

# INCORPORATED VILLAGE OF SEA CLIFF

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October 23, 2026

**VIA ELECTRONIC MAIL**

Hon. Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 24-T-0446 — Supplemental Comments and Continuing Objections of the Incorporated Village of Sea Cliff Concerning the October 9 and October 15, 2026 Phase 1 EM&CP Filings**

Dear Secretary Phillips:

The Incorporated Village of Sea Cliff (the “Village”) submits these supplemental comments under Certificate Condition 34(g) in response to the Certificate Holders’ October 9, 2026 updated Phase 1 Environmental Management and Construction Plan (“EM&CP”) documents and response matrix, as supplemented by the October 15, 2026 corrective filing. These comments concern the New Shore Road Substation, Shore Road landfall, associated clearing and access activities, and potential consequences for Hempstead Harbor and Sea Cliff. They supplement and expressly incorporate the Village’s September 30, 2026 Phase 1 comments without withdrawing or waiving any earlier objection.

The October 9 submission illustrates a continuing and unacceptable pattern: material concerns are answered with assurances, promised future corrections, or assertions that work will occur in later phases, while the Certificate Holders press ahead under a construction sequence of their own choosing. The authorization to proceed in phases is not a license to submit incomplete or contradictory plans, defer essential environmental safeguards, or seek construction approval before known deficiencies have been

corrected. The Village does not assert that speed alone establishes misconduct. It does contend that a self-selected schedule cannot take precedence over an accurate, internally consistent construction record and meaningful protection of the Harbor and affected communities. The subsequent filing of documents omitted from the public electronic upload only underscores the need for disciplined version control and complete public access; the Commission cannot permit administrative catch-up to become a substitute for pre-approval verification.

## **I. THE APPLICANT’S CATEGORICAL REFUSAL TO INCLUDE SEA CLIFF IS INDEFENSIBLE AS A PLANNING POSITION**

The response matrix declares that Sea Cliff “is not an affected municipality” because no project work lies within its boundaries, and states that the Certificate Holders “have not and will not” treat the Village as one. This is not a misunderstanding to be resolved by another generic notice: it is an express prospective refusal to provide the Village consultation equivalent to that extended to the Town of Oyster Bay.<sup>1</sup>

The Village does not seek to appropriate the Town’s jurisdiction or rewrite the Certificate’s defined terms. It demands a practical, enforceable condition providing the same advance draft distribution, consultation opportunity, and relevant construction and incident notice for Shore Road work capable of affecting Sea Cliff and Hempstead Harbor. Environmental impacts do not recognize municipal boundaries. Sediment, contaminated runoff, noise, an emergency response, or a blocked roadway cannot reasonably be presumed to end at a jurisdictional line.

That refusal also disregards emergency-response reality. Shore Road is an essential emergency-response corridor connecting Sea Cliff with Glenwood Landing, Glen Head, Roslyn, Roslyn Harbor, and surrounding communities. The Sea Cliff Fire Department regularly provides mutual aid to these communities, and Shore Road is a principal route its emergency vehicles must use to reach incidents beyond the Village’s boundaries. Any obstruction, restriction, or closure of Shore Road could delay emergency responses not only within Sea Cliff but throughout the surrounding mutual-aid service area. Consequently, the Village and its Fire Department must be included in advance construction planning, traffic coordination, emergency-access planning, and incident notification, regardless of whether construction physically occurs within Village boundaries. The Applicant cannot reasonably exclude the Village from emergency-response planning merely because its construction activities lie outside Village

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<sup>1</sup> Certificate Holders, Responses to Public Comments on EM&CP Phase 1 (Oct. 9, 2026), Topic 6, at 2–3.

boundaries when those same activities could obstruct the very roadway on which Village emergency responders depend to provide mutual aid throughout the surrounding communities.

