

**New York State Electric & Gas Corporation**  
**Columbia County Transmission Project**

**Exhibit 7**

**Local Ordinances**

## TABLE OF CONTENTS

| <u>Section</u>                                   | <u>Page</u> |
|--|-------------|
| <b>EXHIBIT 7: LOCAL ORDINANCES .....</b>         | <b>7-1</b>  |
| 7.1 Introduction .....                           | 7-1         |
| 7.1.1 Compliance Summary Table .....             | 7-1         |
| 7.1 County of Columbia .....                     | 7-3         |
| 7.1.1 Section 136 – Highway Law .....            | 7-3         |
| 7.1.2 Local Law No. 2 – Littering .....          | 7-4         |
| 7.1.3 Local Law No. 3 – Solid Waste .....        | 7-4         |
| 7.2 Town of Chatham .....                        | 7-4         |
| 7.2.1 Chapter 83 – Dumping and Littering .....   | 7-4         |
| 7.2.2 Chapter 108 – Vehicles and Traffic .....   | 7-4         |
| 7.2.3 Chapter 180 – Zoning .....                 | 7-5         |
| 7.3 Town of Ghent .....                          | 7-8         |
| 7.3.1 Chapter 99 – Flood Damage Prevention ..... | 7-8         |
| 7.3.2 Chapter 144 – Solid Waste .....            | 7-9         |
| 7.3.3 Chapter 156 – Subdivision of Land .....    | 7-9         |
| 7.3.4 Chapter 175 – Vehicles and Traffic .....   | 7-10        |
| 7.3.5 Chapter 181 – Vehicles, Off-Road .....     | 7-11        |
| 7.3.6 Chapter 190 – Zoning .....                 | 7-11        |
| 7.4 Town of Stockport .....                      | 7-15        |
| 7.4.1 Chapter 99 – Solid Waste .....             | 7-16        |
| 7.4.2 Chapter 120 – Land Use Law .....           | 7-16        |
| 7.5 References .....                             | 7-21        |

\* \* \* \* \*

# LIST OF TABLES

|   | <b><u>Page No.</u></b> |
|---|------------------------|
| Table 7-1: Compliance Summary .....                               | 7-2                    |
| Table 7-2: Town of Chatham Local Ordinance Waiver Requests .....  | 7-22                   |
| Table 7-3: Town of Ghent Local Ordinance Waiver Requests.....     | 7-23                   |
| Table 7-4: Town of Stockport Local Ordinance Waiver Requests..... | 7-27                   |

\* \* \* \* \*

## LIST OF FIGURES

- Figure 7-1      Town of Chatham Zoning Map  
Figure 7-2      Town of Ghent Zoning Map  
Figure 7-3      Town of Stockport Zoning Map  
Figure 7-4      Town of Stockport Draft Land Use District Map

\* \* \* \* \*

## **EXHIBIT 7: LOCAL ORDINANCES**

---

### **7.1 Introduction**

The Columbia County Transmission Project (Project) is proposed to be sited in the following jurisdictions: County of Columbia, Town of Chatham, Town of Ghent, and Town of Stockport (each a “Locality”).

This exhibit identifies, for each Locality, every substantive local legal provision (ordinance, law, regulation, standard, and requirement) potentially applicable to the proposed Project. Applicant requests that the New York State Public Service Commission (“Commission”) refuse to apply to the Project those local legal provisions which are unreasonably restrictive in view of the existing technology, factors of cost or economics, or the needs of consumers as they apply to the Project. Except for those provisions the Applicant specifically requests that the Commission not apply, the Applicant will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions that are applicable to the Project.

Because of the preemptive effect of Public Service Law (PSL) Section 130, no state agency, municipality, or any agency thereof may require any approval, consent, permit, certificate, or other condition for the construction or operation of the Project other than those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of the Project.

#### **7.1.1 *Compliance Summary Table***

The Compliance Summary Table set forth below lists every substantive local legal provision potentially applicable to the Project. It specifies every such local legal provision that the Applicant requests that the Commission not apply, in whole or in part. Tables 7-2 through 7-4 at the end of this exhibit provide summaries of all waiver requests including justification and statutory basis for each request.

