighting requirements	Will Comply
	Chapter 178 – Streets and Sidewalks Section 178-17 – Duty of property owners	Will Comply
	Chapter 188 – Trees Section 188-3 – Conditions prior to issuance of permit	Will Comply
	Chapter 188 – Trees Section 188-6 – Infestation Prohibited	Will Comply
	Chapter 188 – Trees Section 188-7 – Destruction and removal required	Will Comply
	Chapter 193 – Vehicles and Traffic Section 193-1 – Maximum village-wide limit	Will Comply
	Chapter 193 – Vehicles and Traffic Section 193-37 – Dimensions and weights of vehicle	Requests PSC Partial Refusal to Apply
	Chapter 193 – Vehicles and Traffic Section 193-38 – Applicability of Federal Motor Carrier Safety Regulations	Will Comply
	Chapter 200 – Zoning Section 200-7 – Uses	Will Comply
	Chapter 200 – Zoning Section 200-32 – Performance standards	Will Comply
	Chapter 200 – Zoning Section 200-42 – Signs in R Districts	Will Comply

Table 7.1-1 Compliance Summary Table		
Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
	Chapter 200 – Zoning Section 200-43 – Signs in nonresidential districts	Will Comply

7.2 County of Nassau¹

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

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

7.2.2 Admin. Code Section 12-4.3 – Deposits of material on county roads.

This Local Ordinance prohibits the “accumulation of sand, gravel, cinders, topsoil, mud, earth or other material or any container, box, dumpster, or other instrumentality for the storage of such materials to be placed, deposited, tracked, or flowed upon any county road.” However, this Section is not to “be construed to prohibit the storing of building material, or the debris therefrom, or the containers, boxes, dumpsters or instrumentalities used to store such materials on county roads.”

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

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

¹ The Applicant obtained the Local Ordinances of the County of Nassau online at: <https://www.nassaucountyny.gov/581/Laws-Regulations-Codes>.

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

This Local Ordinance provides that “[n]o person shall introduce, throw, dump, deposit, place or cause to be propagated ... in any river, stream, lake, pond, wetland or storm water drain” any invasive plant species listed in this Section. This Local Ordinance also provides that “[n]o person shall knowingly collect, transport, sell, distribute, propagate or transplant any living and viable portion of any plant, or the compost, mulch, soil, or other materials containing seeds or other viable parts of any such plant, included in the Nassau County prohibited invasive plant species” set forth in this Section.

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

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

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

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

7.3 Town of Hempstead²

7.3.1 Town Code Chapter 128 – Garbage and Rubbish

7.3.1.1 Section 128-2 – Accumulation and dumping prohibited

This Local Ordinance provides that any “owner, lessee, tenant or other person having the management or control of or occupying any lot or plot of land in the Town ... shall keep his land at all times free and clear of any accumulation of ashes, rubbish, refuse, garbage, offal or any offensive substances ...” Section 128-2(b) prohibits any disposal of “ashes, rubbish, refuse, garbage, offal or any offensive substances on any vacant lot or plot of land in the Town.”

7.3.1.2 Section 128-6 – Precollection practices in collection districts

This Local Ordinance requires the separation of recyclables from garbage and other refuse.

7.3.1.3 Section 128-24 – Litter in public places

This Section prohibits littering in any public place except authorized litter collection receptacles.

7.3.1.4 Section 128-29 – Truck loads causing litter

This Local Ordinance prohibits vehicles being operated within the Town from allowing their contents to be “blown or deposited upon any street, alley or other public place” and from allowing such vehicles’ wheels or tires to deposit in any public place “mud, dirt, sticky substances, litter or foreign matter of any kind.”

7.3.1.5 Section 128-31 – Litter in lakes and fountains

This Section prohibits littering in any body of water within the Town.

7.3.1.6 Section 128-39 – Owner to maintain premises free of litter

This Section requires owners of land to maintain such property free of litter.

² The Applicant obtained the Town Code of the Town of Hempstead at <http://ecode360.com/HE0207>.

7.3.2 Town Code Chapter 138 – Smoke

7.3.2.1 Section 138-1 – Emission of dense smoke

This Local Ordinance prohibits the “emission of any dense smoke.”

7.3.2.2 Section 138-2- Escape of soot, cinders, etc.

This Local Ordinance prohibits the “escape of ... soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person ... or in such a manner as to cause or have a tendency to cause injury or damage to property or business.”

7.3.3 Town Code Chapter 140 – Earth and Soil Removal

7.3.3.1 Section 140-3 – Pit and bank excavations

Subsection B of this Local Ordinance provides that “[n]o pit or bank excavation shall be ... greater than 10 feet below the established grade of the nearest public street or highway unless the side walls remain at an incline of at least two horizontal feet to one vertical foot or are supported by retaining walls equal to that specified in the [State] Building Code ...” Subsection C states that the removal of “more than 75 cubic feet of earth from the ground in a vertical dimension of more than three feet shall be protected by suitable barriers and lights. Excavations shall be surrounded chain link fencing or cyclone fence, or its equivalent, of the height of six feet set on a concrete curb not less than 18 inches in depth, with no opening except necessary gates for ingress and egress.”

Subsection D of Section 140-3 provides that “[d]ust-down or a similar dust layer shall be spread on access roads and other traveled areas used in connection with every ... excavation, to protect the public and the surrounding area against windblown sand and dust.” Subsection E prohibits excavation in a manner that undermines other lands or changes the course of any body of water. Subsection F prohibits the excavation that exposes to possible pollution, by saltwater intrusion or otherwise, any underground water used as a public water supply. Subsection G prohibits excavation in a manner that interferes with the orderly development of other lands in the vicinity. Subsection H prohibits excavation below two feet above the maximum groundwater level at a site.

7.3.3.2 Section 140-4 – No stripping or removal

This Local Ordinance prohibits the stripping or removal of topsoil within 10 feet of any property line, and provides that upon completion of construction, the land shall be graded level with the abutting highway or the original grade. It also prohibits the removal of topsoil between October 1 and April 1 of the following

year. All areas from which topsoil is removed shall during the period between August 20 and October 1, be prepared into a loose, level seedbed, limed, fertilized and seeded.

7.3.4 Town Code Chapter 144 – Noise

7.3.4.1 Sections 144-2, 144-3 and 144-5 – General and specific noise prohibitions and limitations
Section 144-2 prohibits the making of unreasonable noise or noise disturbance. The phrases “unreasonable noise” and “noise disturbance” are each defined as “any sound which either endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivity or endangers or damages property.” Section 144-3 prohibits certain activities including, among others: (i) the use of any vehicle in such a manner as to create a noise disturbance across a residential real property boundary, (ii) the discharge of the exhaust from any stationary internal-combustion engine or motor vehicle, except through a muffler which effectively prevents loud noises therefrom, (iii) construction activity other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, (iv) creating sound on any street or public property adjacent to any school, institution of learning or court while the institution or court is in session, or adjacent to any hospital, which unreasonably interferes with the workings thereof, and (v) operating any mechanical powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device, which creates an unreasonable noise across a real property boundary other than between the hours of 7:00 a.m. and 9:00 p.m. Section 144-5 provides that “[n]o person shall operate ... any mechanism or device ... which shall create a noise within the Town of Hempstead exceeding the limiting noise spectra” for transient and steady noise given in the tables set forth below:

Table I

Limiting noise spectrum for transient noise.

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency (cycles per second)
92	63
87	125
79	250
72	500
66	1,000
60	2,000
54	4,000
52	8,000

Table II

Limiting Noise Spectrum for Steady Noise

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency (cycles per second)
72	63
67	125
59	250
52	500
46	1,000
40	2,000
34	4,000
32	8,000

During the daytime hours of 7:00 a.m. to 7:00 p.m., the limits in Table I above apply to transient noises lasting more than 12 seconds. From 7:00 p.m. to 7:00 a.m., the same limits apply to transient noises lasting more than six seconds.

