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3 PSEGLI WEST BARTLETT SUBSTATION COMPATIBLE GROWTH  
4 AREA OF HARSHSHIP WAIVER APPLICATION  
5

6 REPRESENTED BY SY GRUZA  
7

8 1 Independence Hill, Farmingville, New York 11738  
9

10 PRESENT:  
11 CARRIE MEEK GALLAGHER, Chairwoman  
12 SEAN WALTER, Member  
13 KYLE COLLINS, Member  
14 EDWARD P. ROMAINE, Member  
15 BRENDA PRUSINOWSKI, Member  
16 MARTY SHEA, Member  
17 ANDREW FRELENG, Chief Planner  
18 JOHN MILAZZO, Commission Staff  
19 CAROL SHOLL, Commission Staff  
20 SARAH LANSDALE, Representative  
21 DON McCORMICK, Representative  
22 JOHN PAVACIC, Commission Staff  
23 JULIE HARGRAVE, Commission Staff  
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1 PUBLIC HEARING

2 MS. MEEK GALLAGHER: PSEG LI West Bartlett  
3 Substation Compatible Growth Area of Hardship  
4 Waiver Application. The applicant's name is  
5 Long Island Electric Serve Co., LLC, as agent  
6 for Long Island Lighting Company doing business  
7 as Long Island Power Authority. The agents for  
8 the applicant are Sy Russo, PSEG LI, and Mary  
9 Beth Billerman, GEI consultants.

10 MS. HARGRAVE: So just quickly go through  
11 the staff report and the exhibits. You should  
12 have received a staff report in the E packet.  
13 The staff report is Exhibit A.

14 B is a map of the -- We will go back to  
15 the staff report and go over some highlights.  
16 B is the location map of the site. It's on the  
17 east side of West Bartlett Road in Middle  
18 Island, north of Granny Road.

19 The site is C. C is another aerial of the  
20 project site, just so you can see it a little  
21 closer, and it is adjacent to Town of  
22 Brookhaven property on the east side, and it is  
23 on the south side of a LIPA right of way.  
24 Again, has frontage on West Bartlett Road and  
25 to the west is a residential community.

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D is a map of the existing conditions of the site. It shows the site contains a cleared area of about a quarter acre close to the road, and that area currently contains three trailers and a building and a shed, and those are all proposed to be removed under the project.

MR. ROMAINE: Were those trailers approved by the development by the Commission?

MS. HARGRAVE: I don't think we've ever seen this before. I think they have been there for a long time.

MR. MILAZZO: That would be a better question for the applicant.

MR. ROMAINE: Ask the applicant that question. When were the trailers erected?

MR. MILAZZO: We will get there.

MS. HARGRAVE: E is a photograph of the site. John and I went to the site with the applicant, and they walked us through it. You can see there is a cleared area again on the south side. This is the majority of the area that will be used for this substation with some additional area that needs to be cleared for the project. You can see some of the trailers

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2 and the buildings that will all be removed and  
3 the existing vegetation on the site, and you  
4 can see as you walked along the eastern  
5 property, which is adjacent to Town open space,  
6 and the applicant plans to install a split rail  
7 fence to make sure there is no open space for  
8 the project because on the project boundary  
9 line on the east side, there will be a 50-foot  
10 right of way going into the site for overhead  
11 utility lines, so it will be cleared, but it  
12 will not be rubbed and it will not be removed  
13 of all the vegetation. It will just be cleared  
14 and regularly maintained for the overhead  
15 lines.

16 F is a copy of the plan for the site, the  
17 layout of the facilities, and you can see there  
18 is a setback from the road. The road is not  
19 marked here, but it's on the lower part of the  
20 map, and I think it's around at least 40 feet  
21 from the road that the facilities will be  
22 developed, and there will be screening along  
23 the fence line. There will be a barbed wire  
24 fence, and there will be screening along the  
25 fence line. There are existing trees and

## PUBLIC HEARING

vegetation on the south side. This is a paper street and that's going to help buffer the site as well from the adjacent community.

G is a copy of the grading plan which shows the proposed drainage swale, and they are going to install a vegetated slope to minimize earth structures on the site. There is a retaining wall on the north side of the main area where the substation will be developed adjacent to what's shown as tax slot 14, the adjacent residence on the north side otherwise, there is this proposed vegetated plan for the project, and you can see the 50-foot swat along the east side of the property for the proposed overhead utility line.

H is a copy of the study area about a half mile radius around the project site. You can see to the east is mainly composed of Town and County property, and there is a number of conservation parcels as well. To the east and the west is more of a residential development use, and to the south there is a golf course and a Town park on Granny Road. You could see in this map that LIPA did consider an

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alternative sight site. It was in the core, and they were discouraged from developing on that site, so they selected the project site in the CGA.