**Table 7-1: Compliance Summary**

|                           | <b>Local Ordinances</b>                     | <b>Compliance Summary</b>             |
|---------------------------|---|---------------------------------------|
| <b>County of Columbia</b> | Section 136 - Highway Law                   | Will Comply                           |
|                           | Local Law No. 2 - Littering                 | Will Comply                           |
|                           | Local Law No. 3 - Solid Waste               | Will Comply                           |
| <b>Town of Chatham</b>    | Chapter 83 - Dumping and Littering          | Will Comply                           |
|                           | Chapter 108 - Vehicles and Traffic          | Will Comply                           |
|                           | Chapter 180 - Zoning                        |                                       |
|                           | District Regulations                        | Requests Partial PSC Refusal to Apply |
|                           | Public Utility Uses, Siting, and Structures | Requests Partial PSC Refusal to Apply |
|                           | Height Requirements                         | Will Comply                           |
|                           | Signs                                       | Will Comply                           |
|                           | Noise                                       | Will Comply                           |
|                           | Temporary Structures                        | Will Comply                           |
| Grading Permits           | Will Comply                                 |                                       |
| <b>Town of Ghent</b>      | Chapter 99 - Flood Damage Prevention        | Will Comply                           |
|                           | Chapter 144 - Solid Waste                   | Will Comply                           |
|                           | Chapter 156 - Subdivision of Land           | Requests Partial PSC Refusal to Apply |
|                           | Chapter 175 - Vehicles and Traffic          | Will Comply                           |
|                           | Chapter 181 - Vehicles, Off-Road            | Will Comply                           |
|                           | Chapter 190 - Zoning                        |                                       |
|                           | District Regulations                        | Requests Partial PSC Refusal to Apply |
|                           | CI-3 District Regulations                   | Requests Partial PSC Refusal to Apply |
|                           | General Standards                           | Requests Partial PSC Refusal to Apply |
| Height Requirements       | Will Comply                                 |                                       |

|                   | Local Ordinances   | Compliance Summary                    |
|-------------------|--|---------------------------------------|
|                   | Fences   | Requests Partial PSC Refusal to Apply |
|                   | Signs  | Will Comply                           |
| Town of Stockport | Chapter 99 - Solid Waste                                   | Will Comply                           |
|                   | Chapter 120 - Land Use Law                                 |                                       |
|                   | District Regulations                                       | Requests Partial PSC Refusal to Apply |
|                   | Height Exceptions  | Will Comply                           |
|                   | Rural Residential District Development Guidelines          | Requests Partial PSC Refusal to Apply |
|                   | Agriculture Overlay District Development Guidelines        | Will Comply                           |
|                   | General Performance Standards                              | Will Comply                           |
|                   | Signs  | Will Comply                           |
|                   | Excavation   | Will Comply                           |
|                   | Development near Streams, Wetlands, and Other Watercourses | Will Comply                           |
|                   | Screening  | Requests Partial PSC Refusal to Apply |
|                   | Erosion and Sedimentation Control                          | Requests Partial PSC Refusal to Apply |

**7.2 County of Columbia**

All Project facilities, including Circuit #726, the extension of the National Grid Trunk #15 115-kV transmission line, and the new Ghent Switching Station are located within Columbia County. Existing facilities affected by the proposed Project, including Klinekill Substation and a portion of the right-of-way for Circuit #984, are also located within Columbia County.

**7.2.1 Section 136 – Highway Law**

Section 136 prohibits construction or improvement within a Columbia County road right-of-way of an entrance or connection to such road; construction of any works, structure, or obstruction in

the County road right-of-way; or any overhead or underground crossings of the County road right-of-way without a work permit issued by the County Highway Superintendent.

*The proposed Project will require overhead crossings of County Route 21 and County Route 22. The need for a work permit for the Project is preempted by PSL Section 130. Therefore, the Applicant will not seek a work permit from Columbia County for the overhead crossings of County Routes 21 and 22.*

### **7.2.2 Local Law No. 2 – Littering**

Local Law No. 2 regulates littering in Columbia County. No person shall throw, dump, deposit, or place any solid waste, hazardous waste, infectious waste, or any nauseous or offensive matter in or upon any land in Columbia County except within a disposal facility or upon other land with the express consent of the owner.

### **7.2.3 Local Law No. 3 – Solid Waste**

Local Law No. 3 regulates the disposition of solid waste at landfills, solid waste convenience stations, and solid waste transfer stations and establishes requirements for vehicles used to transport or dispose of solid waste.

## **7.3 Town of Chatham**

Project activities in the Town of Chatham would include overhead construction of a portion of Circuit #726, which parallels and shares 50 feet of right-of-way with the existing Circuit #984, and improvements to the existing Klinekill Substation.