The Applicant requests that the Commission refuse to apply the prohibitions in: Section 144-2 on producing sound which annoys or disturbs a reasonable person of normal sensitivity; Section 144-3 on “(i) the use of any vehicle in such a manner as to create a noise disturbance across a residential real property boundary ... [and] (iv) creating sound on any street or public property adjacent to any school, institution of learning or court while the institution or court is in session, or adjacent to any hospital, which unreasonably interferes with the workings thereof”; and Section 144-5 on operating “any mechanism or device ... which shall create a noise within the Town of Hempstead exceeding the limiting noise spectra” for transient and steady noise given in the above tables. This is because these prohibitions are unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. As detailed in Section 4.8 of Exhibit 4, a number of the processes and activities to be conducted in the course of the Project, including use of motorized equipment engaged in excavation, produce noise. The noise associated with the Project is limited to the construction phase of the Project, which is temporary and will take place primarily during daytime hours. Typical noise levels for construction equipment are presented in Table 4.9-2 in Exhibit 4. Noise associated with the construction phase is estimated to range

from 65 dBA to 83 dBA at distances of 100 to 200 feet from the construction activity. Estimated construction noise levels at distances of 100 feet or more do not exceed the Federal Transit Administration (“FTA”) daytime residential noise level guideline of 90 dBA. Estimated construction noise levels from trenchless construction at distances of 100 feet or more do not exceed the FTA nighttime residential noise level guideline of 80 dBA. At distances of 500 feet or more, construction noise levels are estimated to be 69 dBA or less. Indoor noise levels would be lower than outdoor noise levels by 15 dBA or more. Full compliance with these town noise prohibitions is technically impossible or impracticable. All of these impacts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of such construction activities. This request cannot be obviated by design changes to the Project because noise is unavoidable given the nature of such construction activities. The Applicant will implement noise mitigation measures during the course of the Project; these are identified and detailed in Section 4.8 of Exhibit 4. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.

The Applicant requests that the Commission refuse to apply the prohibitions in: Section 144-3 on “(iii) construction activity other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays”; and “(v) operating any mechanical powered saw, ... drill, ... or similar device, which creates an unreasonable noise across a real property boundary other than between the hours of 7:00 a.m. and 9:00 p.m.” This is because these prohibitions are 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 a number of small portions of Project work will need to be conducted during overnight hours in the Town of Hempstead to support two types of Project activities.

One type of Project activity that will need to be conducted during overnight hours is continuous operation at each splicing location during the period that splicing is performed there. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. 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 12-inch diameter conduit, and two four-inch conduits will hold the Facility’s communication and ground lines. To connect each cable length to the lengths on either end of it along the Project route, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 1600 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 officials of the town and of the villages that the Project traverses determine that such work should be performed at night in order to create lesser impacts than work conducted during the day, even taking into account the lower overall ambient noise levels and persons' heightened sensitivity to noise at night. Certain locations along the Project route are roads in commercial corridors with sufficiently high daytime vehicular traffic volumes that these Project activities 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 Hempstead as necessary to allow nighttime work at such locations.

7.3.5 Town Code Chapter 160 – Precautions Against Oil Spills

7.3.5.1 Section 160-2 – Oil discharge prohibited

This Section prohibits the discharge of oil into any drainage system leading to tributaries to Hempstead Bay Estuary, estuarine waters within the Town, or waters adjoining the Town’s shoreline.

7.3.5.2 Section 160-4 – Duty to notify

This Local Ordinance requires immediate notification to the Department of Conservation and Waterways of the Town of Hempstead of an oil discharge.

7.3.5.3 Section 160-6 – Liability and corrective measures relating to spillage

This Section requires the person responsible for any oil discharge to take immediate measures to contain, collect and remove the discharge.

7.3.6 Town Code Chapter 164 – Public Wetlands Preservation

Section 164-9(A) of this Local Ordinance prohibits “the dumping or depositing of any dirt, sand, fill, gravel, rock(s), earth, filth, waste, rubbish, petroleum or petroleum products in any waterway under the jurisdiction of the Town of Hempstead.”

7.3.7 Town Code Chapter 165 – Freshwater Wetlands

This Local Ordinance regulates freshwater wetlands within the Town. Its substantive requirements are set forth in Section 165-7.

7.3.8 Town Code Chapter 175 – Excavations in Streets

7.3.8.1 Section 175-5 – Street opening regulations and restrictions

Section 175-5(C) of this Local Ordinance prohibits excavation on any newly constructed or resurfaced town street, roadway or highway for a period of not less than five years. This restriction does not apply to the part of the road right-of-way abutting the new road surface.

7.3.8.2 Section 175-7 – Detail of construction

This Section contains numerous specifications for excavations within town streets, roadways, highway and sidewalks and requires that (i) no trench shall be left open after working hours, (ii) a space at least four feet wide shall be available along the side of the right of way for pedestrian use, (iii) trench area be

kept open for the shortest time possible, (iv) where concrete pavement is broken, these areas shall be resurfaced with a temporary asphalt pavement before opening to traffic, (v) timber planks shall be used to support steel-treaded mobile equipment, and timber blocks or planks shall be placed under all outriggers, (vi) construction debris shall be swept up daily from the areas adjoining the work, (vii) the mixing of mortar or concrete or the storage of asphalt is prohibited on unprotected surfaces adjoining the work area, (viii) immediately following saw cutting, all residue shall be flushed, broomed and removed from adjoining surfaces, (ix) care shall be taken to prevent undermining of the adjoining pavement, (x) the person performing the excavation shall have a competent representative at the site while the work is in progress to ensure adherence to the conditions of the permit, (xi) provide and maintain temporary pavement with hot asphalt mixes flush with the grades of the adjoining surfaces until final restoration, (xii) no transverse road opening nor a road opening within an intersection may exceed 1/3 the width of the highway, nor shall any more than that same length be blocked by construction, truck loading or unloading or by construction material and barricades at any one time, (xiii) traffic signs temporarily removed for construction shall be carefully stored and must be reinstalled upon completion of work, (xiv) restorations shall be cut back a minimum of 12 inches on each side of the excavation as necessary to avoid ragged edges on the restored area and the area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than three feet in the smaller dimension, and (xv) pavement restoration shall comply with the material and method specifications set forth in Section 175-7(P).

7.3.9 Town Code Chapter 176 – Roll-Off Containers

Section 176-3(B) of this Local Ordinance requires that the street upon which any roll-off container is to be placed must be at least 30 feet wide, curb to curb. Section 176-3(C) provides that the roll-off container “must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.” Section 176-3(D) states that roll-off containers shall have at least 16 square feet of diagonal reflectorized stripping material on each side and shall have printed thereon in letters at least two inches in height, the name, address and telephone number of the owner- lessor. Section 176-3(E) prohibits containers from obstructing the sidewalk or sidewalk area adjacent to the street and the contents of the container must be disposed of upon reaching the container’s water line. Section 176-3(G) requires written notice to the Commission of Sanitation within 48 hours following removal of a container from a Town street. Section 176-3(J) states that “no roll-off container or dumpster shall be permitted to remain in a particular location for a period of time exceeding 14 days.”

7.3.10 Town Code Chapter 177 – Materials: Deposit

Section 177-1 of this Local Ordinance prohibits any person from causing or permitting the “accumulation of sand, gravel, cinders, topsoil, mud, earth or other material to be placed, deposited, tracked or flowed upon any Town road.”

7.3.11 Town Code Chapter 181 – Sidewalks, Roads and Streets

7.3.11.1 Section 181-2 – Requirements of construction

Section 181-2 of this Local Ordinance states that sidewalks, curbs and gutters along Town roads shall be constructed and repaired with “concrete and conform to the lines and grades furnished by the Town Engineer and in conformity with all of the specifications and requirements established by rules and regulations of the Town Board.”

7.3.11.2 Section 181-4 - Trees

This Section prohibits the planting of any tree “within the sidewalk area in front of or adjacent to any private premises except trees whose root systems normally will not cause damage to sidewalks, curbs or utility installations.”

7.3.11.3 Section 181-13 – Littering

This Local Ordinance prohibits any person from disposing of “paper, debris and refuse of any nature whatsoever upon the sidewalks, streets, parking areas or other public places in the Town.”

7.3.11.4 Section 181-14 – Obstructing walks

This Local Ordinance prohibits the owner, occupant or lessee of any parcel adjacent to a Town road from obstructing any sidewalk except for temporary loading or unloading, provided that a minimum width of three feet, to be measured from the curbline, is preserved as an unobstructed pedestrian walkway.

7.3.12 Town Code Chapter 182 – Curb Cuts

This Local Ordinance contains requirements for curb cuts and driveways. Section 182-2 requires that all curb cuts and driveways abutting any street, roadway or highway maintained by the town be constructed in conformity with the town’s specifications incorporated into Chapter 182.

7.3.13 Town Code Chapter 184 – Tree Preservation

7.3.13.1 Section 184-2 – Removal of trees prohibited without permit; replacement required and
Section 184-5 – Permissible trees in sidewalk area

This Local Ordinance provides that if a tree on unpaved land between the curblines of the public highway and the abutting property line is removed, it must be replaced by a tree species with a trunk diameter not less than two inches and a root system that “normally will not cause damage to sidewalks, curbs or utility installations.”

7.3.13.2 Section 184-10 – Prohibited deposits on public property

This Section provides that “[n]o person shall deposit or store upon any public place of the Town any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.”

7.3.14 Town Code Chapter 190 – Vehicle Speed Limits

This Local Ordinance provides speed limits for Town Roads.