I is a copy of the applicant's review of standards and guideline and how the project applied. Again, this is a waiver for clearing. There is a commercial land use on the site that was owned by another company previously, but it's in the A5 zoning district, and the clearing standards apply based on the zoning district which is 25 percent.

MR. ROMAINE: The previous owner was Cablevision?

MS. HARGRAVE: Yes, I believe so.

J is a review of their justification of their hardship waiver, and K is a copy of the letter that was submitted to the Commission since LIPA is not subject to local zoning, because the clearing standard is applied based on zoning, they were discussing this issue in their letter and if it was applied by land use, it would be 65 percent but there are many cases going back to the staff report that commission

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has always applied, as far as I understand, the clearing limit based on zoning. So that applied to libraries and fire districts and municipal facilities.

MR. ROMAINE: There are precedents of clearing limits from municipal entities or are they not?

MR. MILAZZO: Yes, they are listed on page --

MS. HARGRAVE: Starts on page 8.

MR. MILAZZO: Of your staff report. So essentially the argument that they offered at the last meeting in one of the letters is that because of their industrial use applied, so the Commission staff looked at that, and on page 8 you will note that on page 11 prior Commission applications of CGA Development Projects for Suffolk County Center; Rocky Point School; Suffolk Tower Cell Company; T-Mobile; Salvation Church, Dayton Avenue, Eastport; South Manor School District; Riverhead Central School District; Sachem East High School. All of those entities were required to meet a hardship from the clearing standard, and the standard

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was applied based on the residential zoning that was in place at the time. I just want to draw your attention to the Suffolk --

MR. ROMAINE: What were their clearing limits for these facilities?

MR. MILAZZO: We would have to look at what their base residential zoning was. The issue is: Does the base residential zoning apply for determining the amount of clearing that they are entitled to?

MR. ROMAINE: That's A5 in this case?

MS. HARGRAVE: Yes.

MR. MILAZZO: Suffolk County Center  
Municipality, Long Wood Municipality,  
Riverhead, Shoreham Wading River Schools  
Municipality, Rocky Point Municipality, Dayton  
Avenue Eastport School District Municipality,  
Sachem High School Municipality, Ridge Fire  
Department Municipality. Probably exempt from  
local zoning which is why they are here, and  
each of those prior instances we applied the  
base residential zoning to determine the amount  
of clearing. I just want to make sure that  
that was brought out just so that that argument

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can be made.

MR. ROMAINE: Counsel, on this particular case, what is the basis which we would then determine what is the clearing limits if we applied the standards that we applied to other municipal entities?

MR. MILAZZO: 25 percent. And so what they are arguing --

MR. ROMAINE: So they want to clear 53 percent?

MR. MILAZZO: It's an additional 28 percent; then they would be allowed under the underlying residential. It is existing clear.

MR. ROMAINE: So the site is already partially clear?

MS. HARGRAVE: Yes.

MR. ROMAINE: How many are clear already?

MR. WALTER: I am not sure why they are here because I've said this multiple times, this is an improvement for the public benefits. I read the statute as their holding exempt because it's improving, I'm paraphrasing that, but I also -- What is noteworthy, I think, is

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this is LIPA; LIPA is the application? Who is the property owner? Because I am just wondering if it is LIPA, do we even have jurisdiction because in the whole scheme of things, it's the State of New York, and we have things like public authorities. We are kind of under public authorities. Do we have jurisdiction over the State of New York?

MS. MEEK GALLAGHER: No.

MR. WALTER: And the authority is -- I would suggest that we don't even have jurisdiction over the Water Authority because they are a higher body of government.

MR. MILAZZO: Let's say the Riverhead water is perfect because it's for the -- it's not development for any activity related to residents of Suffolk County. That's in the law.

MR. WALTER: But the law also says that --

MR. MILAZZO: A public authority would be subject to the Commission.

MR. WALTER: That part of the law that talks about the public that, I mean, I don't have the statute in front of me, John, but

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there is another section that talked about public improvement with the public benefits.

MR. MILAZZO: They have not --

MR. WALTER: I may not be saying it right.

MR. ROMAINE: I get it but if that's the case -- why the Ridge Fire Department, why the high school next door, Sachem East High School, those are all institutions for the public good all of them have created a precedent by coming here. This Commission has reviewed them. We have ruled on them. That indicates that whether it's for public good or not, these entities have all submitted applications to this Commission for approval and at some point for approval.

MR. WALTER: I know. I make the same argument but --

MR. ROMAINE: The State argument is a more compelling argument of a management argument, but the actual things that have occurred in the past two years --

MR. WALTER: Prior to those physical entities, the other municipal entities didn't come. If they came it was just to say hi to

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2 the Pine Barrens Commission, so there is a  
3 whole body of case law where the school  
4 districts and whatnot didn't come. My point  
5 is: This is a State agency and we should let  
6 them put their case on. I am not sure if, one,  
7 we have jurisdiction and, two, I don't know how  
8 anybody argues this is not an improvement for  
9 the public.