### **7.3.1 Chapter 83 – Dumping and Littering**

§83.3 provides specific prohibitions and restrictions regarding the storage and disposal of waste materials. Garbage, rubbish, and construction and demolition debris, awaiting collection or removal, must be stored in a manner that does not impair public health or safety.

### **7.3.2 Chapter 108 – Vehicles and Traffic**

§108-4 through 108-11 provides specific limitations and restrictions regarding the movement of motor vehicles. §108-11 prohibits the movement of trucks over certain weights from traveling on specific streets or parts of streets except for the pickup and delivery of materials on such

streets. Any vehicle with a gross weight exceeding five tons is excluded from traveling on the entire length of Elliot Road. §108-12 through 108-16 provides specific limitations and restrictions regarding the parking, standing, and stopping of motor vehicles.

### **7.3.3 Chapter 180 – Zoning**

#### **7.3.3.1 Zoning Map and Districts**

Figure 7-1, located at the end of Exhibit 7, is the Town of Chatham Zoning Map. The proposed Circuit #726 right-of-way is located in the Rural Land 2 (RL-2) and Business (B) districts. The existing Klinekill Substation is located in the B district.

#### **7.3.3.2 District Regulations**

§180-13 governs uses in the RL-2 district. Public utility buildings, structures, and uses are not permitted uses in this district. The minimum dimensional requirements of the RL-2 district include a lot area of five acres, lot width of 300 feet, and front, side, and rear yards of 50 feet each.

§180-15 governs uses in the B district. Public utility buildings, structures, and uses are not permitted uses in this district. The minimum dimensional requirements of the B district include a lot area of two acres, lot width of 200 feet, front yard of 25 feet, and rear yard of 50 feet. The Town of Chatham Planning Board may require side yards of up to 25 feet.

*To the extent that they are applicable to the proposed Circuit #726, the Applicant requests that the Commission refuse to apply the use, dimensional, and area requirements detailed in the Town of Chatham zoning ordinance. Circuit #726 in the Town of Chatham will be constructed overhead and parallel to an existing electric transmission right-of-way; fifty feet of the 100-foot Project right-of-way will be shared with the existing utility right-of-way. The individual structure locations along Circuit #726 will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size.*

*The proposed Project improvements at the existing Klinekill Substation will not change the dimensions of the lot, and, therefore, are not affected by the zoning ordinances in the Town of Chatham.*

### **7.3.3.3 Public Utility Uses, Siting, and Structures**

§180-22 sets forth a number of restrictions regarding the location and use of public utility structures and requires a “public utility special permit” from the Zoning Board of Appeals prior to any public utility use or the placement of any public utility structure in any zoning district in the Town of Chatham. The ordinance also includes substantive provisions. The structures must be sited to have the least possible visual impacts on other lands within the Town of Chatham. Each aboveground utility structure must comply with zoning setback regulations and must be set back a distance at least equal to its height (Subsection E); no structure should be artificially lighted unless required by any state or federal agency having jurisdiction over the site. Structures must be constructed of such materials and painted in such colors to minimize visual impacts (Subsection F); existing on-site vegetation must be preserved to the maximum extent possible (Subsection G); in the event that the use of a utility structure is discontinued, the structure must be completely removed, and the property must be restored to its original condition (Subsection H).

*The Applicant requests that the Commission refuse to apply the setback regulations detailed in the Town of Chatham zoning ordinance as they apply to Circuit #726. The individual structure locations along Circuit #726 will depend upon possible span lengths regardless of setback requirements. The need for a public utility special permit for the Project is preempted by PSL Section 130; therefore, the Applicant will not seek a special use permit from the Zoning Board of Appeals for the portion of the proposed Project in the Town of Chatham.*

### **7.3.3.4 Height Requirements**

§180-26 sets forth the height regulations for structures in all zoning districts. All structures must not exceed a height of 35 feet above average ground level unless approved by the Board of Appeals.

*The Applicant has determined, based on NESC criteria and prudent engineering considerations, that the optimal height is 60 feet for the Circuit #726 structures. Because the Board of Appeals can permit a structure height greater than 35 feet, the Town of Chatham is prohibited by PSL 130 from requiring that NYSEG seek an approval from the Town of Chatham to install the Circuit #726 structures.*

### **7.3.3.5 Signs**

§180-32 sets forth the zoning ordinance regulations for signs. A temporary construction sign, not exceeding 24 square feet, is permitted on a property being developed. Such sign must be removed when development on the property is complete. Additionally, a business sign is permitted in connection with any legal industry if used for identification purposes.

