

A. INTRODUCTION

This chapter evaluates the potential impacts of the Direct Route Alternative as they relate to zoning and public policy. The chapter specifically describes the various zoning district regulations found within ½ mile of the Direct Route Alternative. In addition to assessing existing zoning ordinances, this chapter summarizes the goals and objectives of relevant State, regional, and local public policies.

The Direct Route Alternative also examines the Village underground option. This option is not the reasonable worst case when considering potential zoning and public policy impacts.

B. EXISTING CONDITIONS**ZONING**

LIPA, as a state public authority, serves an essential governmental function, and is not obligated to seek local approvals for the Direct Route Alternative. Therefore, the Direct Route Alternative need not apply for local land use approvals. Nevertheless, an assessment of the Direct Route Alternative as it relates to local zoning laws and land use policies is provided to assess the project's compliance with the Town of Southampton and Village of Southampton land use goals for the area. Therefore, a general discussion of the types of uses that are currently permitted along the new line and substation is provided.

The project study area traverses two separate municipal jurisdictions, namely the Town of Southampton and the Village of Southampton, and is approximately 5,494 acres. Within the Town portion of the study area there are 12 zoning districts and 3 overlay districts, and in the Village portion there are 10 zoning districts and 1 overlay district. See Figures 4-1A and 4-1B for zoning district locations within the study area. The proposed line is located within or on the border of seven zoning districts in the Town and four districts in the Village (see Figures 4-1A and 4-1B). The line also falls within both the Town and Village overlay districts.

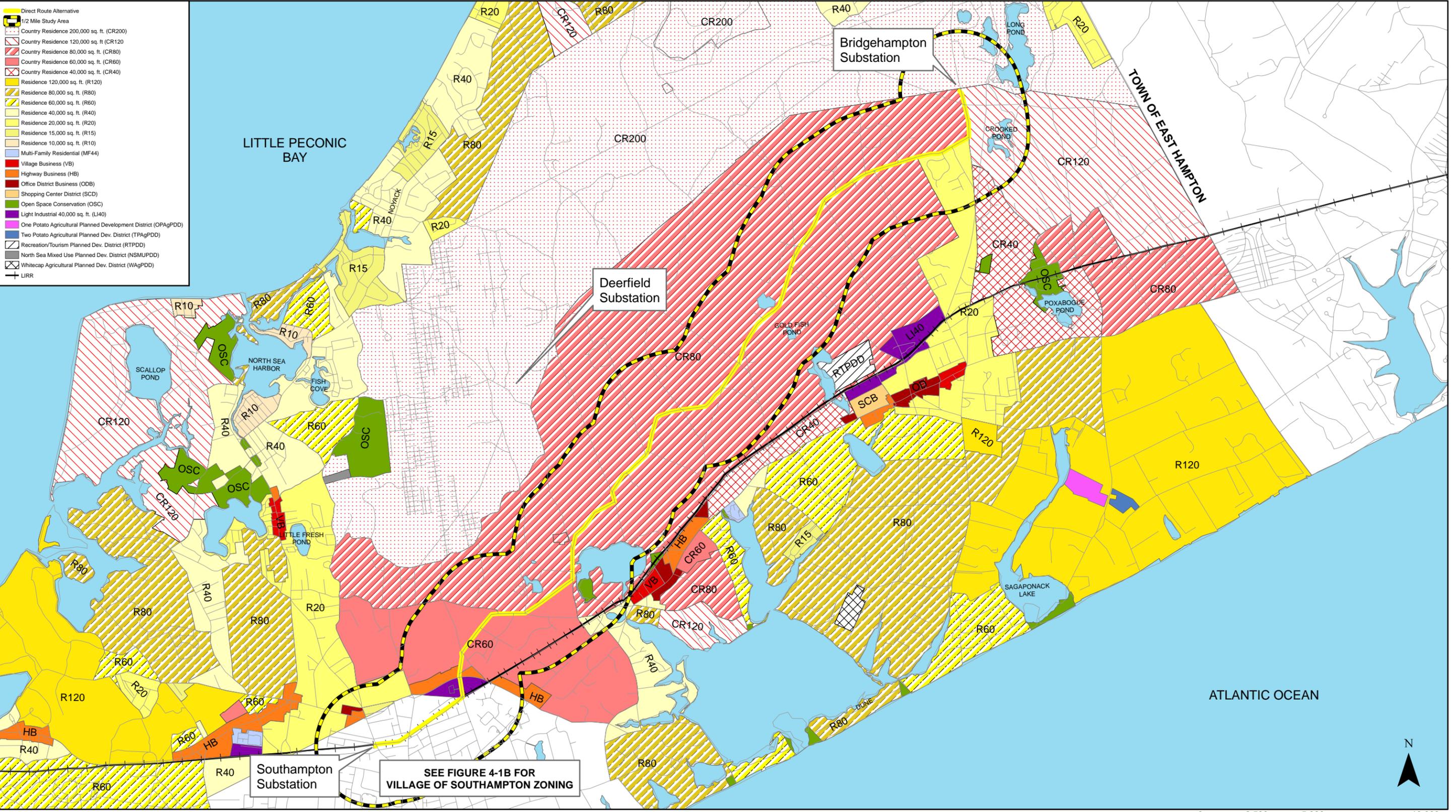
TOWN OF SOUTHAMPTON

As stated, there are seven Town zoning districts located along the Direct Route Alternative or on the border of the Direct Route Alternative, and on the Bridgehampton Substation. These districts include Light Industrial (LI40), Highway Business (HB), Country Residence (CR60, CR80, CR120, and CR200), and Residence (R20). The Bridgehampton Substation lot is located within both the CR80 and CR200 zoning districts.

Within the Town portion of the study area there are 12 different zoning districts. Table 4-1 lists the acreage of land within the study area located in each zoning district. The total for all percentages below does not equate to 100 percent due to a portion of the study area being located in the Village of Southampton.

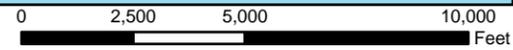
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- Direct Route Alternative
- 1/2 Mile Study Area
- Country Residence 200,000 sq. ft. (CR200)
- Country Residence 120,000 sq. ft. (CR120)
- Country Residence 80,000 sq. ft. (CR80)
- Country Residence 60,000 sq. ft. (CR60)
- Country Residence 40,000 sq. ft. (CR40)
- Residence 120,000 sq. ft. (R120)
- Residence 80,000 sq. ft. (R80)
- Residence 60,000 sq. ft. (R60)
- Residence 40,000 sq. ft. (R40)
- Residence 20,000 sq. ft. (R20)
- Residence 15,000 sq. ft. (R15)
- Residence 10,000 sq. ft. (R10)
- Multi-Family Residential (MF44)
- Village Business (VB)
- Highway Business (HB)
- Office District Business (ODB)
- Shopping Center District (SCD)
- Open Space Conservation (OSC)
- Light Industrial 40,000 sq. ft. (LI40)
- One Potato Agricultural Planned Development District (OPAgPDD)
- Two Potato Agricultural Planned Dev. District (TPAgPDD)
- Recreation/Tourism Planned Dev. District (RTPDD)
- North Sea Mixed Use Planned Dev. District (NSMUPDD)
- Whitecap Agricultural Planned Dev. District (WAgPDD)
- LIRR