7.3.15 Town Code Chapter 192 – Weight Restrictions: Commercial Vehicles

7.3.15.1 Section 192-1 – Gross weight restrictions upon commercial vehicles using certain Town highways

This Local Ordinance prohibits the operation of any commercial vehicle, tractor-trailer combination or truck with a gross weight in excess of 8,000 pounds along certain Town highways listed in this Section.

7.3.15.2 Section 192-3 – Exception

This Section provides an exception to the vehicle weight restriction for commercial vehicles “engaged in delivering or picking up materials or merchandise or obtaining ingress or egress to or from a place of business, provided that such vehicle shall have entered the highway at an intersection nearest the destination of the vehicle and shall proceed thereon no further than the nearest intersection thereafter.”

7.3.16 Town Code Chapter 202 – Parking

This Local Ordinance provides Town parking regulations.

7.3.17 Town of Hempstead Building Zone Ordinance (“BZO”)³

7.3.17.1 Zoning Map and Districts

Figure 7-1 is the Town of Hempstead Zoning Map. The Project’s electric transmission line is proposed to be located underground in the following zoning districts: Residence A, Residence B, Business, and Industrial Y. The East Garden City Substation is located in the Industrial Y zoning district. Pursuant to BZO Section 12, none of the town’s zoning districts apply within any incorporated village or city in the town.

7.3.17.2 BZO Section 310 – Public utility buildings

This Local Ordinance states: “[p]ublic utility buildings or structures are permitted in any residence or business districts, if approved by the Board of Appeals. The height, area and setback provisions of this ordinance shall be inapplicable to such buildings or structures” except that reasonable restrictions may be imposed upon such buildings or structures to promote the health, safety, morals or the general welfare of the community.”

7.3.17.3 BZO Section 20 – A Residence District; Special uses

This Section states that certain special uses are permitted in this district. Section 272 provides that “public utility buildings and structures” are permitted by Special Permit in the A Residence District.

7.3.17.4 BZO Section 27 – A Residence District; Fences

This Section provides that fences not exceeding six feet in height shall be permitted on the rear lot line and those portions of the side lot lines enclosing a rear yard. However, the six-foot fencing shall not extend beyond the front building line of the dwelling. Any fencing frontward of the front building line shall be no greater than four feet in height, and of a type which does not substantially obstruct line of sight, and is in compliance with Section 311 of Article XXXI of this ordinance, with respect to clear sight triangle.

7.3.17.5 BZO Section 67 – B Residence District; Special uses

This Section states that certain special uses are permitted in the Residence B district. Section 272 provides that “public utility buildings and structures” are permitted by Special Permit in the B Residence District.

³ The Applicant obtained the Building Zone Ordinance of the Town of Hempstead at <https://ecode360.com/14495699>.

7.3.17.6 BZO Section 74 – B Residence District; Fences

This Section provides that fences not exceeding six feet in height shall be permitted on the rear lot line and those portions of the side lot lines enclosing a rear yard. However, the six-foot fencing shall not extend beyond the front building line of the dwelling. Any fencing frontward of the front building line shall be no greater than four feet in height, and of a type which does not substantially obstruct line of sight, and is in compliance with Section 311 of Article XXXI of this ordinance, with respect to clear sight triangle.

7.3.17.7 BZO Section 220 – Y Industrial District; Permitted uses; prohibited uses

This Section provides that “premises may be used for any lawful purpose, except the” prohibited uses listed therein. Public utility is not listed as a prohibited use.

7.3.17.8 BZO Section 222 – Y Industrial District; Front Yards

This Section requires that lots within the Y Industrial district have a “front yard depth of not less than 20 feet on each street.”

7.3.17.9 BZO Section 223 – Y Industrial District; Rear Yards

This Section requires that lots within the Y Industrial district have a rear yard of not less than 10 feet.

7.3.17.10 BZO Article XXIV – Signs

Section 244 – Signs permitted in specific use districts

This Local Ordinance provides that, with the exception of the Edu-Cultural District and the Golden Age District, the following signs are permitted: (i) informational signs “by governmental agencies when displayed for the safety of the public or for public notices when such notices are required by law,” and (ii) one construction sign.

Section 245 – Setback requirements

This Local Ordinance provides setback requirements for certain types of signs. Signs constructed pursuant to Section 244 are required to be setback not less than 10 feet from property lines. Section 245(B) prohibits the construction of a sign on a corner lot that would affect traffic visibility.

Section 246 – General provisions

This Section provides that signs “shall not be attached to fences, trees, utility poles or similar supporting devices.”

7.3.17.11 BZO Article XXXI – General Provisions

Section 302 – Prohibited and restricted uses

Subsection P of this Local Ordinance prohibits the use of a light-emitting device or the emission of any light or glare onto any part of an adjacent or nearby residential dwelling unless shielded or hooded to direct the glare downward away from adjacent or nearby dwellings or if the light emits less than 1,500 lumens.

Section 305 – Site plans

This Local Ordinance provides that developments or improvements on parcels greater than one acre in size must provide adequate provisions for (i) grading and paving for the draining and disposition of storm- and surface water, (ii) access of such traffic between the premises and public highways, (iii) treatment, removal or discharge of sewage and the removal of garbage and other refuse, (iv) spacing of buildings and uses if same may create or discharge obnoxious gases, odors, smoke, dust, light, vibration or noise, (v) fencing, landscaping or other treatment of open, unused areas, (vi) parking and loading, (vii) lighting of parking areas, roads, walks and other open areas to be used by the public, and (viii) garbage storage and collection.

Section 308 – Reduction of lot area restricted

This Local Ordinance prohibits the reduction of any lot area resulting in open spaces that are smaller than that required by the BZO.

Section 311 – Clear sight triangle

This Local Ordinance prohibits any wall, fence or other structure from being erected or altered and any hedge, tree, shrub or other growth from being maintained “at a height greater than 2 1/2 feet at any point within a radius of 20 feet of the point formed by any intersecting property lines adjacent to roads or highways.”

Section 313 – Location of parking spaces for premises zoned for business, light manufacturing or industrial uses

This Local Ordinance requires that the off-street parking space on premises zoned for business, light manufacturing or industrial use, directly adjacent to premises zoned for residential use, “shall as far as practicable be installed and maintained on that portion of such premises zoned for business, light manufacturing or industrial use contiguous to such residential-zoned premises.”

7.3.17.12 Article XXXVIII – Stormwater Management and Erosion and Sediment Control

Section 389 – Applicability

This Local Ordinance requires the preparation of a stormwater pollution prevention plan (“SWPPP”) in compliance with the requirements set forth in Sections 391 and 392 thereof for all land development activities not subject to Town of Hempstead Town Board review.

Section 393 - Maintenance and repair of stormwater facilities

This Local Ordinance includes requirements for operation and maintenance of stormwater controls.

7.4 Village of Lynbrook⁴

7.4.1 Chapter 81 – Building Construction and Fire Prevention⁵

This Local Ordinance provides for the Village of Lynbrook’s administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

7.4.2 Chapter 126 – Fire Prevention

7.4.2.1 Section 126-9 – Handling of materials likely to cause spontaneous combustion

This Local Ordinance prohibits the placement of “hot ashes, smouldering coals or embers, greasy or oily substances or other materials liable to create spontaneous ignition within 10 feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay shavings, rubbish or other combustible materials, except in metallic or other noncombustible receptacles.”

7.4.2.2 Section 126-10 – Control of litter and weeds

This Local Ordinance provides that owners of property within the Village shall “keep such premises free from papers, boxes, rubbish or other flammable material which is likely to cause damage by fire. All weeds, grass, vines or other growths within 25 feet of any building or structure, when same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant.”

7.4.2.3 Section 126-13 – Storage of combustible containers

This Local Ordinance prohibits the storage of “empty packing cases, boxes, barrels or other similar combustible containers” except in the open and except when such storage is required for the operator of an establishment to conduct its operations.

7.4.2.4 Section 126-18 – Limit on keeping flammable liquids near dwellings

This Section prohibits the storage of more than five gallons of flammable liquid within 20 feet of any building used wholly or partly as a dwelling, unless said flammable liquids are kept in metal containers, stored in a building or portion thereof constructed of fireproof material.

⁴ The Applicant obtained the Village Code of the Village of Lynbrook at <https://ecode360.com/LY0558>.

⁵ See also Section 126-29, Adoption of the New York State Uniform Fire Prevention and Building Code.

7.4.2.5 Section 126-20 – Obstructing fire hydrants

This Local Ordinance prohibits the placement of any objects along the sidewalks within the Village less than fifteen feet of a fire hydrant or the obstruction of a hydrant by the placement of snow or ice.