### **7.3.3.6 Noise**

§180-34 establishes the maximum noise level at each property line at 90 decibels.

*During construction of Circuit #726, motorized equipment will be used for vegetation clearing, excavation, and the erection of structures. These activities typically produce composite noise levels between 80 and 90 decibels at a distance of 50 feet from the source and between 50 and 60 decibels at a distance of 1,000 feet from the source. Construction activities associated with equipment modifications to the existing Klinekill Substation are not expected to produce significant noise levels. The permanent noise sources associated with the Project will include the corona effect of Circuit #726 during atmospheric conditions, including rain, fog, and high humidity, and the minor source from routine inspection and maintenance of the transmission line, switching station, and substation. The proposed improvements at the existing Klinekill Substation to accommodate Circuit #726 will not change the sound levels at this substation during operation. Project construction and operational activities are expected to remain in compliance with this local ordinance. More details are provided in Exhibit 4.*

### **7.3.3.7 Temporary Structures**

§180-39 requires that temporary structures used in conjunction with construction work be permitted only while construction activities are in progress. Permits for temporary structures are issued for a twelve month period.

*The Applicant will comply with the substantive provisions of §180-39; however, the need for a temporary structure permit for the Project is preempted by PSL Section 130. Therefore, the Applicant will not seek a temporary structure permit from the Town of Chatham for the portion of the proposed Project in the Town of Chatham.*

### **7.3.3.8 Grading Permits**

§180-40 requires a grading permit to move topsoil, sand, earth, and/or gravel from one portion of a construction site to another during building construction, improvement to land, or landscaping where greater than one acre of land is disturbed. No excavation of soil, natural products, or rock should adversely affect natural drainage, structural stability, or the safety of adjoining buildings or lands. Additionally, excavations must not create objectionable dust or noise nor create any kind of noxious or injurious substance or cause a public hazard.

*The need for a grading permit for the Project is preempted by PSL Section 130; therefore, the Applicant will not seek a grading permit from the Town of Chatham for the portion of the proposed Project in the Town of Chatham.*

## **7.4 Town of Ghent**

Project facilities in the Town of Ghent include an overhead portion of Circuit #726, the proposed Ghent Switching Station, and a portion of the National Grid Trunk #15 115-kV transmission line extension.

### **7.4.1 Chapter 99 – Flood Damage Prevention**

This chapter is applicable to all areas of special flood hazard within the jurisdiction of the Town of Ghent. §99-11 requires a development permit prior to the start of construction or other development activities within a special flood hazard area. §99-12 allows the local administrator to issue a stop-work order for floodplain development found ongoing without an approved development permit or not in compliance with the requirements of Chapter 99. §99-13 requires the following general standards to be adhered to in a special flood hazard area: all new construction must be anchored to prevent flotation, collapse, or lateral movement of the structure (Subsection A); all construction materials and utility equipment must be resistant to flood damage, and construction activities must be completed using methods and practices that minimize flood damage (Subsection B); and the cumulative effects of proposed development combined with existing and anticipated development must not increase the water surface elevation of the base flood more than one foot at any point (Subsection E).

*The floodplains associated with Kline Kill in the Town of Ghent are crossed by Circuit #726, and a special flood hazard area is located within the Project right-of-way as identified and defined*

*on the flood insurance rate map for Columbia County prepared by FEMA. The Project will adhere to the substantive provisions of the Flood Damage Prevention ordinance, but will not seek a development permit according to PSL Section 130.*

#### **7.4.2 Chapter 144 – Solid Waste**

This chapter adopts the County of Columbia recycling regulations as the controlling solid waste regulations in the Town of Ghent.

#### **7.4.3 Chapter 156 – Subdivision of Land**

Article IV of Chapter 156 regulates lot size and arrangement, access, drainage improvements, and the preservation of natural features as they relate to the subdivision of the land in the Town of Ghent. Subdividers of land must seek approval for each proposed subdivision from the Town of Ghent Planning Board. According to §156-12, land to be subdivided must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Additionally, all required improvements must be constructed or installed in conformance with Town specifications.

The following requirements in regards to street layout are presented in §156.13: streets must be of sufficient width, suitably located, and constructed to conform with the Town of Ghent Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal, and other road maintenance equipment (Subsection A); minor streets must be laid out so that their use by through traffic will be discouraged (Subsection C); minor or secondary street openings into collector or major arterial roads must be at least 500 feet apart (Subsection H); streets must join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins (Subsection J).