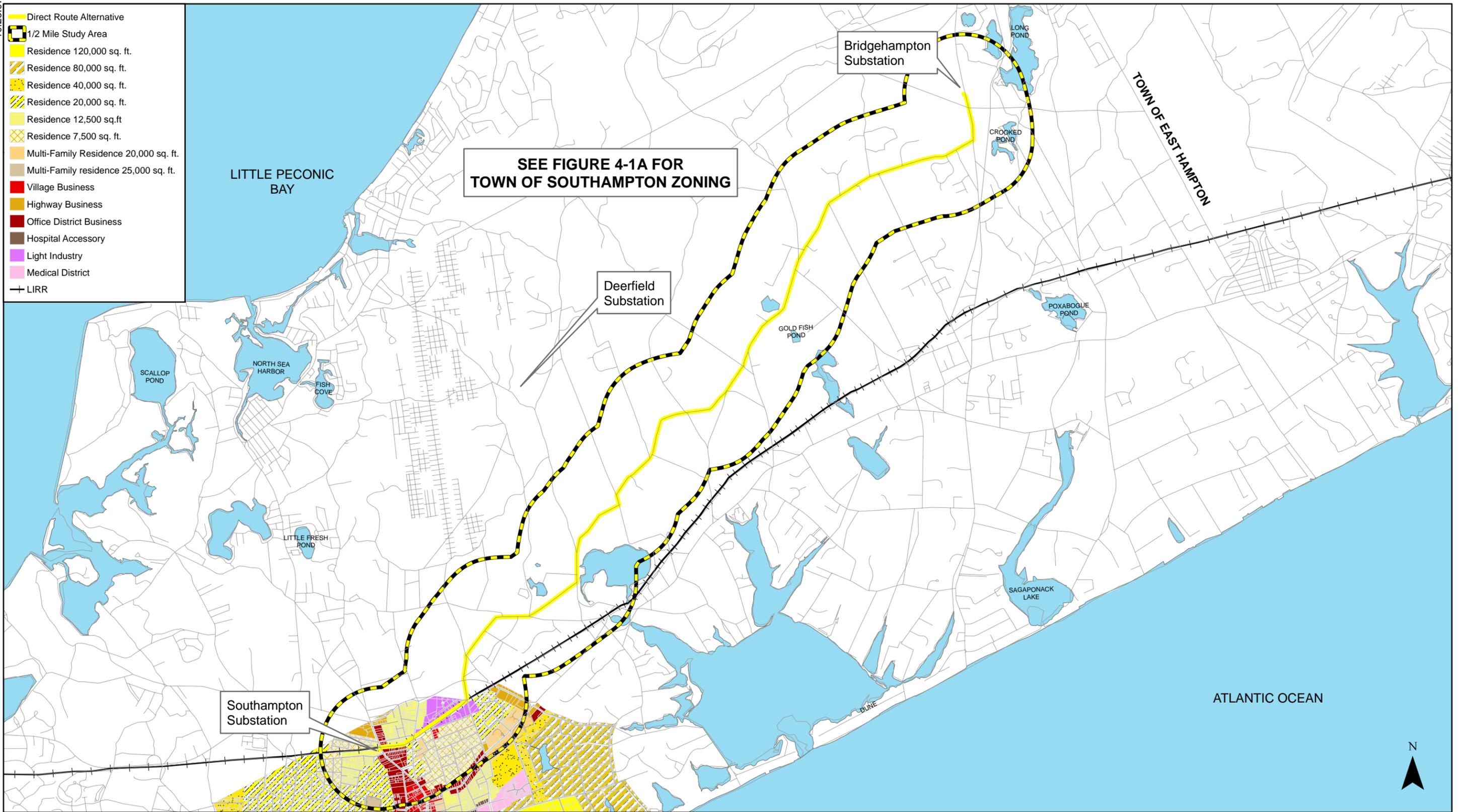


SEE FIGURE 4-1B FOR VILLAGE OF SOUTHAMPTON ZONING

Source: 2005 Suffolk County Real Property



-  Direct Route Alternative
-  1/2 Mile Study Area
-  Residence 120,000 sq. ft.
-  Residence 80,000 sq. ft.
-  Residence 40,000 sq. ft.
-  Residence 20,000 sq. ft.
-  Residence 12,500 sq. ft.
-  Residence 7,500 sq. ft.
-  Multi-Family Residence 20,000 sq. ft.
-  Multi-Family residence 25,000 sq. ft.
-  Village Business
-  Highway Business
-  Office District Business
-  Hospital Accessory
-  Light Industry
-  Medical District
-  LIRR



Source: 1992 Suffolk County Real Property (No Changes Made as of July, 2007)



**Southampton to Bridgehampton Transmission Line
and Expansion of Bridgehampton Substation Project**

According to Table 4-1, the CR80 district is the dominant zoning district (approximately 64 percent) in the Town portion of the study area. CR60 is the next dominant zoning district, representing almost 10 percent of the study area. A summary of each district within the Town portion of the study as well as a description of the uses permitted within these districts, according to Chapter 330 of the Town Code, is provided below.

**Table 4-1
Town of Southampton Zoning**

| District | Land Area (acres) | Percent of Total |
|--|-------------------|------------------|
| CR40: Country Residence | 26 | 0.5 |
| CR60: Country Residence | 543 | 9.9 |
| CR80: Country Residence | 3,519 | 64.1 |
| CR120: Country Residence | 227 | 4.1 |
| CR200: Country Residence | 228 | 4.2 |
| R15: Residence | 9 | 0.2 |
| R20: Residence | 217 | 4.0 |
| R40: Residence | 31 | 0.6 |
| OD: Office District | 6 | 0.1 |
| OSCPD: Open Space Conservation/Park District | 13 | 0.2 |
| HB: Highway Business | 58 | 1.1 |
| LI40: Light Industrial | 36 | 0.7 |
| Total for the Town Portion of the Study Area | 4,913 | 89.4 |
| Study Area Total | 5,494 | N/A |
| Sources: Code of the Town of Southampton, Chapter 330, 2007 and Geographic Information System, 2005 | | |

Each of the Town’s districts is subject to different dimensional regulations that dictate the size of development permitted on each lot or parcel. Table 4-2 provides the dimensional regulations for zoning districts relevant to the Direct Route Alternative study area.

Residential Districts

There are two general residential zoning district categories within the study area, Country Residence and Residence. The Country Residence districts are located throughout most of the study area, while the residence district is generally located on the eastern and western perimeters of the study area. Land uses that are permitted within the Country Residence and Residence zoning districts include single-family detached dwellings; parks, playgrounds, and recreation areas (when authorized or operated by the Town); fire stations, municipal offices, or any government building of similar character; schools; and agricultural uses, excluding animal husbandry (permitted as a special exception with the CR zoning districts). The Country Residence districts vary from the Residence districts in that the Country Residence districts permit more general community facility uses (e.g., cemeteries, nursing homes, and beach clubs) by way of a special exception permit, while Residence categories, for the most part, prohibit these uses. The Town can grant special exception uses based on whether the proposed use meets certain conditions and criteria that are compatible and in harmony with those uses permitted as of right. Both the Country Residence and Residence districts permit public utility structures or rights-of-way as a special exception use. Permitted accessory uses include home occupation

office, wind energy conversion systems, greenhouses (private), garage (private), and accessory apartments pursuant to Article IIA, Accessory Apartments.

**Table 4-2
Dimensional Regulations: Town of Southampton**

| District | Minimum Lot Area (Square Feet) | Maximum Lot Occupancy (Percent) | Height (feet) | Front Yard Setback (feet) | Side Yard Setback (feet) | Rear Yard Setback (feet) |
|--|--------------------------------|---------------------------------|---------------|---------------------------|--------------------------|--------------------------|
| CR40: Country Residence | 40,000 | 20 | 32 | 60 | 20 | 70 |
| CR60: Country Residence | 60,000 | 15 | 32 | 80 | 25 | 100 |
| CR80: Country Residence | 80,000 | 10 | 32 | 80 | 30 | 100 |
| CR120: Country Residence | 120,000 | 10 | 32 | 80 | 30 | 100 |
| CR200: Country Residence | 200,000 | 5 | 32 | 100 | 50 | 100 |
| R15: Residence | 15,000 | 20 | 32 | 40 | 15 | 40 |
| R20: Residence | 20,000 | 20 | 32 | 40 | 20 | 60 |
| R40: Residence | 40,000 | 20 | 32 | 60 | 20 | 70 |
| OD: Office District | 12,000 | 30 | 35 | 30 | 15 | 40 |
| OSCPD: Open Space Conservation/Park District | N/A | N/A | N/A | N/A | N/A | N/A |
| HB: Highway Business | 40,000 | 30 | 35 | 50 | 20 | 50 |
| LI40: Light Industrial | 40,000 | 30 | 40 | 50 | 20 | 60 |

Source: Code of the Town of Southampton, Chapter 330, September 2007

Approximately 4,543 acres (or 83 percent) of the study area are located within the Country Residence (CR) general zoning district category. There are five different subcategories of the CR zoning district located within the study area (CR200, CR120, CR80, CR60, and CR40). The dimensional regulations, not permitted uses, are the predominant variation between each of the CR subcategories (see Table 4-2 for dimensional regulations). For example, CR200 requires a minimum lot size of 200,000 (5 acre zoning) while CR40 requires a minimum lot size of 40,000 square feet (1 acre zoning).

Almost 5 percent or 257 acres of the study area are located within the Residence category. The study area is located within three subcategories of the Residence zoning district, i.e., R40, R20, and R15.

Business and Industrial Districts

As shown in Table 4-1, approximately 58 acres or 1.1 percent of the Town portion of the study area, just north of the Town’s border with the Village, are located within the Highway Business (HB) zoning district. The following uses are permitted in the HB district: dwellings lawfully existing prior to adoption of the current regulations; places of worship; park, playground, or recreation areas when authorized or operated by the municipality; fire station, or a municipal office; school, elementary or high, public denominational or private, operated or licensed by the New York State Education Department; bus passenger shelter; nonprofit meeting rooms; agricultural, landscape and horticulture, excluding animal husbandry; greenhouse; plant nursery; retail business; office business; personal services; amusement and recreational uses; other business uses and accessory uses. Public utility structures or rights-of-way are permitted by special exception. Table 4-2 provides a summary of dimensional regulations permitted in this district.

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A small portion of the study area (approximately 6 acres or 0.1 percent of the Town portion of the study area) along Route 27 is located in the Office District (OD). The following uses are permitted in the OD zoning category: greenhouse, plant nursery; restaurant; antique store; office uses such as banks, computer processing service, and real estate offices. Most uses outside of the office business category (e.g., wholesale and retail business) are generally not permitted or are permitted by special exception. Public utility structures or rights-of-way are permitted by special exception. Table 4-2 provides a summary of dimensional regulations permitted in this district.

The Light Industrial (LI40) zoning district is located within one portion of the study area, just north of the Long Island Rail Road (LIRR) tracks and the Village border. The LI40 district represents 36 acres or 0.7 percent of the study area. The following uses are generally permitted in the LI40 district: dwellings lawfully existing prior to adoption of the current regulations; residential community facilities (e.g., churches, places of worship, fire stations, schools, colleges or universities); general community facilities (e.g., bus passenger shelter, sewage treatment plant, or water supply facility, philanthropic, fraternal, social or educational institutional office or meeting room, nonprofit); agricultural business uses (mainly by special exception); wholesale uses (by special exception only); limited retail business uses; office business and service uses (with the exception of taxicab services, by special exception only); nonmanufacturing industrial uses (by special exception only); manufacturing industrial uses; and accessory uses. As with all Town zoning districts in the study area, the LI40 district permits public utility structures or rights-of-way as a special exception use. Table 4-2 provides a summary of dimensional regulations permitted in this district.