7.4.2.6 Section 126-21- Interference with fire apparatus

This Local Ordinance prohibits the interference with fire apparatus within the Village.

7.4.4 Chapter 154 – Littering

7.4.4.1 Section 154-2 – Deposit of litter in public places

This Local Ordinance prohibits the depositing of litter in public places within the Village other than in public or private receptacles.

7.4.4.2 Section 154-4 – Sweeping litter into gutters prohibited

This Section prohibits the sweeping of litter into the street or gutters or other public places and requires the owners of property to keep sidewalks adjacent to such property free of litter.

7.4.4.3 Section 154-6 – Materials on trucks to be properly covered; matter on tires

This Local Ordinance requires that trucks be constructed or loaded to prevent litter from blowing onto any public place from such vehicle and prohibits any person from driving a truck that results in the deposition of “mud, dirt, sticky substances or foreign matter of any kind from any other place” onto Village streets.

7.4.4.4 Section 154-8 – Litter in fountains, lakes or streams

This Local Ordinance prohibits littering in any “fountain, lake, pond, stream, bay or any other body of water” within the Village.

7.4.4.5 Section 154-15 – Litter on occupied private property⁶

This Local Ordinance prohibits littering on occupied private property.

7.4.4.6 Section 154-16 – Maintenance of private premises

This Section requires the owner of private premises to maintain such premises free of litter.

7.4.5 Chapter 185 – Property Maintenance

⁶ See also Section 185-8, Littering.

7.4.5.1 Section 185-1 – Conformity required

This Local Ordinance requires that owners of property within the Village maintain such property to “assure the desirable character of the property and to protect the health, safety and welfare of the residents of the Village.”

7.4.5.2 Section 185-4 – Open areas and parking spaces

This Local Ordinance requires that “[s]urface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds” and prohibits any person from discharging stormwater or other water to any public or private area owned by another person. This Section also requires the proper maintenance of fences, steps, walks, driveways and parking spaces.

7.4.5.3 Section 185-5 – Business units; registration of business and multiple dwellings; shopping carts; carbon monoxide detectors

This Local Ordinance provides regulations pertaining to “business units” within the Village, including: (i) a prohibition on the outside storage or accumulation of garbage, crates, rubbish, refuse or debris; (ii) prohibition on outside loading and unloading of trucks before 7:00 a.m. or after the business conducted on the premises has been closed to the public in a manner that causes unreasonable noise; (iii) prohibition on the operation of a business in a manner that creates unreasonable noise resulting in disturbance at nearby properties, (iv) requiring proper maintenance of fences and planting areas; and (v) requiring proper maintenance of signs.

7.4.5.4 Section 185-6 – Buildings and structures

This Local Ordinance requires that “exterior exposed surfaces [of buildings and structures] not inherently resistant to deterioration ... be repaired, coated, treated or sealed to protect them from deterioration or weathering.” This Section also requires the proper maintenance of building elements, including floors, walls, ceilings, stairs, furnishings, fixtures, foundations, roofs, doors, and windows.

7.4.5.5 Section 185-7- Infestation and screening

This Local Ordinance requires that all property, buildings and structures be maintained free of insect infestation, vermin and rodent harborage and infestation.

7.4.6 Chapter 203 – Signs

7.4.6.1 Section 203-4 – Prohibited signs

This Local Ordinance prohibits certain banners, posters, billboards, fluttering devices, illuminating signs, painted signs, projecting signs, portable signs, roof signs, temporary signs and fence signs.

7.4.6.2 Section 203-5 – Permitted signs

This Local Ordinance provides that certain signs are permitted within the Village without a permit, including those required by law or governmental codes, rules or regulations.

7.4.6.3 Section 203-6 – Temporary signs; permit required

This Section provides that temporary signs shall not be “attached to fences, trees, utility poles or the like and ... not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.”

7.4.6.4 Section 203-7 – Signs permitted in Commercial, Light Manufacturing and Industrial Districts

This Local Ordinance provides that the following signs are permitted within the Industrial District: a sign “not exceeding 50 square feet in area and extending no higher than 15 feet from the ground or the height of the building with which the sign is to be used as an accessory, whichever is less,... and which advertises only the name of the owner, trade names, trademarks or products sold and for the business or activity conducted on the premises wherein such sign is located.”

7.4.7 Chapter 206 – Smoke Control

7.4.7.1 Section 206-2 – Restrictions on emission of dense smoke

This Section prohibits the “emission of dense smoke ... except for a period of six minutes in any one hour during which the fire is being cleaned or a fresh fire is being made in [a] furnace, but in no event between the hours of 8:00 a.m. and 6:00 p.m.” The term “dense smoke” is defined as “smoke which is so heavy and thick as to prevent the seeing of objects through it at the point of emission into the external air, or the equivalent of No. 3 grade of the Ringelmann Smoke Scale.”

7.4.7.2 Section 206-4 – Other noxious emissions prohibited

This Local Ordinance prohibits emissions of “soot, ash, dust, steam, cinders, dirt or other material or noxious gas or fumes in such place or manner as to cause ... injury, detriment or annoyance to any person ... or to endanger the comfort and repose, health or safety of any person or ... cause injury or damage to business or property.”

7.4.8 Chapter 209 – Storm Management and Erosion and Sediment Control⁷

This Chapter regulates stormwater discharges to the Municipal Separate Storm Sewer System (“MS4”) in order to comply with requirements of the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Municipal Separate Storm Sewer Systems.

The Applicant will seek coverage from the New York State Department of Environmental Conservation (“NYSDEC”) under the State’s General Permit (GP) for Stormwater Discharges from Construction Activities by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the SPDES Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. Refer to Exhibits 4 and 8 for details.

7.4.9 Chapter 210 – Storm Sewer System

7.4.9.1 Section 210-6 – Discharge prohibitions

This Local Ordinance prohibits non-stormwater discharges and illegal connections to the Village’s MS4.

7.4.9.2 Section 210-12 – Notification of spills

This Local Ordinance requires that “any person responsible for a facility or operation ... [that] has information of any known or suspected release of materials ... which are resulting ... in illegal discharges ... into the MS4 ... shall take all necessary steps to ensure the discovery, containment, and cleanup of such release” and shall notify emergency response agencies and the Village.

7.4.10 Chapter 212 – Streets and Sidewalks

This Chapter regulates streets and sidewalks within the Village.

7.4.10.1 Section 212-1 – Maintenance of sidewalks, curbs and gutters

This Section requires landowner, tenant or occupant of property within the Village to keep the sidewalk and gutter adjacent to such property free of litter, debris, rubbish, garbage and refuse. This Section also prohibits the sweeping of litter, debris, rubbish, garbage and refuse onto the sidewalk or gutter and

⁷ See also Sections 252-205, Stormwater pollution prevention plans; 252-206, Performance and design criteria for stormwater management and erosion and sediment control; and 252-207, Maintenance, inspection and repair of stormwater facilities.

requires commercial property owners to inspect and clear the sidewalk and gutter each business day of any litter, debris, rubbish, garbage and refuse.

7.4.10.2 Section 212-1.1 – Repair and maintenance of sidewalks, curbs, paths and public thoroughfares

This Section prohibits any owner of land in the Village from allowing “any sidewalk, curb, path and/or public thoroughfare in front of or contiguous to such land to become or remain in any condition which might unreasonably endanger any person.”

7.4.10.3 Section 212-5 – Shrubbery obstructing intersections

This Local Ordinance requires that “[w]here shrubbery obstructs, or tends to obstruct, the view of intersecting streets or highways, such shrubbery shall be cut and trimmed to a height of not more than three feet from a point 20 feet from the inside sidewalk line.”

7.4.10.4 Section 212-6 – Cutting or trimming trees; enforcement

This Local Ordinance provides that property owners shall “keep all trees in front of his premises trimmed so that overhanging limbs will not interfere with passersby in the sidewalk or roadway. All overhanging limbs shall be at least eight feet above the center of the sidewalk and 13 feet above the roadway.”

7.4.10.5 Section 212-7 – Destruction of shade trees

This Local Ordinance prohibits the destruction of any tree planted along any sidewalk, public street or highway within the Village.

7.4.10.6 Section 212-9 – Building materials in streets

This Local Ordinance prohibits, with the exception of someone that is the owner of or is engaged in the erection of any building, the placement of “stone, timber, lumber, concrete blocks or other building material or any boxes, barrels, casks or any similar article ... in the Village so as to obstruct or impede in any manner the free and uninterrupted use of the street.”

7.4.10.7 Section 212-11 – Drainage

This Section prohibits “the flow of water from any spigot, hose, outlet, drain or any other source from which water may flow or be ejected or emitted across or over any sidewalk in any street, road, avenue or highway in the Village.”