Sea Cliff's road network underscores the same problem. The Village has two principal vehicular approaches: Shore Road (Prospect Avenue at the Village boundary) and Glen Cove Avenue. Shore Road also carries substantial travel by residents of Glen Cove, Locust Valley, and other communities farther north. Glen Cove Avenue experiences significant congestion from businesses and traffic associated with North Shore Middle School and North Shore High School. A Shore Road obstruction, incident, emergency closure, or diversion most certainly will materially affect both access to Sea Cliff and regional emergency response even if no scheduled Phase 1 road closure is contemplated. The response matrix's prediction that no local closures are anticipated is not a traffic contingency plan.<sup>2</sup>

The Village requests a binding requirement to include Sea Cliff and the Sea Cliff Fire Department in the same advance Shore Road plan distribution and consultation afforded to the Town of Oyster Bay; direct notice of material access and schedule changes and incidents; and a documented preconstruction meeting with appropriate municipal, police, fire, emergency-management, school-traffic, and highway representatives. The Applicant must identify specific notification recipients, lead times, responsible persons, and emergency contact procedures, rather than simply refer interested parties to a website or hotline. The revised Environmental Compliance Plan §4.2 expressly contemplates preconstruction invitations to affected municipalities, while Appendix N §§1.3.1–1.3.2 undertakes targeted communications to municipalities, emergency-service providers and impacted communities. Propel must not invoke a narrow boundary-based definition to bypass Sea Cliff's operational interests while professing to notify impacted communities.<sup>3</sup>

## **II. THE REVISION DECLARES “NO GRADING” WHILE THE OPERATIVE SHORE ROAD SWPPP EXPRESSLY ALLOWS IT**

Original Shore Road SWPPP §3.1.5 expressly states that minor grading “will be necessary” on the steep slopes to create equipment access, including minor reshaping and movement of soil. It also provides that exact temporary access routes will be developed in the field with the Environmental Monitor. Revised Narrative §11.2, however, categorically states: “No grading is planned for the EM&CP

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<sup>2</sup> Certificate Holders, Responses to Public Comments, Topic 12, at 5 (no local road closures anticipated); revised Appendix F-1, Construction and Safety Security Plan, incident procedures; revised Appendix N, Complaint Management and Resolution Plan, §1.3.2.

<sup>3</sup> Updated Appendix D, Environmental Compliance Plan, §4.2 (Oct. 9, 2026), pp. 4-2–4-3; revised Appendix N, Complaint Management and Resolution Plan, §§1.3.1–1.3.2 (Oct. 9, 2026), pp. 1-3–1-4; Certificate Holders, Responses to Public Comments, Topic 6, pp. 2–3.

Phase 1 tree clearing activities.” These are inconsistent instructions as written; a revision to the Narrative does not silently strike the contradictory permission in the June 22 Shore Road SWPPP.<sup>4</sup>

The revised Narrative §4.2 describes a temporary geotextile-and-stone access path whose width may reach approximately 60 feet because of the slope. The access-road footprint, slope modification, stone placement, equipment loading, drainage implications, and any soil movement must be reconciled with the original SWPPP and the final drawing. Calling the operation “tree clearing” does not settle the physical scope of the access work.<sup>5</sup>

The Village requests one conformed Shore Road construction and stormwater record: an explicit prohibition on grading unless separately described and authorized; final maximum road and clearing limits; access route, grades, drainage and discharge-point mapping; field-change controls; and detailed erosion and contaminated-soil safeguards. Any material revisions proposed before initial approval must be incorporated into the filed EM&CP and subjected to appropriate review; subsequent changes to an approved EM&CP must comply with Certificate Condition 36 rather than being left to informal field discretion.