10                   MR. ROMAINE: Can I ask counsel? I am  
11 looking at the staff record and it says PSEG  
12 Long Island. Who is the applicant? Is it the  
13 Long Island Power Authority, the trustees of  
14 the Long Island Power Authority to take this  
15 application for this commission, or is it a  
16 private entity?

17                   MR. MILAZZO: Two things, one is -- three  
18 things. One is on our list of prior entities,  
19 the State. If you remember, Statewide Wireless  
20 Network, that was a State initiative by the  
21 Office of Technology, and they came and  
22 reviewed their application, so we just have to  
23 double check that. With respect to whether  
24 municipalities are subject to it, we don't have  
25 to answer that question today, I don't think.

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MR. ROMAINE: But it's a question that we would research?

MR. WALTER: We are not a municipality.

MR. COLLINS: Yes, they are not a municipality.

MR. MILAZZO: Public improvements undertaking for the health, safety, or welfare, of the public. Such public improvement should be consistent with goals and objectives of this article and shall include but are not limited to: Maintenance of existing road or railroad tracks, so we always have that conversation of, if I am LIPA and they are doing power lines this power line replacement down 51, that Commission is not going to review. Just one other thing. If it is at 1.3, then no public entity can grant an approval unless that approval is consistent. No application for development within the Central Pine Barrens shall be improved by any municipality or county or agency thereof and no State approval. The giving of license or a permit or financial assistance for structure, that will be granted for provision of the land. So they didn't make

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2 the public approval argument but --

12 MR. MILAZZO: We are all set.

13 MR. ALDRICH: I guess first thing on the  
14 agency issue, PSEG Long Island is the  
15 authorized agent to act on behalf of LIPA.  
16 This is a LIPA facility --

17 MR. ROMAINE: Is that authorization a  
18 blanket authorization specific with this  
19 application?

20 MR. ALDRICH: Blanket authorization for  
21 anything that has to do with the transmission  
22 or distribution of electric system.

23 MR. MILAZZO: We have an affidavit from  
24 UTPA for this.

25 MR. ROMAINE: So this is an application

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coming from LIPA which now begs the question of jurisdiction since my understanding -- and I could be wrong, I am not a lawyer -- that LIPA is a State agency? Am I correct in saying that?

MS. MEEK GALLAGHER: It's a public authority.

MR. ROMAINE: Created by the State of New York, authorized by the State of New York, populated by the three of our highest ranking officials in the state. Does this Commission then have jurisdiction?

MR. WALTER: That's my argument. That's my point. I think it's both jurisdiction and the public benefit. But you guys have submitted to jurisdiction.

MR. MILAZZO: Well, I think the worst would be if we had gone -- even in other applications by authority, by State entities to the Commission, that if we were to go forward and not get this and wind up getting sued and having this project get sued.

MR. ROMAINE: The worst of all is that the Commissioner doesn't agree on your presentation

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and then you have to assert the non-jurisdictional and the jurisdictional issue, which I think creates even more of a problem in terms of a public relations view, that you submitted yourself to the jurisdiction, but when the ruling wasn't the ruling you thought it could be, you decided to evoke jurisdiction as an issue.

MR. ALDRICH: That's why the hardship should be granted, so we can avoid that problem.

MR. MILAZZO: LIPA has received a Commission approval for a project so LIPA came to us and got approved for a project.

MS. MEEK GALLAGHER: In South Hampton?

MR. ROMAINE: Yes.

MR. COLLINS: What was the nature of that conversation?

MR. MILAZZO: Expansion of a substation.  
That was right over by the river side.

MR. WALTER: Just over the river?

MR. MILAZZO: Yes. So Commissions has asserted and approved LIPA application to go over and approval of LIPA applications in the

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past.

MR. ROMAINE: So the jurisdictional issue has not been raised and we should have a hearing. Adjourn it and then --

MR. MILAZZO: I think that jurisdiction problem has been resolved by our actions in the past with complications and hearing them.

MR. ROMAINE: I won't argue with you.

MR. MILAZZO: That's the Commission's practice today.

MS. MEEK GALLAGHER: Make your case.

MR. ALDRICH: The current situation is that the amount of electricity that LIPA is providing to that particular area of Brookhaven, which includes Middle Island and Yaphank and the surrounding communities, there is not enough power coming. We can barely meet existing needs.

MR. ROMAINE: From your current substation?

MR. ALDRICH: Yes.

MR. ROMAINE: Where is your current substation?

MR. ALDRICH: One in Coram.