§156.14 addresses the following street design requirements: minor roads must have a minimum right-of-way width of 50 feet and a minimum pavement width of 22 feet (Subsection A); grades of all streets must conform in general to the terrain and must not be more than three percent within 50 feet of any intersection (Subsection E); all changes in grade must be connected by vertical curves of such length and radius so that clear visibility is provided for a safe distance (Subsection F); all street right-of-way lines at intersections must be rounded by curves of at least 20 feet radius (Subsection G); steep grades and curves must be avoided (Subsection H).

§156-17 requires drainage improvements relating to the subdivision of land. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Drainage facilities must be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width (Subsection A). Any culvert or other drainage facility must be large enough to accommodate potential runoff from the entire upstream drainage area. The Town Engineer must approve the design and size of the facility based on anticipated runoff from a ten-year storm (Subsection B).

§156-18 states that a tree with a diameter of eight inches or more as measured three feet above the base of the trunk must not be removed without prior approval by the Planning Board.

*Chapter 156 does not regulate easements and, therefore, is not applicable to Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension. The proposed site for the Ghent Switching Station will require the subdivision of a parcel of land. The Applicant will not seek approval from the Planning Board, according to PSL Section 130. To the extent that the subdivision regulations would apply to the Ghent Switching Station, the Applicant requests a waiver of the Ghent subdivision regulations for the subdivision of land for construction of the proposed Ghent Switching Station. The proposed site for the Ghent Switching Station is landlocked and will require a private access road from State Highway 9H. It will be somewhat screened from local traffic by existing vegetation along State Highway 9H. The proposed project will require the removal of trees with a diameter of eight inches or more as measured three feet above the base of the trunk. The Applicant will not seek approval from the Planning Board, according to PSL Section 130.*

#### **7.4.4 Chapter 175 – Vehicles and Traffic**

§175-3 prohibits vehicles in excess of five tons from traveling on any Town of Ghent highway that is excluded from the truck route system. The truck route system includes Soller Heights Road from its intersection with NY State Route 66 to its intersection with Arch Bridge Road; Link Road; Letter S Road; Tallerico Road from County Route 30 as far as Tallerico/Spook Rock Road; Tallerico/Spook Rock Road from County Route 30 south as far as Link Road; and Stockport Road from the Town of Stockport line to NY State Route 9H. §175-6 prohibits motor

vehicles from parking within the legal right-of-way of a Town of Ghent highway from November 1 through April 15.

*The Project is exempt from the restrictions addressed in Chapter 175 according to Subsection A of §175-4 under Article 1, which states that the Article “shall not be construed to prevent the delivery or pickup of merchandise or other property along the Town highways excluded from the truck route system”.*

#### **7.4.5 Chapter 181 – Vehicles, Off-Road**

§181-3 prohibits the operation of any off-highway vehicles (i.e., two- and four-wheel all-terrain vehicles) on private property within the Town of Ghent without written permission from the property owner or occupant.

*Easement agreements with landowners in the Town of Ghent will grant NYSEG personnel permission to use off-highway vehicles during periodic right-of-way inspections and maintenance of Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension.*

#### **7.4.6 Chapter 190 – Zoning**

##### **7.4.6.1 Zoning Map and Districts**

Figure 7-2, located at the end of Exhibit 7, is the Town of Ghent Zoning Map. The proposed Circuit #726 and National Grid Trunk #15 115-kV transmission line extension rights-of-way are located in the following districts: Residential Agricultural (RA-1), Commercial Industrial (CI-3), and Flood Area Overzone (FAO). The proposed Ghent Switching Station is located in the CI-3 District. The requirements of the FAO district were discussed above in Section 7.4.2 (Chapter 99 – Flood Damage Prevention).

##### **7.4.6.2 District Regulations**

§190 Attachment 1 references public utility structures or rights-of-way as a permitted use in the RA-2 zoning district with a special permit. For the RA-2 district, §190 Attachment 2 requires (i) a two-acre minimum lot area, (ii) a five-acre minimum density per lot, (iii) a ten percent maximum total lot area occupied by main and accessory buildings, (iv) a 200-foot minimum lot width, (v) a 35-foot maximum height, (vi) a 75-foot minimum front yard setback, (vii) a 40-foot

minimum side yard setback for one side, (viii) an 80-foot total minimum setback for both side yards on an interior lot, (ix) a 50-foot minimum setback for a side yard abutting a side street on a corner lot, (x) a 40-foot minimum rear yard setback, and (xi) a 60-foot frontage.