Other Districts

There are approximately 13 acres (0.2 percent) within the study area zoned Open Space Conservation and Park District (OSCPD). This zoning district is dedicated to one small portion (south of the Mill Pond) of the ½-mile study area. Land uses permitted within the OSCPD generally include public or private nature preserves, parks, recreation areas, golf courses, tennis clubs, bath houses, park administration, and maintenance buildings. This district also permits public utility structures or rights-of-way by special exception. There are no dimensional requirements in the OSCPD zoning category. However all construction activities are subject to review by the Planning Board.

Overlay Districts

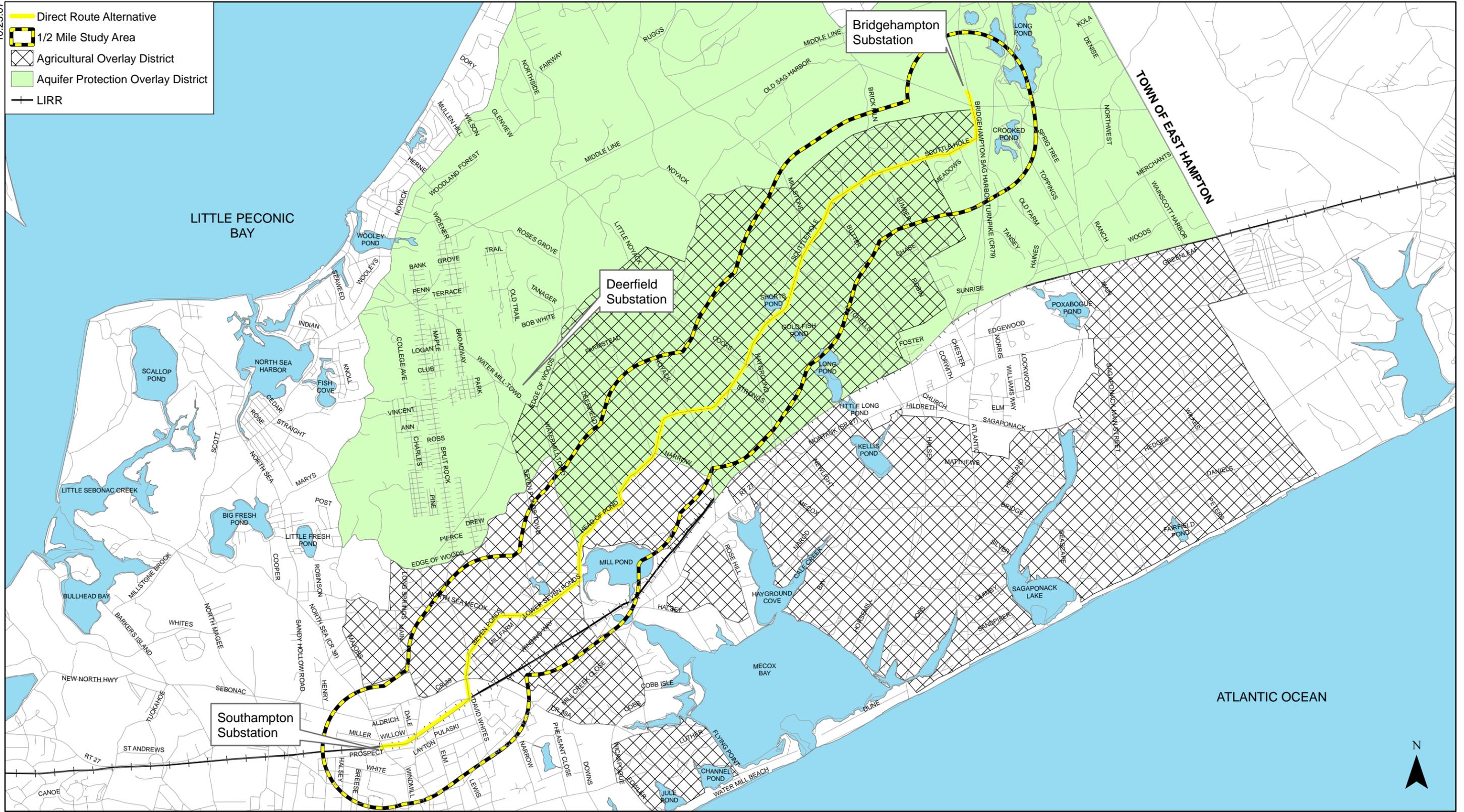
In addition to the general zoning districts noted above, the study area is located within three Town overlay districts. According to the Town Code, overlay district regulations must be followed in addition to those regulations applicable in the standard district in which a given site is found on the Zoning Map as set forth in Articles II (Residence Districts), VI (Business Districts), and VII (Industrial Districts) of Chapter 330. The overlay districts are the Aquifer Protection Overlay District, the Agricultural Overlay District, and Old Filed Map Overlay District. Figures 4-2 and 4-3 depict the boundaries of the overlay districts within the study area.

Aquifer Protection Overlay District

With the exception of the southern portion of the study area, the remaining lands are located within the Aquifer Protection Overlay District (see Figure 4-2). Southampton recognizes that population density and the intensity of land use/land coverage are important variables that can impact water quality and quantity. Therefore, the Town designated a number of Aquifer

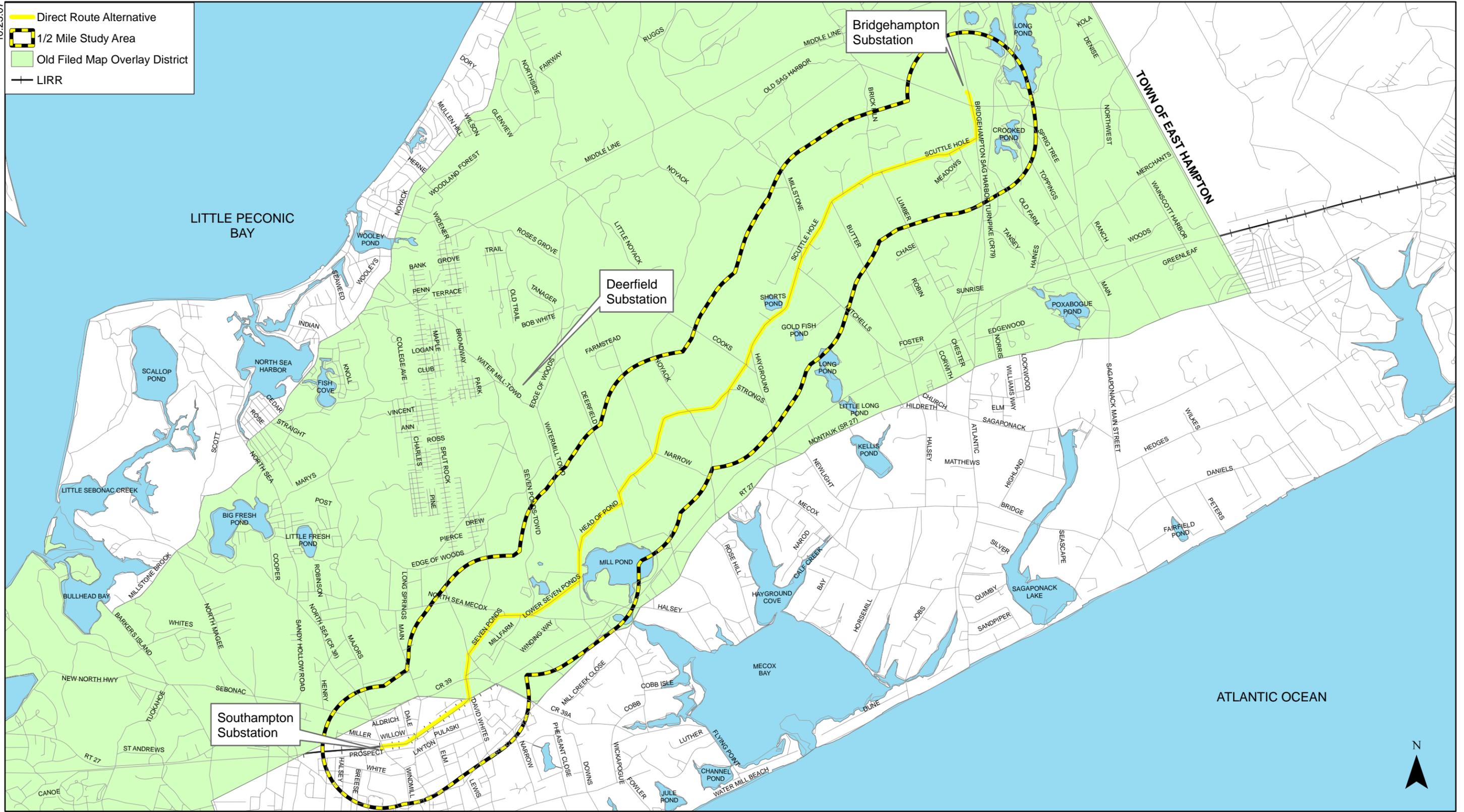
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-  Direct Route Alternative
-  1/2 Mile Study Area
-  Agricultural Overlay District
-  Aquifer Protection Overlay District
-  LIRR



10.23.07

-  Direct Route Alternative
-  1/2 Mile Study Area
-  Old Filed Map Overlay District
-  LIRR



Protection Overlay Districts in 1984. As with all overlay districts, special provisions apply to all lots within the district regardless of their underlying zoning designations.