1 PUBLIC HEARING

2 MR. ROMAINE: Whereabouts in Coram?

3 MR. ALDRICH: There is a substation in  
4 Coram by the shopping center. The other  
5 substation is in Ridge off of 25. PSEG, Long  
6 Island.

7 MR. FRIGERIN: Vinny Frigerin,  
8 F-R-I-G-E-R-I-N.

9 MR. ROMAINE: So this would be a  
10 substation that you would be building on this  
11 property?

12 MR. FRIGERIN: That is correct.

13 MR. ROMAINE: The three building sheds and  
14 other buildings, they were pre-existing when  
15 LIPA purchased this property?

16 MR. FRIGERIN: That's correct.

17 MR. ROMAINE: Were they -- how long have  
18 they been on that property, do you have any  
19 idea? If you don't have any information about  
20 the structures, if we are permitted to proceed  
21 with the substation project, it will be taken  
22 down. How much of the site would eventually be  
23 cleared?

24 MR. ALDRICH: Well, 53 percent would be  
25 cleared.

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MR. ROMAINE: 47 percent would be left in its natural state? Are you planning to do any kind of planting? Sometimes substations would buffer the view from the road. Any type of vegetation on the sidewalks?

MR. ALDRICH: Yes, there will be buffer landscaping, trees surrounding the facility, and also 1.1 acres will be vegetated post construction. It won't be trees but it won't be vegetated.

MR. ROMAINE: Is that included in the calculation of 47 percent?

MR. ALDRICH: No.

MR. ROMAINE: So in addition to the 47 percent that your plan would vegetate, you are planning to vegetate another -- How much again?

MR. ALDRICH: 1.1 acres.

MR. ROMAINE: Could that percentage in that vegetation that is undestroyed and then be revegetated after the fact too? How big is the parcel?

MS. HARGRAVE: 3.9 acres.

MR. ROMAINE: So you are vegetating

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approximately 1.1 acres?

MR. ALDRICH: Yes.

MR. ROMAINE: Sounds like 25 to 28 percent off the top of my head.

MR. ALDRICH: Yes, 28 percent.

MR. ROMAINE: Is that the contention that when the undisturbed vegetation plus the buffering and revegetation is added up, it will equal about 75 percent of the parcel; is that correct.

MR. ALDRICH: That is correct.

MS. MEEK GALLAGHER: Sy, a member of your team would like to add something.

MR. ROMAINE: I think it's a more acceptable way.

MR. WALTER: We are waiting for a gentleman. Let's let the applicant put his case on. Just like allow a little clarification if you don't mind and to make sure I understand it myself properly.

MS. BILLERMAN: The current is .22. That's where the trailers and that's predominantly where the substation equipment is going to be. Currently, there's 3.6-acres of

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2 forest and in the end 1.83 will be preserved.

3 MS. MEEK GALLAGHER: 1.83 will be  
4 preserved?

5 MS. BILLERMAN: Yes.

6 MR. ROMAINE: That's the percentage of  
7 untouched vegetation that will not be affected  
8 by this project?

9 MS. BILLERMAN: Yes.

10 MR. ROMAINE: What's the percentage of  
11 that? What I contested in the beginning is  
12 that you were discarding the stuff already  
13 cleared. That isn't the way that clearing  
14 counts.

15 MS. BILLERMAN: No. Understand that  
16 that's part of what counts.

17 MR. ROMAINE: So at the end, before any  
18 revegetation takes place, what percentage of  
19 this project will be cleared?

20 MS. BILLERMAN: 53 percent.

21 MR. ALDRICH: Yes.

22 MR. ROMAINE: Then at the end we heard  
23 that 1.1 additional acres will be revegetated.  
24 If that was wrong, let's correct that now.

25 MS. BILLERMAN: Part of what we are

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including as planted in a sense will be planted. There is a drainage control.

MR. ROMAINE: Are you revegetating them?

MR. ALDRICH: That's the grass swail.

MS. BILLERMAN: No, it won't be  
revegetated back to forest.

MR. ROMAINE: So that should not have been calculated into what is left in terms of vegetated.

MS. BILLERMAN: But to also be clear that that 53 percent also includes the right of way which is going to be cut.

MR. ROMAINE: What do you mean "cut."

MS. BILLERMAN: It's not going to be grubbed.

MR. ALDRICH: Just simply cut to allow access.

MS. BILLERMAN: So that's part of the right of way which is not to be cleared completely. It will be cut initially and then to maintain a right of way.

MR. ALDRICH: It will be allowed to grow back, and every several years it will be maintained, maybe cut back a little more and on

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an as-needed basis.

MS. BILLERMAN: So based on my --

MR. ROMAINE: So in the end of the day, 53 percent will be cleared, 47 percent will not be cleared; is that a fair statement?