### **III. THE APPLICANT ADMITS THE WOOD-CHIP ERROR BUT HAS NOT FILED THE PROMISED CORRECTION**

The original Shore Road SWPPP §3.2, Step 5 directs the contractor to chip smaller material and spread it over disturbed areas for stabilization, despite other language requiring off-site disposal and the Vegetation Management Plan’s invasive-species precautions. The October 9 response matrix states that the Certificate Holders “plan to amend” Appendix H-1 before approval to remove wood chips as a stabilization measure. Yet the October 9 H-1 update does not replace the operative Shore Road SWPPP; the revision summary describes additional certification and MS4 materials for Huntington and Hempstead. A promise to correct an identified error is not the correction itself.<sup>6</sup>

The Commission should not approve documents containing mutually incompatible directions and assume crews will choose the correct one. The Village requests a replacement Shore Road SWPPP and harmonized vegetation-management provisions removing the spreading instruction, specifying approved

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<sup>4</sup> Phase 1 Appendix H-1, Stormwater Pollution Prevention Plan—New Shore Road Substation, Revision 0 (Apr. 20, 2026; filed June 22, 2026), §3.1.5, at 3-3; updated Phase 1 Narrative (Oct. 9, 2026), §11.2, at 11-1.

<sup>5</sup> Certificate Holders, Revised Phase 1 Narrative (Oct. 9, 2026), §§4.1–4.2, 11.2; Updated Appendix A-1, Shore Road Tree Clearing Plan (served Oct. 9, 2026; filed on DMM with Oct. 15, 2026 supplemental submission)

<sup>6</sup> Original Shore Road SWPPP, §3.2, Step 5; Certificate Holders, Responses to Public Comments, Topic 13, at 6; Certificate Holders, Oct. 9 Cover Letter, Exhibit 1, at 6.

stabilization material, off-site disposal, invasive-species equipment cleaning, inspection, and maintenance. The correction must be on the approved plan sheets and in the governing specifications.

#### **IV. WETLAND PASSAGE, CHANGED BOUNDARIES, AND THE HARBOR REMAIN INSUFFICIENTLY RESOLVED**

The revised Narrative acknowledges equipment passage through wetlands at Shore Road. The October 9 revision table separately records removal of the freshwater wetland adjacent-area boundary from Shore Road drawings, while the response matrix asserts W01025B is not jurisdictional under Article 24. The Village does not assume that every wetland is regulated by NYSDEC, or that removal of a regulatory boundary is necessarily improper. But a jurisdictional conclusion must be supported, and it does not eliminate the wetland's physical hydrology, sediment, compaction, or runoff consequences.<sup>7</sup>

The revised filing should provide the supporting jurisdictional determination or agency correspondence, a plan distinguishing delineated wetland from regulatory adjacent-area boundaries, precise equipment travel routes, ground-pressure/matting provisions, disturbance calculations, and practical safeguards against transport of disturbed or contaminated material toward Hempstead Harbor. The Village objects to treating the absence of a particular jurisdictional permit requirement as a substitute for site-specific environmental evaluation.

#### **V. PHASED CONSTRUCTION CANNOT SUBSTITUTE FOR CURRENT CONTAMINATION AND STABILIZATION CONTROLS**

The Village recognizes that substantial excavation, stump removal and permanent substation construction are scheduled for later phases and that separate later-phase materials-management plans may therefore be permissible. The problem arises where Phase 1 itself permits heavy forestry machinery, temporary access installation, potential surficial disturbance, and handling of material on or near the former manufactured-gas-plant property. Those activities need operational, immediate-response procedures even if bulk earthwork is deferred.<sup>8</sup>

At a minimum, the Village requests explicit field triggers for visible staining, odors, unexpected material, contaminated runoff, vapors and dust; monitoring and work-suspension rules appropriate to

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<sup>7</sup> Updated Narrative, §4.2.2; Oct. 9 Cover Letter, Exhibit 1, at 4; Responses to Public Comments, Topic 8, at 3; original Shore Road SWPPP, §3.1.3.

<sup>8</sup> Responses to Public Comments, Topics 9–11 and 14, at 3–4, 7; original Shore Road SWPPP, §§3.1.4–3.2; updated Narrative, §§4.1–4.2.

those triggers; emergency containment; notice to responsible agencies and the Village; and clear identification of the controlling site management/remediation documents applicable during Phase 1. “No dewatering required” is not a response to unforeseen contaminated water or unexpected ground conditions.