In addition to regulating land use, specific measures aimed to protect natural vegetation have also been established within this overlay district. The intent is to maximize groundwater recharge and to minimize nitrogen loading from fertilizers. To minimize impacts on groundwater from fertilizers, pesticides, herbicides, and other substances, the Town has placed restrictions on fertilized vegetation. Specifically, fertilized vegetation may not exceed 15 percent of the lot area, and shall not exceed 20,000 square feet unless approved by the Planning Board in accordance with an approved landscape plan.

Agricultural Overlay District

The Town of Southampton, in recognition of the growing economic and development pressures facing prime agricultural lands, and realizing the importance of the view sheds provided by these open rural lands, has implemented an overlay district to encourage and make economically feasible the preservation of prime land for agricultural purposes. As shown on Figure 4-2, the central and northern portions of the study area are located within the Agricultural Overlay District.

In the *Southampton Tomorrow - Comprehensive Plan Update Implementation Strategies*, (1999 Comprehensive Plan Update), the Town of Southampton recommended a combination of preservation approaches to reach the intended goal of at least 80 percent farmland preservation and reduction in overall density by 50 percent. Techniques for preservation include Planned Residential Developments, Transfer of Development Rights, Purchase of Development Rights, Agricultural Planned Development Districts, and private conservation donations. When residential developments are considered, parcels must be delineated to preserve the maximum possible land area for agricultural purposes. Further, unless approved by the Farmland Permit Administrator, no new structures are allowed to be constructed on an agricultural preserve.

Similar to the Aquifer Protection Overlay District, special provisions apply to all lots within this overlay district regardless of their underlying zoning designations. However, the regulations set forth in the standard zoning district are also applicable.

Old Filed Map Overlay District

There are more than 300 subdivision maps filed with the office of the Suffolk County Clerk prior to May 13, 1931, which have no record of approval by either the Planning Board or the Town Board. These maps, referred to as “old filed maps” are generally comprised of lots as small as 20 feet by 100 feet and are smaller than the minimum required in their applicable districts. Most of these lots are located in residentially zoned districts. The Town has created an Old Filed Map Overlay District to establish standards and procedures for the redevelopment of these nonconforming properties. With the exception of lands within the Village, the entire study area is located in this overlay district.

The Town has also established an Old Filed Map Land Bank Program. One of the main objectives of this program is to promote and manage the orderly development of old filed maps by the acquisition, holding, and disposition of development rights or land. These development rights and/or lands would be purchased from funds contained within the Town's Land Bank Trust Fund. Figure 4-3 depicts the location of this overlay district.

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and Expansion of Bridgehampton Substation Project**

VILLAGE OF SOUTHAMPTON

Article II of Chapter 116 of the Code of the Village of Southampton states that the Village has four general zoning district categories and three overlay districts. The four categories are residential, business, industrial, and Multifamily Planned Residential Development District. Within each general zoning district category are specific zoning districts that set forth specific use and building dimension regulations.

In total there are 10 different Village zoning districts in the study area. Almost 11 percent of the study area is located within the Village boundaries. These districts include R-120: Residence District, R-20: Residence District, R-12.5: Residence District, R-7.5: Residence District, MF-25: Multifamily Residential, MF-20: Multifamily Residential, HB: Highway Business, VB: Village Business, OD: Office Business, and L1: Light Industrial. Table 4-3 provides the acreage of each district found within the study area. Figure 4-1B presents the boundaries of the Village zoning districts in the study area. The dominant zoning districts within the study area include R-7.5 (157 acres or 3 percent) and R-20 (126 acres and 2 percent).

**Table 4-3
Village of Southampton Zoning**

| District | Land Area (acres) | Percent of Total |
|--|--------------------------|-------------------------|
| R-120 Residence District | 0.04 | 0.0 |
| R-20 Residence District | 126 | 2.3 |
| R-12.5 Residence District | 90 | 1.6 |
| R-7.5 Residence District | 157 | 2.9 |
| MF-25: Multifamily Residential | 9 | 0.2 |
| MF-20: Multifamily Residential | 41 | 0.7 |
| HB: Highway Business | 31 | 0.6 |
| VB: Village Business | 17 | 0.3 |
| OD: Office Business | 64 | 1.2 |
| L1: Light Industrial | 46 | 0.8 |
| Total for the Village Portion of the Study Area | 581 | 10.6 |
| Study Area Total | 5,494 | N/A |
| Sources: <i>Code of the Village of Southampton</i> , Chapter 116, and Geographic Information System, 2007 | | |

Within the Village, there are four districts along or bordering the proposed line, including R-20, R-12.5, OD, and LI. The proposed new line also falls within a Village overlay district.

Each of the Village’s districts maintains different dimensional regulations that dictate the size of development permitted on each lot or parcel. Table 4-4 provides relevant dimensional regulations for the districts found within the ½-mile study area. Similar to the Town zoning code, all Village districts in the study area permit public utility structures or rights-of-way as a special exception use.

Table 4-4
Dimensional Regulations: Village of Southampton

| District | Minimum Lot Area (Square Feet) | Maximum Lot Occupancy (Percent) | Height (feet) | Front Yard Setback (feet) | Rear and Side Yard Setback (feet) |
|--|--------------------------------|---------------------------------|---------------|---------------------------|-----------------------------------|
| R-120 Residence District | 120,000 | 14 | 35 | 80 | 100 (rear) and 30 (side) |
| R-20 Residence District | 20,000 | 14 | 35 | 40 | 60 (rear) and 20 (side) |
| R-12.5 Residence District | 12,500 | 14 | 35 | 30 | 35 (rear) and 15 (side) |
| R-7.5 Residence District | 7,500 | 14 | 35 | 25 | 25 (rear) and 10 (side) |
| MF-25: Multifamily Residential | 25,000 | 20 | 35 | 40 | 60 (rear) and 20 (side) |
| MF-20: Multifamily Residential | 20,000 | 14 | 35 | 40 | 60 (rear) and 20 (side) |
| HB: Highway Business | 40,000 | 25 | 35 | 100 | 60 (rear) and 50 (side) |
| VB: Village Business | None | 70 | 35 | 10 | 35(rear) and 0 (side) |
| OD: Office Business | 20,000 | 25 | 35 | 35 | 60 (rear) and 30 (side) |
| L1: Light Industrial | 40,000 | 25 | 35 | 25 | 50 (rear) and 25 (side) |
| Sources: Code of the Village of Southampton, Chapter 116, and Geographic Information System, 2007 | | | | | |

Residential Districts

Within the Village portion of the study area there are two general residential categories, i.e., Residence and Multifamily. There are four subcategories of the Residential district (R-7.5, R-12.5, R-20, and R-120) within the study area, comprising approximately 373 acres or 7 percent of the study area. Uses permitted in the residential district include one family dwellings; dwellings lawfully existing prior to the adoption of this chapter; agriculture (excluding animal husbandry); home professional office; private garage; private swimming pool; and park, playground, or recreational areas. Several uses are permitted in the district with the granting of a special exception permit, including places of worship; public library or museum; fire station or municipal office; public utility structure, right-of-way; schools accredited by the New York State Department of Education; and other community facilities (e.g., bus passenger shelter, hospital, medical arts building, membership or country club). See Table 4-4 for the residence districts dimensional regulations.

Within the Multifamily district, which represents 50 acres or almost 1 percent of the study area, the Village Code permits all residential uses with the exception of camping grounds. Other uses permitted are similar to the ones allowed in the Residential districts listed above. See Table 4-4 for the dimensional regulations within this district.

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Business and Industrial District

There are three business districts within the Village portion of the study area, including Village Business (VB), Highway Business (HB), and Office District (OD). These districts represent 0.3, 0.6, and 1.2 percent of the study area, respectively. Uses permitted in the VB and HB districts are similar and include community facilities such as a park or playground, public library, nonprofit clubs and meeting rooms, medical arts building, business uses, although a large number of uses are only permitted by special exception, such as churches; colleges or universities; and nursing homes. Public utility structures or rights-of-way are also permitted with the granting of a special exception. Uses permitted in the OD include agriculture (excluding animal husbandry), greenhouse, plant nursery, banks, meeting halls, funeral homes, offices, and other business uses.

The sole industrial district (LI) in the Village portion of the study area encompasses the Village's industrial park and includes 0.8 percent of the study area. Some community facilities and business uses are permitted in this district. However, residential dwelling units are not allowed. This district is located along the LIRR tracks south of County Road 39 (CR 39). Public utility structures or rights-of-way are also permitted with the granting of a special exception. However, LIPA as a state public authority is not subject to local zoning regulations.

Overlay and Floating Zone Districts

Accessory Apartment Overlay District

The Village portion of the study area is located within the Accessory Apartment Overlay District, which functions as a floating zone. Parcels are located or placed in the district upon approval of a zone change by the Village, after petition, public notice and hearing. Except to the extent that one or more regulations of the underlying district are suspended or overridden by the specific language of an applicable Accessory Apartment Overlay District provision, all regulations applicable in the underlying district apply.

Multifamily Planned Residential Development District

The Multifamily Planned Residential Development District (MFPRD) is a floating zone that allows multifamily housing on sites located in or proximate to existing single-family neighborhoods and in reasonable proximity to shopping services and other community facilities and with access to major roads. The MFPRD is permitted in any residence district, except the R-80 and R-120 zone when located within ½ mile of the boundary of a VB or OD District, and the OD without special exception.