7.4.10.8 Section 212-15 – Leaving vehicles on public property

This Local Ordinance prohibits leaving certain vehicles or equipment not in actual use at the time in any of the highways or public streets of the Village. When such vehicles or equipment is in a highway or public street in the Village between sunset and sunrise, it “must display two lights in front and a red light in the rear which shall be visible from a point at least 500 feet distant.”

7.4.10.9 Section 212-20 – Required agreements

This Local Ordinance requires that each person intending to “alter or disturb the grade of any street, highway or public place within the Village” shall indemnify and hold the Village harmless for all costs of repair or replacement of the work performed by the applicant and for any property or personal injury claims.

7.4.10.10 Section 212-23 – Guarding of excavation

This Local Ordinance requires that any excavation within a Village highway shall be properly guarded with “guardrails, signal lights and such other means as may be necessary to warn travelers on the highway of the danger.”

7.4.10.11 Section 212-29 – Tunneling prohibited

This Local Ordinance prohibits tunneling beneath any road surface and requires that the entire length and width of any street excavation to be opened.

7.4.10.12 Section 212-30 – Preservation of reinforcement

This Local Ordinance includes requirements for the cutting and excavation of concrete pavement in a manner that preserves the concrete reinforcement.

7.4.10.13 Section 212-31 – Longitudinal trenches

This Local Ordinance provides requirements for the cutting and sheeting of trenches within roadways.

7.4.10.14 Section 212-32 – Trenches within earth shoulders

This Local Ordinance provides requirements for trenches within earth shoulders.

7.4.10.15 Section 212-33 – Replacement of backfill

This Local Ordinance provides requirements for the backfilling and compaction of excavated trenches within Village roadways.

7.4.10.16 Section 212-34 – Replacement of bituminous pavement

This Local Ordinance includes requirements for the restoration of bituminous pavement along trenched in Village roadways including: (i) the removal of one foot of pavement on each side of the trench, (ii) installation of a concrete base, and (iii) finishing.

7.4.10.17 Section 212-35 – Replacement of concrete pavement

This Local Ordinance provides requirements for the replacement of concrete pavement above trenches excavated within roadways of the Village.

7.4.10.18 Section 212-36 – Guarding of work areas

This Local Ordinance requires that works areas be “properly marked from sunset to sunrise by amber lights, amber lanterns, reflectors, torches and/or electric flashers or other protective devices ... [and be] adequately guarded by suitable and sufficient fences, barricades, barriers, flags and warning signs or other protective devices”

7.4.10.19 Section 212-37 – Protection of newly replaced pavement

This Local Ordinance requires that new pavement shall be barricaded and lighted for a period of twenty-four hours.

7.4.10.20 Section 212-40 – Exemption from provisions; conditions

This Local Ordinance provides that those entities with a “franchise to occupy the highways of the Village shall be exempted from the cut-back provisions of this article in respect to bituminous and concrete pavement, provided that, in lieu thereof, such persons shall keep on file with the Village a bond in the sum of \$100,000 and \$200,000 to guarantee the proper restoration of the pavement.”

7.4.10.21 Section 212-45 – Conformity required

This Local Ordinance provides that work on any curb, gutter, sidewalk or driveway must be performed in accordance with specifications prepared by the Village’s Superintendent of Buildings.

7.4.10.22 Section 212-46 – Lines and grades

This Local Ordinance requires that “curbs, gutters, sidewalks or driveways shall be laid in accordance with the lines and grades furnished by a licensed professional engineer.”

7.4.10.23 Section 212-48 – Time limit

This Section requires that work performed “under this article shall be completed within 30 days of the date of application therefor, except that when the application is made between November 15 and the following March 15” said work shall be completed before the next succeeding April 15.

7.4.10.24 Section 212-50 - Repair and replacement of existing facilities

This Section provides that the repair or replacement of “sidewalks, curbs or gutters or driveways shall conform to the regulations hereby established for new construction.”

7.4.10.25 Section 212-52 – Maintenance of grade

This Local Ordinance provides requirements for the grade of gutters and sidewalks constructed in the Village and prohibits the placement of ashes, cinders or other materials in the roadway in such manner as to interfere with the proper drainage.

7.4.10.26 Section 212-53 – Material specifications

This Local Ordinance provides specifications for cement, aggregate, and concrete to be used for sidewalk and gutter construction.

7.4.10.27 Section 212-54 – Construction procedure for sidewalks

This Local Ordinance provides sidewalk construction requirements including specifications for width and depth, forms, division plates, subgrade, drains, finishing, and jointing.

7.4.10.28 Section 212-55 – Construction procedure for curbs and gutters

This Local Ordinance provides construction specifications for curbs and gutters including, among other things, requirements for thickness and expansion joints.

7.4.10.29 Section 212-56 – Construction procedure for driveway

This Local Ordinance provides construction specifications for driveways.

7.4.10.30 Section 212-57 – Concrete mix required

This Local Ordinance includes requirements for concrete mix materials, mixing, and curing.

7.4.10.31 Section 212-58 – Protection of work

This Section requires the protection of concrete work until such work is completed.

7.4.10.32 Section 212-59 – Cleaning of site; bond

This Section requires the removal of rubbish and materials from work sites and that such sites be left broom clean.

7.4.10.33 Section 212-60 – Limitation on transportation of materials that are detrimental to public area

This Local Ordinance prohibits the transportation of materials that may leak, spill, emit odors or gases or be scattered upon any public area in the Village.

7.4.10.34 Section 212-61 – Removal of snow and ice

This Local Ordinance requires that between the hours of 9 a.m. and 9 p.m. the owner of premises within the Village to clear the sidewalk adjacent to such premises of snow and ice within two hours of such precipitation ceasing.

7.4.10.35 Section 212-63 – Deposit of materials prohibited

This Section prohibits any person from depositing “sand, gravel, cinders, topsoil, mud, earth, dirt, filth, waste or rubbish or other materials” on any street, sidewalk or public place within the Village.

7.4.10.36 Section 212-64 – Encroachments; placement of bins or dumpsters

This Local Ordinance regulates the placement of trash bins, dumpsters or storage bins on sidewalks, streets, highways or any other public place in the Village.

7.4.10.37 Section 212-70 – Placement of materials near fire hydrants

This Local Ordinance prohibits the placement of any materials, structures, shrubs or fences within 15 feet of a fire hydrant.

7.4.11 Chapter 240 – Vehicles and Traffic

7.4.11.1 Section 240-6 – Dimensions and weights of vehicles

This Section limits the width, height and length of vehicle operating on Village roads. Section 240-6(B) sets a maximum width of 96 inches plus safety devices. Section 240-6(C)(1) sets a maximum height of 13½ feet. Section 240-6(D) sets a maximum length of any single vehicle, inclusive of load and bumpers, of 40 feet, and 48 feet for semitrailers.

The Applicant requests that the Commission refuse to apply the above-described width and height prohibitions in Sections 240-6(B) and 240-6(C)(1) because these prohibitions are unduly restrictive in

view of the existing technology, cost and the needs of the Applicant's consumers. Full compliance with these prohibitions is technically impossible or impracticable. The Project's transmission cable will be carried on cable reels, which typically measure 12 to 14 feet in height and eight feet in width. The reels are transported to the Project site on carts which are towed behind truck cabs; when loaded with a reel, the typical reel cart measures approximately 16 feet wide and 15 feet high. A number of reel carts will need to be transported through the Village to their locations of use on the Project. Due to the size of the reel carts, an engineering review will be performed to determine the appropriate travel route for each reel cart to its intended location of use for the Project. Traffic control and safety measures will be employed to control safe and successful traffic flow in connection with the Applicant's transport of reel carts. Any impacts associated with transport of the reel carts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of this Project's construction activities. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. This request cannot be obviated by design changes to the Project because the cable reels and their carts are required for construction of the Project.

7.4.11.2 Section 240-6.1 – Applicability of Federal Motor Carrier Safety Regulations

This Local Ordinance prohibits the operation of a motor vehicle in the Village in violation of Federal Motor Carrier Safety Regulations Parts 393 through 397.

7.4.11.3 Section 240-14 – Speed limits

This Local Ordinance provides that, except as otherwise stated, the Village speed limit is 30 miles per hour.

7.4.11.4 Section 240-15.1 – Falling or spillage of loose cargo from trucks

This Local Ordinance requires that trucks and trailers being operated on any highway or public area within the Village to be so arranged to prevent the falling or spillage of items therefrom.

7.4.11.5 Section 240-19 – All-night parking

This Local Ordinance prohibits parking on any street in the Village between the hours of 3 a.m. and 5 a.m.

7.4.11.6 Section 240-44 – Prohibited acts

This Local Ordinance prohibits the parking of vehicles beyond the period of legal parking time established for any parking meter zone or parking across parking space lines.

