

construction or operation of an Article VII transmission facility for which a certificate has been issued by the Public Service Commission (PSC). However, PSL Section 126(f) requires the PSC to apply the applicable state or local laws and regulations relating to the siting of the transmission facilities, except that the PSC may refuse to apply any local law or requirement that as applied to the proposed facilities is deemed to be unreasonably restrictive in view of existing technology, factors of cost or economics, or the needs of consumers. Therefore, to the extent that any standard or requirement under any applicable local law or regulation prevents or unduly restricts the construction or siting of the proposed project facilities, NYSEG requests a waiver pursuant to PSL Section 126(f) of such requirements or prohibitions.

The towns' and village's zoning codes and laws were reviewed with regard to their potential impact on the proposed project. Table 2-3 below provides a listing of local codes and laws for which waivers are requested. Ordinances that require an application for, or provide requirements to obtain, a Building Permit, Certificate of Occupancy, Operating Permit, Certificate of Compliance for Flood Plain Design, site plan approval, preliminary plan approval, or Zoning Permit are not listed in these tables because Section 130 of the Public Service Law bars municipalities from requiring consents or permits for the construction of an Article VII certified facility. Similarly, applicant has not requested waivers from ordinances that would allow a municipal Code Enforcement Officer to issue a stop work order based on violations of a municipal permit, since municipalities are barred from requiring such permits for an Article VII facility and applicant will not apply for such permits.