The minimum lot size required for the establishment of a MFPRD district is 120,000 square feet and the permitted density is 6 units per 40,000 square feet of lot area for multifamily dwellings and R-12.5 district for single-family dwellings. The maximum permitted building coverage within an MFPRD district is 20 percent in residential zones and 30 percent in the OD zone. Within the study area, there are limited vacant areas located in those districts where this floating zone is permitted. However, should any development occur in the future within the MPRDD floating zone, the applicant must adhere to all development standards, including the requirement that all utilities within any multifamily development, including electric, telephone, and cable television service, be placed underground. There are no multifamily developments that exist along the proposed transmission line.

PUBLIC POLICY

Public policy consists of the various studies, reports, and plans that serve as guiding documents for land use and other actions. Public policy issues that are relevant to the intent and nature of the Direct Route Alternative include greenways, energy supply, visual resources, land use, and scenic corridors. Pertinent State, regional, and local documents and reports that focus on or discuss these public policy issues are described below.

NEW YORK STATE

New York State Open Space Conservation Plan

In November 2006, New York State Department of Environmental Conservation (NYSDEC), and New York State Department of State and the Office of State Parks, Recreation, and Historic Preservation (NYSOPRHP) released *New York State Open Space Conservation Plan and Generic Environmental Impact Statement*. This is the current adopted Statewide plan for open space acquisition and protection. According to the 2006 plan, during the past several years, the State has conserved nearly one million acres of land with an investment of more than \$658 million.

Preparation of a State-wide open space conservation plan was initiated by an act of the State legislature in 1990, and the first plan was approved in November 1992. It is required by the act that the plan be updated every three years. Subsequent plans were completed in 1995, 1998, and 2002. The 2006 plan, which builds upon the previous studies, was expanded to include New York State's *Coastal and Estuarine Land Conservation Plan*, which is a requirement for coastal states to qualify for federal funds through the Coastal and Estuarine Land Conservation Program (CELCP). This fund gives priority to lands that can be effectively managed and have significant ecological value. Another change from the 2002 plan was the expansion of priority projects that should be included as part of the plan, including major resource areas, areas of statewide significance, and linear corridors.

The 2006 plan contains a description of programs and policies affecting the conservation of the State's open space resources; major conservation successes accomplished under the plan; a list of priority projects; evaluation and criteria used to determine Environmental Protection Fund (EPF) spending priorities; and recommendations by the Regional Advisory Committee, local governments and partnerships, the public, NYSDEC, NYSOPRHP, and New York State Department of State (NYSDOS) staff, and the Governor's Quality Communities Task Force to improve New York's open space conservation program.

The goals of the plan include:

- To protect water quality in New York State, including surface and underground drinking water supplies, and lakes, streams and coastal and estuarine waters needed to sustain aquatic ecosystems and water based recreation;
- To provide high quality outdoor recreation, both land and water based, accessible to New Yorkers regardless of where they live, how much money they have, or their physical abilities;
- To protect and enhance those scenic, historic, and cultural resources readily identifiable as valued parts of the common heritage of New York's citizens;
- To protect habitat for the diversity of plant and animal species to ensure the protection of healthy, viable, sustainable ecosystems and biological diversity within the state;

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- To protect habitat to sustain and enhance populations of endangered species, threatened species, and species of special concern;
- To protect habitat, to sustain the traditional pastimes of hunting, trapping, fishing, and wildlife viewing;
- To maintain the critical natural resource based industries of farming, wood products, commercial fishing, and tourism;
- To provide places for education and research on ecological, environmental, and appropriate cultural resources, yielding a better understanding of the systems from which they derive; and
- To preserve open space, particularly forest lands, for the protection and enhancement of air quality.

See Chapter 3, “Community Facilities and Open Space”, for additional information on this open space plan and specific relevancy to the study area.

Statewide Comprehensive Outdoor Recreation Plan (2003)

New York State’s *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* identifies a recreation policy framework of seven policies. The following five provide direction for natural, cultural and recreation resources: preserve and protect natural and cultural resources; improve recreation and historic site operation, maintenance and resource management practices; improve and expand water-oriented recreation opportunities; develop comprehensive recreationway, greenway and heritage trail systems; and support compatible recreation and interpretive programs. The two remaining policies support the others in that they encourage improved cooperation and coordination, and promote recreation research techniques and management practices. A number of action strategies for implementation have been identified for each policy. Funding sources, programs, and partnerships that help implement SCORP are also identified.

The overall focus of SCORP and its recommendations is to improve the overall use of open space recreation. Some of the recommendations are, however, relevant to this project. Specifically, SCORP recommends the preservation and protection of natural and cultural resources, including the protection of important open space, scenic, historic, and ecologically sensitive areas and identification of threats to natural, cultural, and recreational resources. Additionally, SCORP also recommends the development of comprehensive recreationways, greenways, and heritage trail systems, including trail uses within highway, abandoned rail, and utility corridors.

LONG ISLAND

LIPA Energy Plan 2004-2013, Strategic Plan

LIPA has developed a set of five objectives that form the guiding principles for developing initiatives to meet the energy needs of Long Island in a safe, reliable, and environmentally responsible manner, while maintaining competitive prices. These objectives are:

- Enhance the reliability of the bulk power system;
- Enhance the reliability of the distribution system;
- Minimize customer rates and increase customer satisfaction;

- Promote a healthy environment; and
- Position LIPA to respond rapidly to change.

LIPA has organized its energy plan around the actions required to fulfill these objectives. Short-term targets were also identified to serve as milestones in measuring the success in meeting these objectives.

Energy Plan for Long Island, New York (March 1991)

Published by the Long Island Regional Planning Board, the Energy Plan was based on an underlying premise that the region would face serious energy handicaps in coming years, specifically in the next two decades (1990-2011). The report cited three areas of concern: overdependence on petroleum, escalated electricity rates, and future problems of restricting greenhouse gas emissions.

The report recommended three main strategies to address power supply issues: promote energy conservation, assure an increase supply of natural gas, and increase hydroelectric imports.

Citizens Energy Plan for Long Island, Draft (October 2002)

This report was created and published by the Sustainable Energy Alliance of Long Island, a group composed of 30 local and statewide groups (including civic groups and local agencies). The report reviewed available and existing energy options that considered economics, the environment, and public health, among other issues. The report developed numerous objective targets for four entities: LIPA/KeySpan, New York State, county government, and town government. Most relevant to the Direct Route Alternative are the recommendations directed at LIPA/KeySpan, discussed below:

- Give consideration to clean distributed generation when planning for upgrades to Long Island's electric transmission and distribution system; and
- Consider the indirect costs that result from the generation of electricity with fossil fuels, such as environmental degradation, health related costs, and other societal costs not directly included in electric rates.

The Long Island Comprehensive Special Groundwater Protection Area Plan

Article 55 of the State's Environmental Conservation Laws established the Special Groundwater Protection Planning Project on Long Island. Prepared under the direction of the Long Island Regional Planning Board and released in 1992, the *Long Island Comprehensive Special Groundwater Protection Area Plan* identifies nine special groundwater protection areas in the Nassau and Suffolk County regions. The South Fork Special Groundwater Protection Area (SPGA) covers the study area north of Montauk Highway. The South Fork SGPA encompasses over 29,000 acres, of which two thirds is within the Town of Southampton.

According to the legislation, a special groundwater protection area is defined as a "recharge watershed area within a designated sole source aquifer area within counties having a population of one million or more which is particularly important for the maintenance of large volumes of high quality groundwater for long periods of time." Each special groundwater protection area is also classified as a critical area of environmental concern under the State Environmental Quality Review Act. See Chapter 12, "Groundwater and Surface Water Resources," for additional information regarding the South Fork SGPA and its relevancy to the Direct Route Alternative.

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SUFFOLK COUNTY

Master List and Maps of Proposed County Open Space Acquisition

In 2004, Suffolk County drafted a *Master List and Maps of Proposed County Open Space Acquisition*. With this document, the County identified numerous parcels that should be considered for preservation. No parcels in the ½-mile study area have been identified for open space acquisition.

Smart Growth Policy Plan for Suffolk County

In March 2000, the Suffolk County legislature passed Resolution No. 212-2000, establishing a smart growth policy for County implementation, and required a master plan for smart growth be prepared for Suffolk County. In October 2000, the Suffolk County Planning Department drafted the *Smart Growth Policy Plan for Suffolk County*. This plan was prepared to describe smart growth principles that would “provide sensible growth, balance jobs, and economic development with the preservation of the natural environment and the historical community fabric.” The smart growth initiative is a collaborative effort among Suffolk County, towns, hamlets, villages, and local citizens to promote development that considers all aspects of a community and ways for the community to prosper socially, culturally, economically, and ecologically. There are eight smart growth principles outlined in this document that help to further the County’s goals for appropriate development, reduced sprawl, and preservation of natural features. These eight principles are:

- 1) Encourage consultation and collaboration among communities;
- 2) Direct development to strengthen existing communities;
- 3) Preserve open spaces, natural and historic resources, and working farms;
- 4) Encourage compact and orderly development;
- 5) Provide transportation choices;
- 6) Provide for a variety of housing choices;
- 7) Encourage permitting processes which are predictable, certain, efficient, and final; and
- 8) Encourage consistency of government policies and programs.

Sidewalk Study

The Suffolk County Legislature recently procured approximately \$500,000 for the development of a sidewalk along Bridgehampton Sage Harbor Turnpike. The sidewalk would be constructed on the west side of Bridgehampton Sag Harbor Turnpike, from Montauk Highway to Scuttle Hole Road. All intersections located within this 2-mile stretch would include associated curbs and radii. According to Suffolk County Department of Public Works,¹ the project is still in the planning phase, and a survey and plan are expected to be finalized in 2009. The County also stated that existing poles typically do not present issues as the sidewalk will most likely be constructed to accommodate existing utilities.