7.4.12 Chapter 245 – Water

Section 245-1 of this Local Ordinance prohibits the use of irrigation systems between the hours of 10 a.m. and 4 p.m. on either even or odd numbered days of the month, depending upon address number of such premises.

7.4.13 Chapter 252 – Zoning

7.4.13.1 Zoning Map and Districts

Figure 7-2 is the Village of Lynbrook Zoning Map. The Valley Stream Substation is located in the Village of Lynbrook Industrial zoning district. The Project’s underground electric transmission line would be located in the Industrial, Commercial, and Dwelling-A (a.k.a. A-Residence) zoning districts.

7.4.13.2 Sections 252-11; 252-29; and 252-45 – Permitted uses

Public utility uses are not among the uses permitted as of right as listed in Sections 252-11, 252-29, and 252-45 for the Dwelling-A, Commercial or Industrial districts. However, Section 252-68 provides that use permits may be for “the erection, enlargement or increase of buildings and uses for ... public utility companies for public use, upon such conditions as it may deem necessary for the public health, safety, morals and general welfare.”

7.4.13.3 Section 252-13 – Signs and billboards

This Section prohibits billboards and signs within the Dwelling-A district except signs showing the premises to be for sale or rent.

7.4.13.4 Section 252-32 – Height restrictions

This Local Ordinance provides that no building or structure shall be erected in the Commercial district to a height greater than three stories or 40 feet above curb level of the street.

7.4.13.5 Section 252-46 – Height requirements; rear yards

This Local Ordinance provides that the height restriction in the Industrial zoning district is the same as in the Commercial district, discussed above.

7.4.13.6 Section 252-52 – Location of required off-street parking spaces

This Local Ordinance requires off-street parking spaces to be provided on the same lot with the building served by such parking spaces and prohibits such parking to be located within front-, rear- or side-yard setback areas.

7.4.13.7 Section 252-55 – General requirements

Section 252-55(D) of this Local Ordinance provides that the “parking requirements for a use not specifically listed herein shall be the same as for a listed use most similar in character as determined by the Superintendent.” Section 252-55(K) requires that all parking areas be adequately lighted for safety purposes and such lighting shall be directed away from residential areas. Section 252-55(L) requires parking areas to be surfaced with asphalt, concrete or other hard-surfaced all-weather dustless material.

7.4.13.8 Section 252-57 – Driveways

This Local Ordinance requires that driveways be located no less than two feet from any side or rear property line.

7.4.13.9 Section 252-64 – Minimum setbacks

This Local Ordinance provides that the front yard or setbacks of any structure in all districts shall be the greater of: (1) The front yard setbacks required in that district pursuant to the Articles of this chapter; (2) The setbacks shown upon the Zoning Setback Map, as prepared by Carman-Dunne, Inc., which map is made a part of this chapter; or (3) The average front yard setbacks of all existing structures on the block the parcel upon which the structure is to be built or maintained is located and on the same side of the street as the subject parcel.

Additionally, this Section provides that corner lots within the Industrial district shall be deemed to have two front yards for determined required setbacks.

7.4.13.10 Section 252-77 – Required yards between business and residence districts

This Local Ordinance provides that where an Industrial district abuts a residential district, the industrial lot shall have an abutting yard equal to that required in the residential district, but not in excess of 10 feet.

7.4.13.11 Section 252-81 – Scope of Article; screening required; maintenance

This Local Ordinance provides that whenever a building or structure is erected or altered on an Industrial-zoned lot that abuts or is across the street from a lot within a Dwelling A, B or C district, such industrial lot shall have a screen of evergreen plantings or fence. Such screen or fence shall be not less than six feet in height and shall be properly cared for and maintained.

7.4.13.12 Section 252-82 –Types of trees and fences

This Section provides specifications for the screening set forth in Section 252-81, discuss above.

7.5 Village of Malverne⁸

7.5.1 Chapter 265 – Building Construction

7.5.1.1 Section 265-2 – Scope

This Local Ordinance provides that “[n]o wall, structure, building or part thereof shall hereafter be constructed ... be constructed or altered in the Village, except in conformity with the provisions of this chapter. No building ... shall be altered in any manner that would be in violation of any of the provisions of this chapter, the New York State Building or Fire Code or any rule or approval of the Superintendent of Buildings.”

7.5.1.2 Section 265-9 – Conditions of building permit

Section 265-9(D) of this Local Ordinance prohibits construction work between the hours of 6:00 p.m. and 8:00 a.m. “in order to regulate unnecessary noise during evening and early morning hours when residents are generally asleep or return home from work.”

The Applicant requests that the Commission refuse to apply this construction prohibition because it 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 a number of small portions of Project work will need to be conducted in this Village during the period between 6:00 p.m. and 8:00 a.m. to support two types of Project activities.

One type of Project activity that will need to be conducted between 6:00 p.m. and 8:00 a.m. is continuous operation at each splicing location during the period that splicing is performed there. Underground transmission cables come on reels of limited lengths due to the constraints imposed by their size and weight. 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 12-inch diameter conduit, and two four-inch conduits will hold the Facility’s communication and ground lines. To connect each cable length to the lengths on either end of it along the Project route, a splice vault will be installed in which a splicing crew will join these lengths of cable. These vaults will be placed approximately every 1600 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

⁸ The Applicant obtained the Village Code of the Village of Malverne at <https://www.ecode360.com/MA0211>.

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 between 6:00 p.m. and 8:00 a.m. is the installation of duct banks and splice vaults at locations where the Applicant in consultation with officials of the Village and of the Town of Hempstead determine that such work should be performed at night in order to create lesser impacts than work conducted during the day, even taking into account the lower overall ambient noise levels and persons' heightened sensitivity to noise at night. Certain locations along the Project route in the Village 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 law of the Village as necessary to allow nighttime work at such locations.

7.5.1.3 Section 265-48 – Excavations

This Local Ordinance provides requirements for the proper support, guarding and shoring of excavations.

7.5.1.4 Section 265-115 – Electrical Wiring and Electrical Equipment; General requirements

This Section requires that “electrical wiring apparatus, fittings, appliances and equipment ... installed within or on a building or structure must conform ... to the rules and regulations of the New York State Building Code.” This Local Ordinance further provides that the rules set forth therein shall apply to “electrical wiring, apparatus, fittings, appliances or equipment for the transmission, distribution or utilization of electrical energy” within the Village. Section 265-115(C) provides that the following shall apply to all electrical installations within the Village:

- (1) The use of nonmetallic sheathed cable is prohibited in or upon any building or structure.
- (2) The use of S.E. service drop cable is prohibited in or upon any building or structure.
- (3) No service shall be less than what is required as per the state codes.
- (4) Wires are to be installed in one-and-one-fourth-inch rigid conduit or at least minimum as required by code.
- (5) There shall be two bonding bushings on all service change, one on meter pan and one on point of entrance panel or switch and/or as required by the state code.
- (6) Split buss panels are not permitted.
- (7) Only one point of disconnect is permitted or as required by code
- (8) Oil or gas burner switch must be at head of stairs or as required by code.
- (9) Ground wire is to be one-piece copper from point of entrance to water meter or as required by code.

7.5.1.5 Section 265-153 – Dumpsters on public property

This Section provides that any person parking or positioning a dumpster on any street within the Village shall provide insurance coverage naming the Village as additional insured and the “[D]umpster must comply with the safety rules and regulations promulgated from time to time by the Village.”

7.5.2 Chapter 393 – Lighting, Outdoor

7.5.2.1 Section 393-3 – Light sources to be directed away from adjacent property

This Local Ordinance provides that “exterior light sources shall be placed so as not to constitute a nuisance or to interfere with the enjoyment of the property of other landowners ... [and] shall be appropriately shielded and directed away from adjacent property owners.”

7.5.2.2 Section 393-4 – Light sources to be directed away from public streets

This Section prohibits an exterior light source from being directed upon any public street or upon any parcel of real property other than the one on which it is located, or interfering with motorists’ vision or otherwise affecting safe driving conditions.

7.5.3 Chapter 455 – Poles and wires

Section 455-2 of this Local Ordinance requires that electrical installations within or upon the streets of the Village shall comply with the “reference standard LIPA ‘Specifications and Requirements for Electric Installations,’ latest edition, and other regulations as specified by the New York State Department of Transportation, Nassau County, and all Malverne Village codes.”

7.5.4 Chapter 491 – Signs

Section 491-2 of this Local Ordinance requires that signs shall be at least eight feet above the sidewalk and shall not extend into the street greater than five feet from the property line. Signs intended to run parallel to a building must be fastened to the building.