MS. BILLERMAN: Yes.

MR. ROMAINE: Revegetation plant won't affect that total to any considerable amount, so we are looking at a 47/53 split?

MS. BILLERMAN: Again, part of that clearing and our understanding of clearing was that it's not grub. It's going to be allowed to grow back to certain heights and then cut again.

MR. MILAZZO: So they are having a transmission line. So the proposal is that a substation is the front corner of the property and then the transmission line to the existing line tension, I call it high tension, may be wrong. So they are going to take three or four poles, whatever number it is, they are going to clear it and make sure trees don't grow back, but they will allow growth there.

MR. ROMAINE: Another question. Since the

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substation is going to be near the roadway, is there any part where plants can be done between the roadway and the substation so it won't be visible?

MS. BILLERMAN: Well, the plan is to put vegetation outside the fence line.

MR. ROMAINE: You own outside the fence line.

MR. ALDRICH: The fence line is there to protect the substation.

MS. BILLERMAN: But there will be no --

MR. ROMAINE: There will be some type of buffer between the road and the fence?

MR. ALDRICH: Set back upwards of 40 feet.

MS. MEEK GALLAGHER: Right, a vegetated buffer.

MR. ALDRICH: With the exception of the actual gate.

MR. SHEA: Or scrub the entire property where the actual vegetation would be managed at a certain height. What percent of property does that constitute?

MS. BILLERMAN: There will be a 15-foot wide access road that won't be vegetated.

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2 MR. ALDRICH: It's not a road.

3 MS. BILLERMAN: Dirt.

4 MR. ALDRICH: Dirt and vegetate and is  
5 only cleared as needed for maintenance.

6 MR. WALTER: Do you understand what the  
7 clearing limits are? What's it, 65/35?

8 MR. MILAZZO: No. They wanted 53/47.

9 MR. WALTER: What is it for the Code?

10 MR. MILAZZO: 53. They are going to  
11 clear -- it's 25.

12 MR. WALTER: So they only want to leave  
13 25 percent vegetated?

14 MR. ALDRICH: No. The other way around.  
15 We will have 47 percent.

16 MR. ROMAINE: It's a 47/53 split.

17 MR. ALDRICH: Yes.

18 MR. MILAZZO: That's what they are  
19 proposing.

20 MR. ROMAINE: That is not correct, Your  
21 Honor.

22 MR. WALTER: So they are clearing  
23 53 percent?

24 MR. ROMAINE: Yes, and leaving 47 percent.

25 | MR. ALDRICH: I'm sorry. That 53 percent

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2 is including an acre that's already cleared.

3 MR. WALTER: So they are clearing  
4 53 percent. What are they allowed to clear by  
5 our standards?

6 | MR. SHEA: 25 percent.

7 MR. WALTER: So the variance basically is  
8 the difference of between 25 and --

9 | MR. ALDRICH: 25 and 53.

10 MS. PRUSINOWSKI: Let's look at A5. What  
11 was it at the time of planning option? When  
12 was it up zoned to A5 and what was the zoning  
13 on the parcel at the time that the Pine  
14 Barrens' plan was adopted?

15 MR. ALDRICH: That we don't know.

16                   MR. ROMAINE: Perhaps Ms. Hargrave can  
17 answer that question.

18 MR. SHEA: The question was: What was the  
19 zoning in 1995?

20 MS. HARGRAVE: I believe it was A5.

21 That's what we go by. Yes, A5.

22 MR. ROMAINE: It was A5 in 1995 before the  
23 Pine Barrens Commission came into effect?

24 MS. HARGRAVE: Yes, at the time of the  
25 plan adoption.

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2 MR. WALTER: And that just sets the 53/47.

3 | MR. MILAZZO: 25/75.

4 MR. WALTER: So if we don't give this to  
5 you, can you build the substation?

6 | MR. ALDRICH: No.

7 MR. WALTER: What happens if you don't  
8 build this substation?

9                   MR. ALDRICH: Then we don't meet the power  
10                  demands, and we are not able to provide the  
11                  liability that's needed in order to service the  
12                  residence in the area.

13 MR. WALTER: Is there other suitable  
14 locations along this transmission line that you  
15 can do this and accomplish the same?

16 MR. ALDRICH: We did surveys in the area.  
17 There are others, but they are not suitable.  
18 This is the location we chose because  
19 essentially it's right adjacent to the  
20 transmission line, so it would result in the  
21 minimal impact where other locations would  
22 require much longer runs and transmissions and  
23 possibly larger areas of clearing as a result.

24 MS. BILLERMAN: It needs to be located  
25 near an existing transmission line.

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MR. WALTER: How many sites did you look at?

MR. ALDRICH: Off the top of my head, I am not sure.