The updated Narrative also says the temporary access road will not be restored to preconstruction conditions because later construction will follow. The original SWPPP and October 9 responses contemplate temporary stabilization until later work begins, without establishing a definite period or enforceable delay contingency. The Village requests explicit triggers for enhanced stabilization, inspection, reseeding, revegetation and, if necessary, removal or restoration if subsequent phases do not proceed as anticipated.<sup>9</sup>

## **VI. APPENDICES D, F-1, G-1 AND N IMPROVE SOME PROCEDURES BUT FAIL TO RESOLVE SEA CLIFF-SPECIFIC RISKS**

Appendix D now better describes Environmental Monitor independence, stop-work authority, and preconstruction personnel submissions. These additions should be acknowledged. The remaining issue is implementation: names, qualifications, authority, inspection coverage, and emergency contacts must be verified before the relevant Notice to Proceed, with immediate interim corrective measures, including suspension of affected work where necessary, whenever an erosion or contamination control fails. The Village does not insist that every contractor name be available at the time of EM&CP approval if the Certificate lawfully permits later identification; it insists that these requirements be express, operational, and enforceable before mobilization.<sup>10</sup>

Appendix F-1 expands safety and incident planning but fails to expressly include regional mutual-aid responders, particularly the Sea Cliff Fire Department, in advance briefings and incident protocols. As explained above, Shore Road is an essential emergency-response corridor for the Village and surrounding communities. The Applicant's emergency planning must address not only incidents at its construction sites, but also the potential obstruction of a roadway upon which regional emergency responders depend. The Village and its Fire Department should be specifically identified as recipients

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<sup>9</sup> Updated Narrative, §11.2, at 11-1; original Shore Road SWPPP, §§3.2, 4.3; Responses to Public Comments, Topic 3, at 1.

<sup>10</sup> Certificate Holders, Revised EM&CP Phase 1, Appendix D, Environmental Compliance Plan (Oct. 9, 2026), §§3, 4–5; Certificate Holders, Responses to Public Comments on EM&CP Phase 1 (Oct. 9, 2026), Topic 18, p. 9.

of appropriate advance construction information, emergency-response coordination, and incident notifications.

Of particular concern is a significant apparent factual error in the revised Appendix G-1, Spill Prevention, Control, and Countermeasure Plan. Section 2.2 states that no recreational areas are located in the vicinity of the Phase 1 workspaces and does not identify recreational-area-specific protective measures responsive to the nearby Tappen Beach facilities. That assertion is difficult to reconcile with the existence of the Town of Oyster Bay's Harry Tappen Beach and Park, located immediately adjacent to the former Glenwood Landing generating facility. This substantial public recreational complex includes a swimming beach, swimming pool, marina, boat-launching facilities, playground, basketball and pickleball courts, and an in-line roller hockey rink.<sup>11</sup>

The omission is particularly troubling because Tappen Beach is not an obscure or unidentified environmental resource. It is a prominent, publicly owned and operated recreational complex adjoining the very area in which the Applicant proposes construction activities. The Applicant should explain how an environmental protection plan for this location could conclude that no recreational areas exist in the vicinity without expressly identifying and evaluating Tappen Beach.

Moreover, the potential consequences of a spill, contaminated runoff, or uncontrolled sediment discharge cannot be evaluated solely by measuring the distance from the construction workspace to the nearest recreational structure. The relevant inquiry includes the potential pathways through which pollutants could migrate toward recreational facilities and the adjoining waters of Hempstead Harbor. The Village requests that the Applicant correct or substantiate its recreational-area assessment, identify the geographic limits and criteria used, and demonstrate that its spill-prevention, emergency-response, notification, and containment procedures adequately account for Tappen Beach and the Harbor. An environmental protection plan that appears to overlook such a conspicuous neighboring public facility cannot reasonably be accepted without further explanation and correction.