7.5.5 Chapter 500 – Solid Waste

7.5.5.1 Section 500-3 – Storage and placement of refuse and garbage; containers

Section 500-3 of this Local Ordinance provides requirements for the storage of garbage and refuse.

7.5.5.2 Section 500-4 – Litter in public places

This Section prohibits littering on any public place within the Village except in public receptacles or in authorized private receptacles.

7.5.5.3 Section 500-5 – Litter on private property

This Local Ordinance prohibits the deposition of litter, refuse, garbage or rubbish on the private premises of another and the accumulation of litter, refuse, garbage, rubbish or disabled machinery or vehicles on private property.

7.5.6 Chapter 507 – Stormwater Management

This Local Ordinance regulates stormwater discharges to the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems.

The Applicant will seek coverage from the NYSDEC under the State’s General Permit (GP) for Stormwater Discharges from Construction Activities by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the SPDES Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. Refer to Exhibits 4 and 8 for details.

7.5.7 Chapter 512 – Streets and Sidewalks

7.5.7.1 Section 512-3 – Permit requires; application; specifications

Section 512-3(B) of this Local Ordinance requires that all work performed on any curb, gutter, sidewalk or driveway along any Village Street shall conform with the specifications prepared by the Village Engineer and approved by the Board of Trustees.

7.5.7.2 Section 512-4 – Lines and grades

This Local Ordinance requires that “curbs, gutters, sidewalks or driveways shall be laid in accordance with the lines and grades furnished by the Village Engineer.

7.5.7.3 Section 512-7 – Grades; maintenance

This Section includes requirements for the grade of gutters and sidewalks constructed in the Village.

7.5.7.4 Section 512-8 – Materials

This Local Ordinance provides cement, aggregate, and concrete specifications for sidewalk and gutter construction.

7.5.7.5 Section 512-9 – Construction of one-course sidewalks

This Local Ordinance includes construction requirements for one-course sidewalks, including forms, division plates, sub-grade, drains, concrete, finishing, jointing and curing.

7.5.7.6 Section 512-10 – Construction of curbs, gutters and combined curbs and gutters

This Section includes construction requirements for combined curbs and gutters.

7.5.7.7 Section 512-11 – Construction of driveways

This Section provides construction requirements for driveways.

7.5.7.8 Section 512-13 – Removal of snow, rubbish, dirt required; deposit on street prohibited; penalties for offenses

This Local Ordinance requires that every owner or occupant of a parcel within the Village shall “keep the sidewalks in front of such ... lot free from obstruction by snow or ice, and ... in good and safe repair and clean, and ... free from dirt, filth, hedges and weeds or other obstruction or encumbrance.” This Local Ordinance also prohibits the deposition of snow or ice “on any street, roadway and/or highway” in the Village.

7.5.7.9 Section 512-14 – Duty to maintain curbs and sidewalks

This Section requires that “property owners ... keep the curbs and sidewalks, together with any portion of their property paved and used as a sidewalk or public walk, immediately in the front, side, abutting or upon their property, in good order and repair, at proper grade to provide adequate drainage, to keep at all times level with the sidewalk or public walk, gas, sewer or drain, stop or vent boxes, driveways and driveway ramps, and to keep the sidewalks or public walks at all times free and clear of all obstruction to safe and convenient passage.”

7.5.7.10 Section 512-23 – Guarding excavations and openings

This Local Ordinance requires that “[a]ny person making ... an excavation ... in any street, alley, sidewalk, curb or other public place, or within five feet of the line of any street, shall, between sunset and sunrise ... keep such excavation ... fenced and barricaded with substantial barriers to secure public safety, and lighting placed so as to properly warn all persons of such excavation”

7.5.7.11 Section 512-24 – Requirements for work

This Local Ordinance requires that for street excavation work at street intersections, “not more than 1/2 of the width of the street shall be opened at one time; the other 1/2 shall remain untouched for the accommodation of traffic.” Snow and ice shall be removed within 24 hours from an area five feet within any side of the excavation. Section 512-24(E) provides that the person permitted to perform the excavation shall give written notice “to any person or corporation whose pipes, mains or conduits are laid in the street about to be disturbed by such excavation at least 24 hours before commencing the same; and shall at his expense sustain, secure and protect such pipes, mains or conduits from injury.” Section 512-24(F) provides that excavations shall be performed to minimize inconvenience to the public and maintain public safety.

7.5.8 Chapter 540 – Trees

7.5.8.1 Section 540-10 – Tree topping

Section 540-10 of this Local Ordinance prohibits any person from “topping” any street tree, park tree or other tree on public property.

7.5.9 Chapter 600 – Zoning

7.5.9.1 Zoning Map and Districts

Figure 7-3 is the Village of Malverne Zoning Map. Section 600-2.1(B) of this Local Ordinance provides that the boundary lines between zoning districts “are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto.” The Project’s electric transmission line is proposed to be located in the following zoning districts within the Village of Malverne: Residence A, Residence B, Residence C, Residence D and Business.

7.5.9.2 Permitted Uses

Although utility use is not expressly permitted as of right in Residence A, Residence B, Residence C, Residence D and Business zoning districts, Section 600-13.16 provides that utility land use is permitted in all zoning districts of the Village by special exception issued by the Board of Trustees. That Local Ordinance states:

the Board of Trustees may, upon application and after a public hearing, permit any land to be used ... for the office, station or facilities of a public utility and for the maintenance and operation of public utility machinery and equipment if said Board shall find that such use is necessary for ... service to any of the residents of the Village and that the proposed location thereof is the most appropriate available location in the Village therefor, considering the efficient operation of such utility, the use district in which such property is located, the character of the neighborhood and the possible effect of the maintenance of such use on the value of buildings in the vicinity....

7.5.9.3 Section 600-7.4 – Standards for Board Action

This Local Ordinance provides that a structure or building may be permitted within the Village if it:

would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability and reduce the values of the properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.

7.5.9.4 Section 600-10 - Fences

This Local Ordinance provides regulations for fences within the Village.

7.5.9.5 Section 600-12 – Performance Standards

Section 600-12.2 provides that no use shall be permitted in any zoning district if its operation “would normally cause or result in:

- A. Dissemination of dust, smoke, gas, fumes or other atmospheric pollutant beyond the boundaries of the parcel of land on which the building in which such use is conducted is situated;
- B. Dissemination of any noise, vibration, radiation or odor beyond the boundaries of the parcel of land on which such use is located;
- C. Glare or flashing of lights in any manner that will cause hazard or annoyance to the public generally or to the occupants of neighboring property;
- D. Hazard of fire or explosions;
- E. Hauling of materials, goods or products to or from the site of such in a volume or manner materially incongruous with the normal traffic on streets in the neighborhood; [or]
- F. Danger or hazard to the health, safety or comfort of the community or unreasonable disturbance or annoyance to the occupants of neighboring property”.

7.6 Village of Garden City⁹

7.6.1 Chapter 96 – Excavations and Obstructions

Section 96-1 of this Local Ordinance requires that excavations, openings and encumbrances be properly guarded with a fence or rail and be properly lighted to designate the outside limits of said excavation, opening, encumbrance or obstruction. Lighting devices shall be lighted at least one-half hour before sundown and shall remain lighted until at least one hour after sunrise the following morning.

7.6.2 Chapter 99 – Fences

This Chapter regulates the construction of fences within the Village of Garden City.

7.6.3 Chapter 103 – Fire Hydrants

Section 103-1 of this Local Ordinance prohibits the placement of any article near a fire hydrant in a manner that would unreasonably obstruct the proper use thereof.

7.6.4 Chapter 105 – Fire Lanes

Section 105-1 of this Local Ordinance prohibits stopping, standing or parking a vehicle in an area designated as a fire access route or fire hydrant zone.

7.6.5 Chapter 107 – Fire Prevention

Section 107-10 prohibits the “installation, construction, equipment, matter or thing which, by reason of not being installed, constructed or maintained according to recognized standards and practices for the prevention of fire, creates” a fire hazard.

7.6.6 Chapter 123 – Health Nuisances

7.6.6.1 Section 123-1 – Prohibited substances on vacant land

This Local Ordinance prohibits the deposition of “any decomposable organic matter which might create a nuisance or act as a breeding place for flies or as food for rats, discarded things capable of holding water

⁹ The Applicant obtained the Village Code of the Village of Garden City at <https://ecode360.com/GA0634>.

which might serve as breeding places for mosquitoes or combustible matter or growth which might serve to increase the fire hazard of neighboring property in or upon any vacant lot or land” within the Village.

7.6.6.2 Section 123-3 –Mosquito-breeding places

This Local Ordinance prohibits the collection of stagnant water on any vacant lot or premises in which mosquito larvae breed or are likely to breed.