§190 Attachment 3 references public utility structures or rights-of-way as a permitted use in the CI-3 zoning district with a special permit. For the CI-3 district, §190 Attachment 4 requires (i) a 40,000-square-foot minimum lot area, (ii) a fifty percent maximum total lot area occupied by main and accessory buildings, (iii) a 100-foot minimum lot width, (iv) a 35-foot maximum height, (v) a 50-foot minimum front yard setback, (vi) a 15-foot minimum side yard setback for one side, (vii) a 30-foot total minimum setback for both side yards on an interior lot, (viii) a 15-foot minimum setback for a side yard abutting a side street on a corner lot, (ix) a 40-foot minimum rear yard setback, and (x) a 60-foot frontage.

*To the extent that they are applicable to the proposed Project, the Applicant requests that the Commission refuse to apply the use, dimensional, setback, and area requirements detailed in the Town of Ghent zoning ordinance because they are potentially unduly restrictive in view of the existing technology and cost factors. Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension in the Town of Ghent will be constructed overhead and will both feed into the proposed Ghent Switching Station. A portion of Circuit #726 will parallel an existing electric transmission right-of-way; fifty feet of the 100-foot Project right-of-way will be shared with the existing utility right-of-way. The individual structure locations along Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size. The Applicant has determined, based on NESC criteria and prudent engineering considerations, that the optimal height is 60 feet for Circuit #726 and the National Grid Trunk #15 115-kV transmission line structures. It is not technologically feasible to comply with the Town's maximum height restrictions.*

#### **7.4.6.3 CI-3 District Requirements**

§190-13 presents a number of restrictions and design standards within the CI-3 zoning district: adequate access must be provided to and from a public highway, and ordinary streets may be planned to provide for ingress and egress to parking areas or commercial/industrial facilities

(Subsection A); no building or use, other than parking, is permitted within 50 feet from the boundary line of any residential district (Subsection C); each parcel must reserve 20 percent of the parcel area for open space uses, which do not include any coverage of land with structures, parking lots, or vehicular rights-of-way. A detailed landscape plan, showing the location, size, and all proposed plant species, must be developed, and the required planting must be maintained by the property owner (Subsection D); a buffer strip at least 30 feet in width must be provided along any parcel abutting a residential district, and a strip of land at least 15 feet in width which is immediately adjacent to any street right-of-way abutting the district must be planted or sodded in grass (Subsection E); at a minimum, evergreen species of such type, height, spacing, and arrangement must be planted to screen the use from the adjoining area. A wall or fence of location, height, and design may be substituted for the required planting (Subsection F); all areas not occupied by structures, parking, or driveways must be landscaped attractively with lawn, trees, shrubs, or other plant material and must not obstruct sight distance and traffic flow. The owner must adhere to a planting schedule and a two growing season replacement agreement (Subsection G); public utility facilities not having business offices on the premises must provide one parking space for each employee, including but not less than two spaces for each facility (Subsection I); adequate light must be provided for all parking areas, and exterior spotlights must not be directed off the premises or cause unnecessary glare to any adjacent properties. Lights should have hoods and should be no more than 25 feet in height (Subsection K).

*The Applicant requests that the Commission refuse to apply the Town of Ghent requirements regarding vegetation management because, as applied to the Ghent Switching Station, they are unduly restrictive in view of the Commission's reliability criteria, security considerations, and the needs of the Applicant's consumers. According to the Institute of Electrical and Electronics Engineers (IEEE) Guide for Electric Power Substation Physical and Electronic Security, "any landscaping treatment around substations should be carefully designed so as not to create potential security problems." Larger vegetative screening outside of the Ghent Switching Station could provide a means of access into the station if climbed. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The needs of the consumers outweigh the impact on this municipality that would result from the Commission's refusal to apply these local requirements.*

#### **7.4.6.4 General Standards**

§190-18 provides a number of general standards for special permit uses in the Town of Ghent: the proposed use must not have a significant adverse impact on adjacent properties (Subsection C); site entrances and exits must not create traffic congestion or a potentially unsafe condition and must be clearly visible from the street (Subsection F); all proposed driveways must be approved by the appropriate agency having jurisdiction (Subsection G); adequate off-street parking must be provided, and parking spaces and driveways must be designed to address all safety issues (Subsection H); adequate buffering and screening must be located between the proposed site and adjoining properties (Subsection I); adequate provision must be made for the collection and disposal of all drainage and stormwater runoff from the site (Subsection K); the site owner must secure all necessary permits from federal, state, and local authorities (Subsection N); the site owner must comply with all wetlands and flood zone regulations (Subsection O); and the proposed use must have adequate lighting that does not shine directly on or cause unnecessary glare to adjacent properties (Subsection P).