6 MS. BILLERMAN: I know that the Real  
7 Estate Department did an exhausted search of  
8 the area. The substation has to be located in  
9 the middle of this area in order to supply the  
10 reliable power. Many other sites there was a  
11 lot of ownership, we have ownership  
12 constraints, there were grating issues, there  
13 are egress emissions in and out of the  
14 substation that will not allow on other  
15 properties, elevations -- some of the other  
16 properties that would possibly cause flooding  
17 on the site, and again, the distance from the  
18 existing transmission line and much of the land  
19 in this whole Middle Island area is designated  
20 open space, and we are also close to the core.

21 MR. WALTER: So it's fair to say that you  
22 have done a pretty exhausting search?

23 MS. BILLERMAN: Yes.

24 MR. WALTER: Can I ask you what you do for  
25 a living with PSEG?

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2 MS. BILLERMAN: I am a private consultant.

3 MR. WALTER: What is your expertise? What  
4 is your resumé?

5 MS. BILLERMAN: Ecologist.

6 | MR. WALTER: For who?

7 MS. BILLERMAN: GEI Consultants.

8 MR. WALTER: And you, sir?

9                   MR. ALDRICH: I am the licensing and  
10                  permitting manager at PSEG.

11                   MR. WALTER: I think my last question  
12 would be, if there's a very limited area that  
13 you can put a facility like -- is there a  
14 facility like this so that you can supply the  
15 needs of the area you are trying to supply?

16 MR. ALDRICH: Absolutely. There is much  
17 criteria that we need to consider to knock out  
18 these other properties, so yes.

19                   MR. WALTER: I think it would be a good  
20 idea for you to provide a written synopsis of  
21 the properties that you've looked at and  
22 discard it, if you can do that for us.

23 MR. ALDRICH: Mm-hmm.

24 MR. WALTER: Planning of this property and  
25 showing us how you landed on this property as

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2 the best site.

3 MR. ALDRICH: Sure.

4 MR. PAVACIC: As part of that, can I just  
5 ask: Does LIPA have any plans for the core  
6 property that's located east of this property  
7 at the east end of the right of way.

8 MS. BILLERMAN: In the core?

9                   MR. ALDRICH: That's the question I'd like  
10                  to defer to counsel, please.

11                   MR. GRUZA: At the moment, no. LIPA was  
12 considering to do this project. This project  
13 or this property wasn't owned by LIPA until it  
14 went out and bought it for the purpose of this  
15 project, but in canvassing, we went out and  
16 purchased what we thought one would have the  
17 least impacts in terms of setting up with  
18 electricity and exactly was recently priced --  
19 now I've lost my -- What was the question?

20 MR. PAVACIC: Does LIPA have any plans for  
21 the core property?

22 MR. MILAZZO: How much did LIPA pay for  
23 the subject property?

24 MR. GRUZA: We will have to provide that  
25 number.

## PUBLIC HEARING

MR. ROMAINE: That would be available at the County Clerk's office. We have that. We will provide it.

MR. MILAZZO: As part of that also, if you can just also break down the clearing, there are different degrees of clearing on the site. Break that down if you have a square where the physical infrastructure is going to go. If you can break that apart, that would be helpful.

MR. WALTER: I am satisfied that if we don't do something, that there will be lots of complaints in Riverhead and Brookhaven when people can't put their air-conditioning on. This is something that's necessary. I think you have some other things to provide to us, and I know you have a good synopsis in here. I know that's why this meets the criteria written in one of these exhibits.

MR. ROMAINE: Can I ask a question? When the substation is built, it will produce how many megawatts of power?

MR. LILIMPAKIS: We don't produce any power from -- 69KB to 68KB.

MR. ROMAINE: Let me ask you something.

## PUBLIC HEARING

If there was a parcel land where a private developer wanted to do something, can it connect to this substation? I just wanted to know if this could be used for solar transmission.

MR. LILIMPAKIS: Yes. It would be suitable in that area to go.

MS. MEEK GALLAGHER: Any other questions for the PSEG LI team? Any applicants?

MR. McCORMICK: Just a few.

The area where the building is going to be located, the actual footprint, would it be accurate to say that that action represents about 17 percent of the total clearing area?

MS. BILLERMAN: Thereabout pretty much represents the area that's already cleared about .22.

MR. McCORMICK: Which is clearly under 25 percent. The other area that you clear to is, I believe you represent, about three inches of growth to allow access for your vehicles to periodically come in to maintain.

MS. BILLERMAN: As clearing to the transmission line.

## PUBLIC HEARING

MR. McCORMICK: Which is related to the right of way, correct?

MS. BILLERMAN: Yes.

MR. McCORMICK: When all is said and done, you are only clearing 72 percent?

MS. BILLERMAN: That's actually already cleared.