Appendix N provides broader public outreach and notification procedures, yet does not resolve the response matrix's express refusal to afford Sea Cliff the advance municipal consultation provided to the Town of Oyster Bay. Indeed, Appendix N's commitments to notify municipalities, emergency-service providers, and impacted communities underscore the unreasonableness of excluding Sea Cliff solely

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<sup>11</sup> Certificate Holders, Revised EM&CP Phase 1, Appendix G-1, Spill Prevention, Control, and Countermeasure Plan (Oct. 9, 2026), §2.2; Town of Oyster Bay, 2026 Beaches & Marinas brochure, Harry Tappen Beach, Glenwood Landing (identifying public recreational facilities, including swimming, marina, playground, basketball, pickleball, and in-line hockey amenities).

because construction lies outside its corporate boundaries. The Village should be expressly identified as a direct recipient of advance notices, construction updates, material traffic changes, environmental incident reports, and emergency communications whenever Shore Road activities could affect the Village, Hempstead Harbor, or regional emergency access. The October 15 Appendix N Version 2 merely corrects DPS contact information and does not substantively change these notification commitments or resolve the Village's objection.<sup>12</sup>

Finally, the revised Narrative §11.3 mistakenly directs readers to Appendix G-1 for SWPPPs, although Appendix H-1 contains the stormwater plans and Appendix G-1 is the spill-prevention plan. Standing alone, this is an editorial defect. Viewed alongside the unresolved grading and stabilization contradictions, the acknowledged omission of documents from the October 9 electronic filing, and the apparent failure to identify Tappen Beach in the recreational-area assessment, however, it further demonstrates the need for a complete, internally consistent, and carefully verified set of controlling construction documents before approval.<sup>13</sup>

## **VII. THE OCTOBER 15 SUPPLEMENTAL FILING EXPOSES AN UNRECONCILED CONTROLLING-DOCUMENT RECORD**

The Certificate Holders' October 9 cover letter identified revised Phase 1 documents including Appendix A-1 and a public-comment response matrix. Their October 15 cover letter conceded that both had been inadvertently omitted from the electronic DMM upload, although counsel represents that the same materials were served on parties with the October 9 update. Appendix N was refiled to make a ministerial change to DPS contact information. The Village does not allege, without proof, that parties were denied electronic service on October 9. But delivery to parties, public availability on DMM, and availability at required public-inspection locations are distinct questions. The Certificate Holders should provide a document-specific account establishing each of those events.<sup>14</sup>

As Daniel McAree observes in his October 22 request for procedural direction, the central question is which June 22 original instruments remain operative, which October 9 revisions replace them, and what precisely the October 15 filing corrected. The Village supports that narrow procedural request

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<sup>12</sup> Certificate Holders, Revised EM&CP Phase 1, Appendix N, Complaint Management and Resolution Plan, §§1.3.1–1.3.2; Responses to Public Comments, Topic 6, pp. 2–3; Certificate Holders, October 15, 2026 Cover Letter, p. 1 (describing the subsequent Appendix N correction as ministerial).

<sup>13</sup> Certificate Holders, Revised EM&CP Phase 1 Narrative (Oct. 9, 2026), §11.3, p. 11-1; October 9 Cover Letter, Exhibit 1, pp. 4–6; October 15 Cover Letter, p. 1.

<sup>14</sup> Certificate Holders, October 9, 2026 Cover Letter, pp. 1–2 and Ex. 1; Certificate Holders, October 15, 2026 Cover Letter, p. 1.

concerning reconciliation of the controlling Phase 1 record, and applicable supplemental-comment rights, without adopting every contention or remedy in Mr. McAree's submission.<sup>15</sup>