*To the extent the Project facilities and activities are inconsistent with the buffering and screening requirement, the Applicant requests that the Commission refuse to apply the local requirement because it is subject to interpretation and potentially unduly restrictive in view of the Commission's reliability criteria, security considerations, and the needs of the Applicant's consumers. According to the IEEE Guide for Electric Power Substation Physical and Electronic Security, "any landscaping treatment around substations should be carefully designed so as not to create potential security problems". Larger vegetative screening outside of the Ghent Switching Station could provide a means of access into the station if climbed.*

*The Project will obtain a SPDES General Permit for Stormwater Discharges from Construction Activity to discharge stormwater and will develop a SWPPP for use during Project construction activities. The Applicant will not seek separate approval of the stormwater plan from the Town of Ghent. Additionally, the Project is not subject to the permit requirements of the Freshwater Wetland Acts (Article 24 of the ECL) and will comply with the substantive provisions of this chapter and Article 24 of the ECL.*

#### **7.4.6.5 Height Requirements**

§190-28 sets forth the height regulations for structures in all zoning districts. No structure erected to a height in excess of the height limit for the district in which it is to be constructed shall have a lot coverage in excess of ten percent of the lot area.

#### **7.4.6.6 Fences**

§190-31 states that the height for any fence must not exceed six feet.

*To the extent that this requirement is inconsistent with the security requirements of the Ghent Switching Station, the Applicant requests that the Commission refuse to apply the local provision regarding the height of fences because it is unduly restrictive in view of the Commission's reliability criteria, safety considerations, and the needs of the Applicant's consumers. According to Section 11 General Requirements of the 2012 NESC, fence heights must be at least seven feet tall, either seven feet of vertical fence or a combination of six feet of fence and "an extension utilizing three or more strands of barbed wire to achieve an overall height of seven feet". The proposed site for the Ghent Switching Station is somewhat isolated from local roads and public areas, and because this facility will be critical energy infrastructure, security requirements will dictate the position, type, and materials for the security fence. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The needs of the consumers outweigh the impact on this municipality that would result from the Commission's refusal to apply this local requirement.*

#### **7.4.6.7 Signs**

§190-42 requires construction signs to be set back from front property lines a minimum of ten feet.

### **7.5 Town of Stockport**

Project facilities in the Town of Stockport include a portion of the National Grid Trunk #15 115-kV transmission line extension.

### **7.5.1 Chapter 99 – Solid Waste**

§99-3 requires the disposal of rubbish, garbage, and construction debris in a landfill or refuse disposal area. §99-4 prohibits the removal or transport of any offensive or toxic materials within the Town of Stockport except in a manner or by such conveyance that will prevent the creation of a nuisance or the loss or discharge of such material in a public place. According to Article II of Chapter 99, the Columbia County recycling regulations are in effect and enforced within the Town of Stockport.

### **7.5.2 Chapter 120 – Land Use Law**

The Land Use Law of the Town of Stockport regulates the location, construction, alteration, and use of buildings and structures as well as the development and use of land within the Town of Stockport.

#### **7.5.2.1 Zoning Map and Districts**

Figures 7-3 and 7-4, located at the end of Exhibit 7, provide the Town of Stockport Zoning Map and the Draft Land Use District Map, respectively. The proposed National Grid Trunk #15 115-kV transmission line extension is located in the following districts: Rural Residential (RR) and Agriculture Overlay (A).

#### **7.5.2.2 District Regulations**

The §120 Schedule of Use Regulations references public utility stations and structures as a permitted use in the RR zoning district with a special permit. For the RR district, the §120 Schedule of Area and Bulk Regulations requires (i) a three-acre minimum lot area per principal building for non-residential uses, (ii) a ten percent maximum structure coverage; (iii) a seventy percent minimum open space, (iv) a 35-foot maximum structure height, (v) a 100-foot minimum lot width, (vi) a 40-foot minimum front yard setback, (vii) a 25-foot minimum side yard setback, and (viii) a 50-foot minimum rear yard setback.