MS. MEEK GALLAGHER: Any other questions  
or --

MR. SHEA: Just for clarification, all of the additional clearing where the existing clearing is for the purposes of the transmission right of ways and also for the purpose of putting additional infrastructure.

MS. BILLERMAN: There will also be a swail for the storm water and --

MR. SHEA: But the actual infrastructure in terms of the substation will all be located in the area of the existing clearing?

MR. ALDRICH: Yes. There will be one minor along the leg of the property that ties to the existing transmission.

MR. SHEA: So the long-term plan would be to manage that as natural vegetation as ground

## PUBLIC HEARING

covering vegetation or low shrubs or something else?

MS. BILLERMAN: It's managed to maintain -- to maintain the right of ways so that the transmission lines. It's required transmission lines.

MR. SHEA: So what you are actually doing is topping that vegetation as opposed to grubbing?

MS. BILLERMAN: There's no grubbing. It will be trimmed.

MR. McCORMICK: So you are topping it down to what level?

MS. BILLERMAN: 3 inches.

MR. McCORMICK: So you are not removing the root systems?

MR. ALDRICH: The growth will come up again that would be cleared down to 3 inches or so.

MS. BILLERMAN: 3 to 6 inches.

MR. LILIMPAKIS: Some driving through but not often.

MR. SHEA: So currently that vegetation is what? Is it heath cover? Is it sedge? Is it

## PUBLIC HEARING

grass?

MS. BILLERMAN: It's a lot of blueberry heath. It's basically a pitch pine oak community.

MR. SHEA: Those areas can be managed at a low height in order to prevent clearance. You can actually drive as far as operation of the substation and maintenance of the substation.

MR. ALDRICH: It couldn't be a regular --

MR. SHEA: The basis of the substation would be down through the main road?

MS. BILLERMAN: There will be a driveway.

MR. SHEA: So the main vehicular entrance would be in the existing clearing.

MS. BILLERMAN: Anything that needs to be done to the substation equipment, there is an entrance.

Q So all of the new clearing beyond the 17 percent would be areas where the vegetation would be cut to about three inches, and then it would be managed at a certain height as native heath, blueberries, huckleberries.

MR. FRELENG: So I just want to make sure I am clear. You are going to clear it up to

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2 the existing fence and probably more?

3 MR. ALDRICH: I am not sure what you are  
4 referring to.

5 MR. FRELENG: We have Exhibit D, which  
6 shows the existing fence line. My  
7 understanding is that you will be clearing all  
8 the way up to where the existing fence is and  
9 change the whole grate into the drainage area.

10 MR. ALDRICH: I should say much of that is  
11 existing as open space. I shouldn't say clear,  
12 which isn't the case.

13 MR. FRELENG: Well, we have an idea so I  
14 just wanted to make sure I was understanding.

15 MR. SHEA: Just a quick question with  
16 regards to our planned management of the  
17 existing that's all detailed in your plans?

18 MR. ALDRICH: We have allowed a planting  
19 plan that will identify the species, the  
20 locations.

21 MR. SHEA: That's already been submitted.

22 MR. ALDRICH: It's going through last  
23 minute --

24 MS. BILLERMAN: That will be done.

25 MR. SHEA: So if we close the hearing

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today and we get the application open for like a ten-day written common period, that additional information will be submitted along with the alternative analysis report.

MS. BILLERMAN: The material you are asking is the planting plan on the outside?

MR. SHEA: No. I am speaking with regards to the natural vegetation management component because it needs to be absolutely clear on your plan as to which portions of the site are going to be built on and permanently maintained as clear, landscape, lawn, roads, or structures, and then the area that's going to be managed as natural vegetation, that needs to be clearly identified on the plan as well.

MR. ALDRICH: Very good.

MS. BILLERMAN: We can do that.

MS. MEEK GALLAGHER: Yes, you've been waiting patiently.

MS. LYNCH-BAILEY: Prior to coming here, I did speak also with the president of the Gordan Heights Association, James Freeman. He would have been here had me gotten my e-mail sooner. Granted you're not required to notify the

## PUBLIC HEARING

civics or the neighbors as townships are, but sometimes it would be so helpful. Let's review that we understand everything. This is owned by LIPA not PSEG, correct?

MR. ALDRICH: Correct.

MS. LYNCH-BAILEY: You will always be owned by LIPA and not a private company, right?

MR. ALDRICH: Yes.

MS. LYNCH-BAILEY: That is very important.

Is there any, in lieu of taxes, payment being made to any of the municipalities or we don't know yet? Is that a consideration?

MR. ALDRICH: I can't answer that.

MS. LYNCH-BAILEY: I note that there's also discussion of underground transmission in the application. What does that consist of? Everybody understands overhead. Many people love it, especially this time of year with this heat. What is underground? Who is paying for this? I take it it's the rate payers. How close will it be to the residences because there are several residences on that east side of Bartlett. They probably don't know this is happening; they should.