The need for a controlling-document register is not an abstract paperwork objection. At Shore Road, the June 22 SWPPP still permits minor grading and use of wood chips for stabilization while the revised Narrative disclaims grading and the comment matrix promises a future wood-chip correction. Moreover, the October 9 revisions to Appendices A-1 and H-1 were not accompanied by ordinary redlines. A field crew, contractor, inspector, or member of the public should not have to guess which conflicting instruction the Commission has approved. The Village requests a certified, site-specific register listing each controlling drawing and appendix by date, revision, sheet, DMM filing reference, service date, and supersession status, accompanied by a keyed comparison of non-redlined revisions and a conformed Shore Road SWPPP.<sup>16</sup>

Certificate Conditions 32, 34, 35 and 39 and the EM&CP specifications in Appendix E provide distinct requirements for filing, access, service, organization, and identification of controlling plans. The Village requests verification of Condition 35 compliance and appropriate written procedural direction concerning the fifteen-day review period measured under Condition 34(g) from electronic service of responsive revisions. It does not contend that every later upload automatically starts a new fifteen-day clock; rather, the record must establish what was served, when and to whom, what was publicly accessible, and whether newly supplied or independently updated documents warrant targeted supplemental review.<sup>17</sup>

## **VIII. A SELF-IMPOSED CONSTRUCTION SCHEDULE IS NOT AN ANSWER TO DOCUMENTED DEFICIENCIES**

The Commission has authorized phased EM&CP review, but the Certificate Holders repeatedly invoke the sequence and anticipated timing of construction as an answer to concerns about present access disturbance, contaminated soils, wetlands, and temporary stabilization. They have had ample opportunity to produce internally consistent Shore Road controls. Instead, they ask the Commission to rely on future corrections even while pursuing Phase 1 authorization. The Village objects to an approval process in

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<sup>15</sup> Daniel McAree, Request for Prompt Procedural Direction Concerning the Controlling Phase 1 EM&CP Record, Document Revisions, Service, and Public Review (filed Oct. 22, 2026), pp. 1–5.

<sup>16</sup> Original New Shore Road Substation SWPPP, §§3.1.5, 3.2 (filed June 22, 2026); revised Phase 1 Narrative, §§4.2, 11.2 (Oct. 9, 2026); Certificate Holders, October 9 Cover Letter, p. 2 n.3 (no redline for Appendices A-1 and H-1); Comment Responses, Topic 13, p. 6.

<sup>17</sup> Certificate Conditions 32, 34(g), 35 and 39; Joint Proposal Appendix E, introductory EM&CP specifications; McAree, Request for Prompt Procedural Direction (Oct. 22, 2026), pp. 2–5.

which correcting known errors is treated as an administrative detail subordinate to the Applicant's preferred timetable.

The Applicant is entitled to propose a schedule. It is not entitled to make that schedule the standard by which adequate environmental review is measured. The relevant question is whether the documents now proposed for approval correctly and completely define the work to be undertaken and the protections that must function when it begins—not whether postponing work would inconvenience the Certificate Holders.

The Commission should not be placed in the position of approving an incomplete environmental record simply because the Applicant has scheduled construction to begin before it has finished demonstrating how the environmental and public-safety consequences of that construction will be prevented, minimized, and addressed.

## **IX. REQUESTED FINDINGS, CORRECTIVE ACTIONS, AND CONDITIONS OF APPROVAL**

For the reasons stated herein and in the Village's previously filed comments and objections, the Village respectfully requests that the Commission and Department of Public Service Staff decline to approve the Shore Road portion of the revised Phase 1 EM&CP in its present form.

The Village does not contend that every outstanding administrative or preconstruction requirement must necessarily be satisfied before EM&CP approval where the Certificate expressly provides otherwise. Rather, the Village maintains that the documents submitted for approval must accurately and consistently define the activities being authorized, identify the environmental protections applicable to those activities, and establish enforceable requirements sufficient to prevent unacceptable environmental and public-safety consequences.