¹ Based on a telephone conversation with Bill Colavito, Principal Civil Engineer with Suffolk County Department of Public Works, on October 29, 2007.

EAST END

The East End of Long Island includes the five easternmost towns namely, Riverhead, East Hampton, Shelter Island, Southampton, and Southold. This region varies from the rest of Long Island in that it boasts a large amount of open space and agriculture and serves as a seasonal tourist destination.

Sustainable East End Development Strategies Summary Report

The purpose of this report was to evaluate the East End's transportation system in relation to its land use policies and practices through a 2025 horizon year, to plan future development patterns and transportation solutions that could sustain one another in the long term. The outcome of this report included various goals and guiding principles that emphasized the interconnection of land use and transportation, such as:

- Create a balanced and sustainable approach to improving transportation in coordination with land development;
- Establish a consensus to pursue land use policies consistent with regional goals and to guide regional transportation investment.

Other principles focused on preserving historic character and open space, developing a mix and variety of housing types, minimizing traffic congestion, improving visual character of roadway corridors, and protecting natural resources.

TOWN OF SOUTHAMPTON

On August 15, 2007, AKRF sent a letter to the Town of Southampton Department of Planning requesting a list of all relevant projects and policies that have either been approved, adopted, or are underway (see Appendix B, "Correspondence"). Subsequent to follow-up telephone correspondence, the Town of Southampton referred AKRF staff to the Town's official website, www.town.southampton.ny.us. Several planning studies as well as State Environmental Quality Review Act (SEQRA) documents related to proposed development applications were posted on the site. Provided below is a summary of studies and applications that are relevant to the study area.

According to the Town's website,¹ on February 15, 2007 the Town of Southampton Planning Board issued a SEQRA Findings Statement for the "Two Trees Farms" subdivision application. The application would subdivide a 113.97-acre parcel into 35 residential lots, and preserve 61.51 acres as an agricultural reserve. The subdivision site is located about 0.15 miles south of the Direct Route Alternative on the east side of Hayground Road, south of Scuttle Hole Road, and west of Long Pond and Little Long Pond in Bridgehampton hamlet, and is situated within the CR80 zoning district. Development of the site would not materially change the current uses (vacant, agricultural, and residential), but would increase density.

Town of Southampton Master Plan (1970)

The *Town of Southampton Master Plan* (Master Plan) was first published in 1970 and focused on the balance between development and natural features protection, groundwater management, protection of agricultural resources, and wetlands preservation.

¹ www.town.southampton.ny.us/seqra.html

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Town of Southampton Master Plan Update (1984)

The *Town of Southampton Master Plan Update*, published in 1984, aimed to re-evaluate the development density recommended in the Master Plan and to further establish a balance between preservation of the natural environment and development, while providing for a mix of land uses and adequate open space that would meet the needs of a diverse group of people. This plan recommended upzoning a vast number of lands throughout the Town to 3- and 5-acre lots. This update also encouraged the Town to further pursue the preservation of lands through the purchase of development rights and to reduce density in the subdivision process.

Southampton Tomorrow – Comprehensive Plan Update Implementation Strategies (1999)

In 1999, the Town once again updated their comprehensive plan and published the 1999 Comprehensive Plan Update. The report established goals that sought to balance healthy economic, natural, and scenic environments. To achieve this vision, the report emphasized the need for the Town to protect valuable natural, scenic, and rural resources, while strengthening the local economy and supporting a diverse human community. The following are some of the goals established in that report relevant to the project:

- Protect valuable natural, historic, and scenic resources;
- Enhance the community through a variety of public facilities and programs designed to ensure that Southampton can meet the fullest range of needs for its entire community today and tomorrow; and
- Maintain the existing quality of the local economy, while working to enhance the diversity of the economy for the future, particularly the tourism and second home industries, by protecting the Town's character and quality of place.

Another focus of this document was the scenic quality of the Town and its importance to the overall character. To protect the scenic quality, the report put forth several recommendations, including:

- Protect those open spaces, vistas, farmlands, and scenic areas that define the character of the individual hamlets and Southampton as a whole;
- Establish scenic road corridors Townwide to guide conservation efforts, capital investment, and future development;
- Designate Scenic Resource Protection Overlay Areas to protect the important scenic resources of the Town;
- Identify development standards and design guidelines that would protect scenic resources Townwide;
- Establish and coordinate the roles of the various boards responsible for designating and protecting scenic resources;
- Provide incentives for the protection of significant scenic resources;
- Integrate the protection of scenic and historic resources in the hamlets, particularly Hamlet Heritage Areas;
- Strengthen existing subdivision regulations to achieve scenic resource protection; and
- Identify and preserve scenic vistas from trailheads, scenic roads, ocean frontage, and hamlet areas.

The 1999 Comprehensive Plan Update provides an inventory of the visual quality of roadway corridors throughout the Town. The study labeled certain corridors as highly vulnerable based on their high scenic value. Road corridors receiving less than favorable review ratings had the following: highway commercial strips, junk yards, mined areas, industrial districts, high density contemporary residential developments, institutional, office development, congested highways, and utility lines. Certain portions of several roadways within the study area (including Bridgehampton Sag Harbor Turnpike, Brick Kiln Road, Scuttle Hole Road, and Millstone Road as well as areas in and around agricultural uses) were identified as having high vulnerability, possessing such assets as open space, farmland, and vacant land. Most of these roads currently have utility lines. Other roads in the study area were deemed to have lower vulnerability due to existing development. Utility corridors were assigned low visual ratings based on a qualitative visual assessment. The report encourages that the Town apply to New York State's Scenic Byways Program. At this time, no roadways in the study area have been nominated for this program. However, as mentioned in Chapter 6, "Visual Resources," the Town is in the process of designating several roadways as scenic corridors.

Further, in relation to scenic road corridors, Section 3.4, "Utilities," the 1999 Comprehensive Plan Update states:

As stated in the Subdivision Requirements Section 292-40, "Public Utilities" (Town Code), all electric power, telephone, and cable television lines should be placed underground in new subdivisions. The Town should also make an effort to coordinate with local utility companies to place utility lines underground along scenic corridors. By coordinating schedules for repaving and line replacement, placing the wires underground can often be accomplished at a minimal cost. The wires can be placed in the road right-of-way either at the edge of the pavement or within the shoulder. The underground utility easement should be placed in such a manner as to protect existing trees along the road corridor. In addition, Special Assessment Districts (SAD) can be designated to fund the placement of existing utility lines underground, particularly in Hamlet Business (HB) districts."

In order to accomplish the above recommendation, the plan created three specific action items intended for the Town, which include:

- Coordinate with the local utility companies to place utility lines underground along scenic roads (a discussion regarding scenic roads has been provided below);
- Work with utility companies to locate the utility easement in order to protect existing trees along the corridor; and
- Designate a SAD to fund the placement of utility lines underground.

According to this policy, the Town only requires subdivisions to place or bury utility lines on their lots. However, in other areas of the Town, particularly within the HB Districts, it is recommended that the Town coordinate with local utility companies to place lines underground. The plan recommends developing a special taxing or assessment district to fund the relatively high cost of placing lines entirely below grade.

The Town further created a greenway classification system, where three distinct types of greenways are suggested: Public Access Greenways, Resource Protection Greenways, and Scenic Greenways. All three types of greenways possess specific resources, however, the Resource Protection and Scenic Greenways are recommended for preservation of their visual

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character. Within the study area, scenic corridors have been identified around areas where continuous tracts of agriculture land are present as well as along Bridgehampton Sag Harbor Turnpike, within the same area as the Long Pond Greenbelt.

The Long Pond Greenbelt is a designated greenbelt in the easternmost portion of the study area. It was officially designated for preservation in 1985 through the Town's Adoption of the Long Pond Greenbelt Action Plan. This greenbelt begins in Sag Harbor in the north and continues south to the Atlantic Ocean (see Chapter 3, "Community Facilities and Open Space" for detailed information regarding the Long Pond Greenbelt).

Update to the Town of Southampton Comprehensive Plan Transportation Element (2004)

In 2004, the Town adopted the *Update to the Town of Southampton Comprehensive Plan Transportation Element*. The report described the overall transportation system and ongoing issues within the Town and set forth land use strategies based on preservation, smart growth, and access management. The purpose of the report was to address the increasing demands being placed on the transportation system. The following are recommendations within the plan that are relevant to the Direct Route Alternative:

- Townwide road improvement efforts being undertaken should, whenever possible, include burial of adjacent utility lines and removal of telephone poles as a safety and aesthetic improvement. Also, improvements should include the creation of well planned pedestrian and bicycle access ways.
- Expansion or widening of CR 39 to four or five lanes and also widening several intersections, including David Whites Lane. See Chapter 13, "Traffic, Air Quality, and Noise," for more detail.
- All improvements to CR 39 should address visual appearance and the scenic quality of the roadways, especially in the areas where it serves as a gateway to the eastern portion of Southampton Town.
- Route 27 from Flying Point Road to the Town line should include appropriate design of landscaping to retain the rural character and aesthetic qualities of the community and include traffic calming.
- Create a limited access rail/road joint-use corridor along the LIRR right-of-way extending from CR 39 eastward to East Hampton Road.