7.6.7 Chapter 164 – Roll-Off Containers

Sections 164-4 and 164-5 of this Local Ordinance provide requirements for the use of roll-off containers within Village roadways.

7.6.8 Chapter 174 – Smoke Control

7.6.8.1 Section 174-1 – Emission of dense smoke restricted

This Section prohibits the emission of dense smoke (the equivalent of No. 3 grade of the Ringelmann Smoke Scale) “except for a period of six minutes in any one hour during which the fire is being cleaned or a fresh fire is being made in the furnace, but in no event between the hours of 8:00 a.m. and 6:00 p.m.”

7.6.8.2 Section 174-4 – Emissions of soot, ashes or other noxious materials

This Local Ordinance prohibits the emission of “soot, ash, dust, steam, cinders, dirt or other material or noxious gas” causing “injury, detriment or annoyance to any person or persons or to the public, or to endanger the comfort and repose, health or safety of any person ... or in such manner as to cause ... injury or damage to business or property.”

7.6.9 Chapter 176 – Storm Sewers

7.6.9.1 Section 176-5 – Discharge prohibitions; exceptions

This Local Ordinance prohibits non-stormwater discharges and illegal connections to the Village’s MS4.

7.6.9.2 Section 176-12 – Notification of spills

This Local Ordinance requires that “any person responsible for a facility or operation ... [that] has information of any known or suspected release of materials ... which are resulting ... in illegal discharges ... into the MS4 ... shall take all necessary steps to ensure the discovery, containment, and cleanup of such release” and shall notify emergency response agencies and the Village.

7.6.10 Chapter 177 – Stormwater Management and Erosion and Sediment Control

This Chapter regulates stormwater discharges to the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems.

The Applicant will seek coverage from the NYSDEC under the State’s General Permit (GP) for Stormwater Discharges from Construction Activities by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the SPDES Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. Refer to Exhibits 4 and 8 for details.

7.6.11 Chapter 178 – Streets and Sidewalks

7.6.11.1 Section 178-4 – Refuse or litter prohibited

This Local Ordinance prohibits the deposition or the accumulation on any “sidewalks, public streets, highways and public places or upon any vacant lot, plot or parcel of ground within the village, [of] any filth, dirt, ashes, garbage, wastepaper, dust or rubbish or litter.”

7.6.11.2 Section 178-5 – Obstructions or encumbrances prohibited

This Local Ordinance prohibits the placement of “any boxes, goods, wares or merchandise upon any sidewalk, public street, highway, public place or upon any property abutting upon or adjoining such sidewalk, street, highway or public place within the village so as to interfere with the free use thereof, except for the purpose of loading or unloading.”

7.6.11.3 Section 178-6 – Removal of snow and ice from sidewalks

This Local Ordinance requires the owner, lessee or occupant of any lot within the Village to prevent the accumulation of ice or snow on “any sidewalks, paths or public thoroughfare set apart for pedestrians in front of or abutting upon their premises” and to clear same from such sidewalks, paths or public thoroughfares within 24 hours after such snow has ceased to fall or such ice has formed.

7.6.11.4 Section 178-16 – Fencing and lighting requirements

This Local Ordinance requires that any person performing an excavation, changing the grade or placing materials on “any street, highway or public place or the alteration of the grade of any street, highway or public place ... shall mark the location thereof by a suitable barrier or fence, upon which said barrier or

fence there shall be” lighting to apprise the public of the presence of such hazard. Such lighting devices “shall be lighted at least one-half (1/2) hour before sundown ... and shall remain lighted until at least one-half (1/2) hour after sunrise the following morning.”

7.6.11.5 Section 178-17 – Duty of property owners

This Section provides that owners of real property within the Village shall maintain, keep clean and free of obstructions “sidewalks, paths or public thoroughfares set apart for pedestrians in front of or abutting upon their property.”

7.6.12 Chapter 188 – Trees

7.6.12.1 Section 188-3 – Conditions prior to issuance of permit

This Local Ordinance requires that the planting of any tree or shrub between the curblineline and the property line along any street within the Village shall be in accordance with the specifications therefore on file in the Village Department of Public Works.

7.6.12.2 Section 188-6 – Infestation Prohibited

This Local Ordinance prohibits the maintenance of “trees, shrubs or bushes ... which are or may become infected or infested with caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping segmented animals which cause or tend to cause disease, destruction or damage” to such vegetation.

7.6.12.3 Section 188-7 – Destruction and removal required

This Local Ordinance requires the “owner, lessee or occupant of any lot or land to destroy and remove ... caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping segmented animals which cause or tend to cause disease, destruction or damage to” trees, shrubs or bushes.

7.6.13 Chapter 193 – Vehicles and Traffic

7.6.13.1 Section 193-1 – Maximum village-wide limit

This Local Ordinance provides that, except as otherwise established, the maximum vehicle speed on Village streets shall be 30 miles per hour.

7.6.13.2 Section 193-37 – Dimensions and weights of vehicles

This Section limits the width, height and length of vehicles operating on Village roads. Section 193-37(B) sets a maximum width of 96 inches plus safety devices. Section 193-37(C)(1) sets a maximum height of 13½ feet. Section 193-37(D) sets a maximum length of any single vehicle, inclusive of load and bumpers, of 40 feet, and 48 feet for semitrailers.

The Applicant requests that the Commission refuse to apply the above-described width and height prohibitions in Sections 193-37(B) and 193-37(C)(1) because these prohibitions are unduly restrictive in view of the existing technology, cost and the needs of the Applicant's consumers. Full compliance with these prohibitions is technically impossible or impracticable. The Project's transmission cable will be carried on cable reels, which typically measure 12 to 14 feet in height and eight feet in width. The reels are transported to the Project site on carts which are towed behind truck cabs; when loaded with a reel, the typical reel cart measures approximately 16 feet wide and 15 feet high. A number of reel carts will need to be transported through the Village to their locations of use on the Project. Due to the size of the reel carts, an engineering review will be performed to determine the appropriate travel route for each reel cart to its intended location of use for the Project. Traffic control and safety measures will be employed to control safe and successful traffic flow in connection with the Applicant's transport of reel carts. Any impacts associated with transport of the reel carts will be intermittent and will occur only for limited periods during Project construction, and they are unavoidable given the nature of this Project's construction activities. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. This request cannot be obviated by design changes to the Project because the cable reels and their carts are required for construction of the Project.

7.6.13.3 Section 193-38 – Applicability of Federal Motor Carrier Safety Regulations

This Local Ordinance prohibits the operation of a motor vehicle in the Village in violation of Federal Motor Carrier Safety Regulations Parts 393 through 397.

7.6.14 Chapter 200 – Zoning

7.6.14.1 Zoning Map and Districts

Figure 7-4 is the Village of Garden City Zoning Map. Section 200-6 of this Local Ordinance provides that the boundary lines between zoning districts are as shown on the zoning map of the Village. The Project's underground electric transmission line would be located within the R-20, C-2, C-4 and R-A zoning districts.

7.6.14.2 Section 200-7 – Uses

This Local Ordinance provides that no building, structure or use is permitted except as set forth in Article V of the zoning code. Although utility use is not permitted as of right in any of the Village’s zoning districts, Section 200-65(D) of the zoning code provides that a public utility use is a permitted conditional use (i) in the C district provided that it is determined that it is “not feasible or practical” to establish such use in an I district, and (ii) in the R district provided that it is determined that it is “not feasible or practical” to establish such use in a C or I district.

7.6.14.3 Section 200-32 – Performance standards

This Section provides that no use shall be permitted in any zoning district if its operation “would normally cause or result in:

- A. Dissemination of dust, smoke, gas, fumes or other atmospheric pollutant beyond the boundaries of the parcel of land on which the building in which such use is conducted is situated.
- B. Dissemination of any noise, vibration, radiation or odor beyond the boundaries of the parcel of land on which such use is located.
- C. Glare or flashing of lights in any manner that will cause hazard or annoyance to the public generally or to the occupants of neighboring property.
- D. Hazard of fire or explosions.
- E. Hauling of materials, goods or products to or from the site of such in a volume or manner materially incongruous with the normal traffic on streets in the neighborhood.
- F. Danger or hazard to the health, safety or comfort of the community or unreasonable disturbance or annoyance to the occupants of neighboring property.”

7.6.14.4 Section 200-42 – Signs in R Districts

This Section regulates the use and posting of signs within R zoning districts.

7.6.14.5 Section 200-43 – Signs in nonresidential districts

This Section regulates the use and posting of signs within nonresidential zoning districts. Subsection E(7) of this Local Ordinance provides that an “exterior sign, the area of which shall not exceed one square foot, may be displayed by a public utility when such sign is necessary or convenient for the direction, information or safety of the public.”