Accordingly, the Village requests that the Commission and DPS Staff require the Certificate Holders to address the following deficiencies and impose the following corrective requirements and conditions before authorizing the affected Shore Road work:

1. Decline to approve the Shore Road portion of the revised Phase 1 EM&CP in its present form until the conflicting grading and wood-chip provisions are corrected through a conformed Shore Road SWPPP, consistent construction plans, and an appropriate opportunity for review of the corrected materials. Any approval of other, severable Phase 1 activities must expressly exclude the affected Shore Road activities until these deficiencies are resolved.

2. Require a certified, publicly accessible controlling-document register, drawing supersession index, keyed comparison of revised Appendices A-1 and H-1, and document-specific accounting of October 9 service, October 15 DMM upload corrections, and public-inspection availability; verify Certificate Condition 35 compliance and provide written direction concerning applicable supplemental-comment rights before Phase 1 approval or an NTP.
3. Require the Certificate Holders to revise Appendix G-1 to expressly identify and evaluate Harry Tappen Beach and Park, including its recreational facilities and adjoining Harbor waters, and demonstrate that appropriate spill-prevention, contaminated-runoff, emergency-notification, and response measures are incorporated into the controlling Phase 1 plans before approval.
4. Require final Shore Road maps and specifications defining the maximum permitted clearing and temporary access-road footprint, slopes, soil movement, wetlands passage, staging, drainage, erosion protections, and contaminated-soil management, with material changes handled under Certificate Condition 36.
5. Require an identified wetland jurisdictional record, impact calculations, wetland equipment passage controls and site-specific Hempstead Harbor pollution protections.
6. Require a definite delay-contingency and enhanced stabilization/restoration protocol if later construction does not promptly follow Phase 1 clearing.
7. Require advance distribution and substantive consultation for Sea Cliff equivalent to the Town of Oyster Bay for Shore Road materials capable of affecting Sea Cliff or Hempstead Harbor, together with a designated municipal point of contact and direct notices.
8. Require a documented preconstruction meeting and ongoing coordination involving Sea Cliff and its Fire Department, Town of Oyster Bay and appropriate regional fire, police, traffic, school and emergency-response representatives; require a Shore Road traffic and emergency-access contingency plan.
9. Require updated Appendices F-1, G-1 and N to include Sea Cliff-specific incident, spill, roadway and emergency-response notifications and address Harbor recreational uses.

10. Verify personnel, monitoring, stop-work authority, required MS4/agency authorizations and all other preconstruction conditions before any Notice to Proceed; do not treat the outstanding items as automatically fatal to EM&CP approval where the Certificate expressly permits pre-NTP satisfaction.
11. Accept and consider these supplemental comments under Certificate Condition 34(g), preserve the Village's September 30 objections, and permit further targeted comment on materially changed Shore Road documents submitted to cure identified deficiencies.

The Village respectfully submits that the revised Phase 1 EM&CP remains materially incomplete, internally inconsistent, and inadequate to support approval of the Shore Road work in its present form.

The Applicant's repeated reliance on future submissions, deferred mitigation measures, promises of subsequent corrections, and assurances that unresolved issues will be addressed in later phases has created a fragmented and incomplete record that prevents a reliable assessment of the environmental consequences of the activities presently proposed for authorization, their interaction with subsequent construction phases, and their potential adverse impacts on public health, safety, and quality of life.

The Applicant's schedule is self-imposed; the environmental consequences may be permanent. The people of Sea Cliff and the surrounding communities live, work, raise their families, and recreate along Hempstead Harbor. We will bear the consequences of decisions made today long after the Applicant's construction crews have departed.

The Commission must not permit the Applicant's preferred timeline to substitute for a complete and accurate environmental assessment, nor allow irreversible disturbance to proceed based on little more than empty promises that known deficiencies will be corrected at some later date. The Village requests that approval of the Shore Road portion of Phase 1 be withheld until those deficiencies are actually resolved—not merely acknowledged, deferred, or explained away.

Respectfully submitted,

INCORPORATED VILLAGE OF SEA CLIFF

/s/ Bruce Kennedy

By: Bruce P. Kennedy

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cc: Administrative Law Judges; DPS Staff; Case 24-T-0446 Service List