The proposed joint-use corridor or new highway was recommended to address and alleviate the high volume of traffic congestion east of the Shinnecock Canal for traffic solely passing through Water Mill and Bridgehampton hamlets to reach points east. The proposed joint-use corridor or new highway option would be located along the LIRR right-of-way between CR 39 and Town Line Road. The first alternative would remove the existing railroad tracks between CR 39 and the Town border with East Hampton, and construct a two-lane roadway with associated shoulders, interchanges, and buffering within the right-of-way. This alternative would require the acquisition of an additional right-of-way. Another option for the proposed joint-use corridor would be to retain the existing tracks and construct a road within the right-of-way, which is approximately 66 feet in width. The roadway part of the corridor would be two lanes with a depressed shoulder that would function with reversible lanes changing to accommodate the different traffic direction volumes throughout the day.

Town of Southampton Community Preservation Fund

The Town of Southampton Community Preservation Fund (CPF) represents the funding mechanism which most of Southampton's open space preservation and management procedures follow. Enacted by New York State on June 22, 1998 and adopted by the Town of Southampton, along with all five East End towns on April 1, 1999, the CPF is supported through a 2 percent real estate transfer tax, and generates revenue on the sale of vacant land valued at more than \$100,000 and on improved property valued at more than \$250,000. In November 2006, the voters of the Town of Southampton approved a 10-year extension of the tax to the year 2030.

Southampton has realized the greatest benefit of all the East End towns in terms of land acquisition and preservation of open space. In its effort to protect its rural heritage and natural resources, Southampton has spent \$161 million on conservation with \$152 million generated from the CPF. As of December 2004, the Town has purchased over 1,944 acres of open space with an additional 300 acres in contract.¹

The most recent project plan report, published in 2005 and drafted for the period between 2004 through 2006, identified over 30,061 acres of open space and farmland in nine target areas. Several parcels were identified in the study area (see Chapter 3, "Community Facilities and Open Space," for specific information). In addition to identifying lands for preservation, the 2005 report also identified and evaluated land use alternatives that would serve to preserve the lands and their resources. Each of the 18 land use alternatives were based on regulations or actions within the Town Code. The following are the identified land use alternatives available to implement the preservation plan: historic landmarks, conservation easements, agricultural use agreement, trails, protection of vegetation, nature preserve, park preserve, old filed maps, planned residential development district, wetlands, transfer of development rights, agricultural overlay district, aquifer protection overlay district, site plan, Central Pine Barrens, planned development district, fee simple acquisition, and private conservation strategies.

An Advisory Board consisting of seven Town residents is responsible for reviewing and making recommendations on proposed acquisitions of interest in real property using monies from the fund. In accordance with Chapter 140, "Community Preservation Fund", lands acquired and managed under this program are to be used for: public enjoyment in a manner compatible with the natural, scenic, and open space character of such lands; preservation of the native biological diversity of such land; enhancing access for passive uses of such land; and preserving culturally significant property consistent with accepted standards for historic preservation.

Bridgehampton Hamlet Plan (February 2004)

The Town of Southampton published a plan that focused on improving the downtown area of Bridgehampton hamlet as well as some general hamlet issues. The plan put forth general recommendations on issues such as affordable housing, parks and recreational spaces, zoning, land use, heritage resources, and redevelopment of specific areas within the hamlet center.

No recommendations were made relevant to the Direct Route Alternative study area.

Water Mill Hamlet Strategy (2003)

The *Water Mill Hamlet Center Strategy* (2003) serves as a continuation of past policies established in the *Water Mill Hamlet Development Strategy* (1991) and the *Water Mill*

¹ *Town of Southampton Community Preservation Fund – Community Preservation Project Plan, 2005*

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Transportation Study (1998). The recommendations set forth in this report focus on development and preservation issues as well as visual character of the area. The report was created as a way to implement the broader goals established in the 1999 Comprehensive Plan Update.

The hamlet center is located along Montauk Highway and is the predominant area of focus in the report. The center is made up of open space, commercial uses, and community facilities. Several historically significant structures and places, identified in the plan, are also located around Montauk Highway, all of which are described in Chapter 8, "Historic Resources," of this EIS.

This plan proposes a recommended design approach for hamlet center development. The approach is critical to the maintenance of Water Mill Center's unique visual and historic ambiance and sets forth guidelines for building siting, design, street design, and other beautification measures. There are no specific recommendations to the Direct Route Alternative study area.

VILLAGE OF SOUTHAMPTON

On August 15, 2007, AKRF sent a letter to the Village of Southampton Town Clerk's office requesting a list of all relevant projects and documents that have either been approved, or may be underway. On August 31, 2007, a response was received indicating that there are currently two projects that have or will be granted subdivision approvals within the study area. The first is a six condominium unit development located at the northeast corner of David Whites Lane and Hampton Road. The second is a four single family unit subdivision located at the corner of North Main Street and CR 39. The correspondence is included in Appendix B of this report.

Village of Southampton Comprehensive Plan (May 2000)

The Village of Southampton drafted and adopted the *Village of Southampton Comprehensive Plan* (Village Comprehensive Plan) in May 2000. The Village Comprehensive Plan puts forth several recommendations regarding open space, shoreline, traffic, downtown development, community facilities, appearance, and land use.

One of the "primary" planning goals set forth in the plan is, "to preserve and enhance the Village's quality of life elements, seen to be open space, the natural environment, and the historic character and small-scale buildings."

Relating to the Direct Route Alternative, the plan places emphasis on preserving the appearance of scenic roadways. For example, the plan states that, "roadside vegetation can be preserved, protecting the rural and scenic qualities important to Southampton."

C. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

The project includes the development of a new transmission substation along Bridgehampton Sag Harbor Turnpike immediately north of and on the same lot as the existing Bridgehampton Substation. The proposed substation expansion would add about 23,000 square feet of impervious coverage to the existing 4,100 square feet of on-site impervious coverage and have electrical equipment less than two stories high. As stated, the Direct Route Alternative would follow existing roadways on the most direct route between the Southampton and Bridgehampton Substations. There are currently about 250 existing wood distribution poles along this specified route that are between 30 and 35 feet above grade and about 16 inches in diameter at the base. The Direct Route Alternative would replace the existing 57-foot wood poles along the LIRR

right-of-way with steel poles about 61 feet above grade and 30 inches in diameter at the base. The existing 30- to 35-foot wood poles would be replaced with new wood poles approximately 48 feet above grade and 22 inches in diameter at the base. As stated in Chapter 1, “Project Description,” some of the existing 30- to 35-foot wood poles would be replaced with 61-foot wood poles at turns along the route and road crossings.

ZONING

The New York State Office of General Services (NYSOGS) is a construction-permitting agency with the responsibility of administration and enforcement of the New York State Uniform Fire Protection and Building Code. The code deals with the issuance of construction permits enabling the construction of proposed electric substation equipment on Long Island. According to LIPA, previous applications for substation approval have resulted in NYSOGS informing LIPA that substations do not fall within the agency’s definition of a structure, and therefore would not require a building permit. It can also be assumed that NYSOGS would not identify poles as structures since they are not a habitable facility. Thus, no permits are required from NYSOGS.

LIPA is a New York State public authority with the power to determine the need for and location, type, size, use, and construction of transmission facilities within its service area. Under well-established case law doctrine and based on language in its enabling statute, LIPA is not obligated to seek local zoning approvals for such projects. However, this section assesses the Direct Route Alternative’s compliance with Town and Village zoning ordinances. Issues relevant to zoning and the Direct Route Alternative include permitted uses, height, and site plan approval.

TOWN OF SOUTHAMPTON

If the Direct Route Alternative were subject to local zoning regulations within the Town, the transmission poles to be installed and new substation equipment may be considered structures as defined by the Town’s zoning ordinance, i.e., “anything constructed or erected on or under the ground or upon another structure or building, excluding walkways and driveways,” and therefore would be subject to the Town’s use and bulk restrictions. All districts along the route permit the construction of utility structures by special exception.

Overlay districts in the study area function as floating zones that intend to preserve natural resources, agricultural lands, and water quality in the area. The Direct Route Alternative would not have an impact on the objectives of the overlay districts. The Direct Route Alternative is primarily located along existing agricultural and residential uses, which have historically coexisted with the present distribution line (and associated 30 to 35-foot wood poles) that would be replaced by the poles proposed for this project. Further, LIPA has proposed to place about 50 percent of the Direct Route Alternative transmission line below ground. This aspect of the project would further protect the scenic quality historically associated with this area of the Town.

As stated, if LIPA were subject to local zoning, the Direct Route Alternative would require a special exception permit for the pole replacement. In addition, a height variance ranging from 8 to 29 feet would be required for all districts along the route.

Special Exception Regulations

In accordance with Chapter 330 of the Town Code, all districts permit public utility structures or rights-of-way by issuance of a special exception permit. Therefore, the construction of the Direct

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Route Alternative along the road right-of-way would require a special exception permit if such regulations were applicable to LIPA. The Planning Board would consider whether or not the erection of utility poles within existing easements would prevent the orderly and reasonable use of adjacent properties, or the orderly and reasonable use of permitted or specially permitted uses in adjacent zoning districts. Pursuant to Article XVII, §330-122 (Special Exception Uses, General Standards), the Planning Board shall determine that:

- Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in §330-3.
- The plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof.
- The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.
- The site is particularly suitable for the location of such use in the Town.
- The characteristics of the proposed use are not such that its proposed location would be unsuitably near a church, school, theater, recreational area, or other place of public assembly.
- The proposed use, particularly in the case of a no nuisance industry, conforms to this chapter definition of the special exception use where such definition exists or with the generally accepted definition of such use where it does not exist in this chapter.
- Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- All proposed curb cuts have been approved by the street or highway agency that has jurisdiction.
- There are off-street parking and truck loading spaces at least in the number required by the provisions of §330-92 through §330-101, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
- Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.
- Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.
- No outdoor sales lot, rental equipment storage or display area will be permitted in the required front yard area of any business district, except that in the HB District such uses may be permitted in the required front yard, provided that they are set back 50 feet from the front property lines.
- The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in this article.