## PUBLIC HEARING

MR. ALDRICH: Should we answer the questions.

MS. LYNCH-BAILEY: Yes, yes.

MR. FRIGERIN: So I personally hand-delivered letters to the ten homes adjacent to this. I can give you a copy of the letters.

MS. LYNCH-BAILEY: That would be great.

Will it generate any jobs and who would be generating that work? That's a concern of the Gordon Heights Association directly. A5 residential is 25 percent. You are requesting 53 percent, which leaves 47 percent. There is a pressing need for this type of substation particularly for Gordon Heights because in recent years they have been stranded without power, so I don't know if you are going to close this hearing or not. I think that's it. I had a lot of other questions, but I think they were answered by all the great questions by everybody else.

MS. MEEK GALLAGHER: We can close the hearing.

MS. LYNCH-BAILEY: If we can get some kind

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of an easy-to-understand elevation plan that's maybe not an overhead thing. It's very hard to understand. What's on the web site would really help everyone with what's going to be replanted and things like that.

MR. ROMAINE: Before you leave, we have copies and you can certainly share that with James Freeman.

MS. BILLERMAN: One of the plans underway is just a landscaping screening plan that will go along the outside of the fence to block the substation to the best that they can.

MR. GRUZA: To clarify -- and I think there's been a little back and forth on this -- the initial clearing is going to be 53 percent. 47 percent is going to be left as is. Of that 53 percent, a serving portion of that is going to be vegetated, not shrub and bushes and you've asked for that map, and we will give you a calculation of what percent, so it will be less than 53 percent that's there.

MR. ALDRICH: I believe that was your point.

MS. BILLERMAN: My understanding of the

## PUBLIC HEARING

clearing by the Pine Barrens definition is cutting as well, which is why they included that right of way cutting in our total of clearing area.

MR. SHEA: That's correct.

MS. BILLERMAN: Our point was, it's still going to be vegetation. The native original vegetation.

MR. SHEA: Is it possible based upon the information that you are presenting today that the area that will permanently clear and that is set aside from construction for infrastructure, for vehicular roads and landscaping will be 25 percent or less with the remainder of the clearing beyond 25 percent being managed as natural vegetation?

MS. BILLERMAN: That's about what it is, yeah. Because, again, part of the clearing is also the swail areas that will be planted with the seed mix.

MR. SHEA: You'll provide that breakdown?

MS. BILLERMAN: Yes, so it's more clear.

MR. GRUZA: So that number approximately is right, and we will give you a more exact

## PUBLIC HEARING

calculation.

MR. WALTER: There were a couple questions that were outside of the scope that we are here for, but we can answer them so we can move this on. The young lady had a couple of questions of jobs.

MS. LYNCH-BAILEY: Yes, but the underground transmission I would love to know about.

MR. LILIMPAKIS: Maybe the work is being performed by Local 1049 and some other union forces. Yes, it will increase the demand of working people, the duration will be start to finish probably close to four to five months, and, additionally, we need people to work for special activities. I cannot tell now how many additional, but normally they pull people from the union hall and they perform the work.

MR. ROMAINE: So most of this work is union?

MR. LILIMPAKIS: Yes, it is. The whole thing. The underground part is the way we get out from the substation underground, and we go some distance, and then we have a riser that

## PUBLIC HEARING

2 will connect to the overhead. That will be the  
3 15KB with the distribution. That's the  
4 underground part. Very seldom you exit the  
5 substation. It's a safety measure and you  
6 don't want to destroy the substation. That's  
7 why you get out underground. You have the  
8 minimal amount of impact so later on in a few  
9 hours you can provide power to the community.  
10 You dig a trench, you put it in, and dig it  
11 back up.

12 MS. MEEK GALLAGHER: Any last comments or  
13 questions before we consider closing this  
14 hearing?

15 MR. WALTER: I make a motion that we close  
16 the public comment portion and leave it open  
17 for written comment for ten days.

18 MR. ROMAINE: Second.

19 MR. WALTER: Can you get it to us for ten  
20 days?

21 MR. LILIMPAKIS: Yes.

22 MS. MEEK GALLAGHER: All in favor?  
23 (Whereupon, there was a unanimous affirmative  
24 vote of the Commission.)

25 MS. MEEK GALLAGHER: Opposed? Any

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extension? The hearing is closed and remains open for comments for ten days.

(Whereupon, this hearing was adjourned at 4:27 p.m.)

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# I N D E X

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## C E R T I F I C A T E

I, DEANNA HUDSON, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

THAT the foregoing transcript is a true  
and accurate transcript of my original stenographic  
notes.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of July, 2016.

and this 17th day of July, 19

DEANNA HUDSON