Where the transmission line is located overhead, it would follow the path of the existing distribution line, and all substation work would be performed within the footprints of the existing substation lot. Therefore, the Direct Route Alternative would be consistent with the

character of existing and probable development in each district, and would not affect property values or discourage appropriate land use. The Direct Route Alternative would have no long-term effect on traffic, and would have no air emissions. It would not cause undue interference with recreational or community facilities, and would not pose a hazard to life, limb, or property. The physical characteristics of the land pose no obstacle to the Direct Route Alternative, and the various lots are sufficient and adequate for the proposed use (and indeed already support such use).

Height Regulations

The maximum height permitted in the zoning districts in which the Direct Route Alternative is located is 40 feet and the minimum height permitted is 32 feet. Therefore, a height variance ranging from 8 to 29 feet would be required for all districts along the route. The Town of Southampton empowers the Board of Appeals to grant a variance to “modify the regulations of this chapter granted on grounds of practical difficulties or unnecessary hardship pursuant to the provisions §330-166.”

The Direct Route Alternative would not cause a significant detriment to the health, safety, or welfare of the surrounding community since there are already existing distribution poles that, in some cases, exceed the permitted height. These poles have coexisted with surrounding communities for approximately 80 years. To the contrary, by helping ensure a reliable supply of electricity, the Direct Route Alternative would provide a significant benefit for the community. As stated above, the project area has been used historically for utility purposes for over 80 years, and thus, the construction of the Direct Route Alternative would not produce a change in the character of the neighborhood, but rather would be consistent with the character of the project area and the nearby properties. Nevertheless, LIPA has proposed to install about half of the proposed transmission line underground.

Site Plan Regulations

If LIPA were subject to local zoning, the Direct Route Alternative would also require site plan approval for both the poles and the substation expansion. The Town Code authorizes the Town Board to approve a site plan if such site plan meets a number of conditions, including the physical compatibility of the structure with the surrounding area, the protection of residential areas, parking, access, lighting, and water supply. The Direct Route Alternative would be built on an existing distribution line easement and the substation expansion would occur on the same lot as the existing substation. Thus, the Direct Route Alternative would conform to the requirements of the conditions for site plan approval, if such approval were required.

VILLAGE OF SOUTHAMPTON

If the Direct Route Alternative were subject to local zoning regulations, the new line may be considered a structure as defined by the Village’s zoning ordinance, which defines that term as, “anything constructed or erected on or under the ground or upon another structure or building, excluding driveways constructed at a natural grade.” An assessment of the Village’s applicable zoning districts found that if LIPA were subject to local zoning regulations, a special exception permit, height variance, and site plan approval would be required for all districts along the route.

Special Exception Regulations

Pursuant to Chapter 116, Article IV (Special Exceptions), the Village empowers the Board of Appeals the authority to grant special exception permits. All districts along the line permit public

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utility structures or rights-of-way as a special exception use. The Board of Appeals must generally follow the same guidelines described above to grant such permit. Within the Village, the proposed transmission line would be developed almost entirely within the LIRR right-of-way where an existing transmission line is carried by poles that are about 57 feet tall.¹ Thus, poles already coexist with surrounding uses, and therefore the Direct Route Alternative would not be materially different from what exists today. Further, as with the existing poles, the Direct Route Alternative would be compatible with uses along the LIRR right-of-way and the surrounding area. Further, the Direct Route Alternative would not conflict with recreation and community facilities or residential uses within the Village. Moreover, the substation expansion would occur on the same lot as the existing substation and would continue to function without a conflict with surrounding uses.

Height Regulations

The maximum height permitted in the zoning districts where the Direct Route Alternative would be located is 35 feet for each of the representative districts. Therefore a height variance of 26 feet would be required for all districts along the route. Similar to the Town, the Village empowers the Board of Appeals to grant variances to the zoning chapter of the Village Code.

The existing 57-foot poles would be replaced with 61-foot poles, increasing the pole height by 4 feet. An additional 4 feet would not cause a detriment to the Village or materially change the views along this corridor.

Site Plan Regulations

If LIPA were subject to local zoning, the Direct Route Alternative would also require site plan approval for the installation of the poles. The Village Code authorizes the Village Board to approve a site plan if such site plan meets a number of conditions, including the physical compatibility of the structure with the surrounding area, the protection of residential areas, parking, access, lighting, and water supply. The Direct Route Alternative in the vicinity of the Village would be built along the LIRR right-of-way where an existing transmission line with 57-foot poles is present. The Direct Route Alternative would conform to the requirements of the conditions for site plan approval, if such approval were required.

ZONING CONCLUSIONS

LIPA, as a state public authority is not subject to local zoning regulations. However, even in the absence of LIPA's status as a state public authority, the transmission line and substation expansion with the Direct Route Alternative would be consistent with the existing uses on and along the existing distribution line right-of-way and within the ½-mile study area as presently zoned and, therefore, would not have a significant adverse impact on zoning and land use in the study area whether the transmission line is overhead, underground, or hybrid, including the Village underground option.

¹ In addition, along this route there is an existing pole located just outside Southampton Substation that is approximately 90 feet in height.

PUBLIC POLICY

The State, regional, and local plans put forth recommendations that are relevant to the Direct Route Alternative and focus on energy supply; visual resources; protection of open space, natural resources, agricultural; and transportation policies.

The Direct Route Alternative is the development of a new transmission line that would meet the forecasted energy demands for the South Fork and therefore is consistent with regional energy plans that promote the reliable transfer of energy. LIPA has taken measures to ensure that customers have the ability to choose the energy products and services that best suit their needs as well as propose a secure and well-maintained energy system. The Direct Route Alternative would ensure that energy transmission is clean, equitable, and addresses the energy needs of the area in a manner that is environmentally sound. In addition, this project would meet the expected energy needs for the area as projected in Town and regional plans. It should also be noted that above-ground lines are easier and faster to repair than underground lines, thereby improving reliability at a lower cost of electrical service.

The preservation and enhancement of visual resources and scenic vistas is a stated policy goal in reports published by State, regional, County, and local municipalities. Currently, the Direct Route Alternative contains existing distribution lines. Installation of the new transmission line above ground would not alter the location or presence of the existing distribution lines. Nevertheless, LIPA has proposed to place about 50 percent of the Direct Route Alternative transmission line underground, along this route. As stated in Chapter 6, “Visual Resources”, the Direct Route Alternative would not have a significant adverse effect on visual resources within the study area. Additionally, the proposed Direct Route Alternative would replace a pre-existing distribution line and therefore would not introduce a new use to the area. In addition, the expanded substation would be sited on the same lot as the existing Bridgehampton Substation, thus remaining consistent with existing uses on the lot. The Direct Route Alternative would retain the existing vegetated buffer around the Bridgehampton Substation.

Protection of open space, natural resources, and agricultural lands are also important issues addressed in the summarized policy documents. The identification of open space parcels for preservation would not be affected by the new transmission line or expanded substation. The preservation of these properties has occurred in the past and can continue to occur in the future with or without the transmission line. The new transmission line would be similar to the pre-existing land use along the route (or distribution lines), which have coexisted with agricultural uses and open space qualities of the area for the past 80 years.

Additionally, the Direct Route Alternative would not significantly affect natural resources, including flora, fauna, surface water, groundwater, topography, and soil (see Chapters 9, “Natural Resources,” and 12, “Groundwater and Surface Water Resources”). In relation to the protection of trees along road corridors, the 1999 Comprehensive Plan Update encourages the Town to work with local utility companies, in this case LIPA, to bury lines underground, especially within HB Districts. LIPA will continue to work with the Town and Village to determine which portions of the line would be placed underground and with regard to tree protection. A Special Assessment District (SAD) could be set up to fund placement of lines underground. A SAD has not been created to help fund this project, however, LIPA has proposed to pay for and bury about 50 percent of the Direct Route Alternative within the study area and reduce the overall impact on street trees. As discussed in Chapter 9, “Natural Resources,” LIPA would, where practicable, avoid the removal of street trees.

**Southampton to Bridgehampton Transmission Line
and Expansion of Bridgehampton Substation Project**

Transportation policies often include the development of streetscape, expansion of roadways, and development of pedestrian and bicycle facilities. The Direct Route Alternative would be located along an existing road right-of-way and would not interfere with future development of new transportation projects. In the event of widening projects (e.g., CR 39 road widening, which is just west of the Direct Route Alternative), it is expected that the appropriate agency would coordinate with LIPA should the road right-of-way be affected or included in such a project. The Village underground option would intersect the CR 39 road widening at North Sea Road. LIPA would coordinate with Suffolk County Department of Public Works to avoid construction overlap.

Although there are no current proposals for the development of the recommended joint-use corridor or new highway along the LIRR right-of-way, there is a possibility that the Town may proceed with the construction of the proposed joint-use corridor or new highway along the LIRR right-of-way in the future. The Direct Route Alternative would not, however, prevent the construction of the proposed joint-use corridor because most roadways within the Town maintain utility lines along the adjacent road right-of-way. Further, the Direct Route Alternative would not be located along the LIRR right-of-way where the joint-use corridor is proposed.

The Direct Route Alternative would not have a significant adverse impact on public policy whether the transmission line is overhead, below ground, or hybrid, including the Village Underground Option. *