The §120 Schedule of Use Regulations references public utility stations and structures as a permitted use in the A zoning district with a special permit. Because the A district is an overlay district, the area and bulk requirements are the same as those described above for the RR district.

*To the extent that they are applicable to the proposed Project, the Applicant requests that the Commission refuse to apply the use, dimensional, setback, and area requirements detailed in the Town of Stockport zoning ordinance because they are potentially unduly restrictive in view of the existing technology and cost factors. The portion of the National Grid Trunk #15 115-kV transmission line extension in the Town of Stockport will be constructed overhead. The individual structure locations along the extension will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size.*

### **7.5.2.3      *Height Exceptions***

According to §120-14, the height limitations set forth in the Schedule of Area and Bulk Regulations are not applicable to transmission towers or cables. These structures are restricted to a maximum height of 100 feet above average finished grade at its base.

### **7.5.2.4      *Rural Residential District Development Guidelines***

The following development guidelines in §120-20.3 are applicable in the RR district: maintain existing wooded areas along roads and screen new development to the greatest extent possible (Subsection B1); land clearing on steep slopes must be minimized during development (Subsection B3); all development must be placed a minimum of 25 feet from the edges of ravines (Subsection B4); no development shall occur within 100 feet of a NYSDEC classified stream bank (Subsection B5); existing tree rows and hedgerows, stone walls, and similar features must be retained to the maximum extent practical during the development of any new use or the expansion of any existing use (Subsection B7); and major modifications to the existing landscape, including extensive grading, clear-cutting of trees, or other similar activities, shall be avoided (Subsection B11).

*To the extent that the Applicant's construction and vegetation management procedures or practices are inconsistent with Subsection B11, the Applicant requests that the Commission refuse to apply the local requirement because it is unduly restrictive in view of the Commission's reliability criteria and the needs of the Applicant's consumers. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability*

*standards, and Commission precedent. The Commission and Department of Public Service staff will be responsible for defining the methods to be employed during Project construction through review and approval of the Project's EM&CP.*

*The Applicant also requests that the Commission refuse to apply the setback requirements as they apply to the edges of ravines. Although these environmentally sensitive areas will be avoided to the greatest extent practical, individual structure locations for the proposed National Grid Trunk #15 115-kV transmission line extension will depend upon possible span lengths regardless of setback requirements.*

#### **7.5.2.5 Agriculture Overlay District Development Guidelines**

The following development guidelines in §120-20.6 are applicable in the A overlay district: buffer zones must be established adjacent to actively farmed land to reduce the exposure of the agricultural operation to odors, noise, and other potential nuisances associated with non-farm uses (Subsection C); and any applications for a special permit or site plan approval that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation must include an agricultural data statement (Subsection G).

*The need for a special use permit and agricultural data statement for the Project is preempted by PSL Section 130; therefore, the Applicant will not seek a special use permit and site plan review from the Town of Stockport.*

#### **7.5.2.6 General Performance Standards**

The following standards in §120-22 are applicable to non-residential or non-agricultural uses in all zoning districts in the Town of Stockport: no person shall create a sound level in the RR district that exceeds 57 dB between 6:00 am to 7:00 pm and 53 dB between 7:00 pm and 6:00 am (Subsection A); no dust, dirt, smoke, odor, or noxious gases that would not normally be associated with residential or agricultural premises must be disseminated beyond the boundaries of the lot where such use is located (Subsection B); those activities which emit electrical disturbance may not adversely affect the operation of any equipment other than that of the creator of the disturbance (Subsection E); all activities involving the storage of inflammable and explosive materials must be provided with adequate safety devices against the hazard of fire and

explosion and with adequate fire-fighting and fire-suppression equipment and devices standard in the industry (Subsection F); and watercourses shall not be altered by excavation, filling, grading, clearing, draining, or otherwise that results in changes to water levels or the flow of such watercourses. Additionally, there must be a 100-foot setback from NYSDEC classified streams and a 50-foot setback from non-regulated watercourses (Subsection H).

*These general performance standards will be adhered to during the use of the National Grid Trunk #15 115-kV transmission line extension. No NYSDEC classified streams or other known waters are located within the Project corridor in the Town of Stockport.*

#### **7.5.2.7 Signs**

§120-24B permits temporary construction signs with a maximum size of 32 square feet and a maximum height of 8 feet.

#### **7.5.2.8 Excavation**

§120-16 permits the excavation of sand, gravel, shale, topsoil, or similar material to move such material from one part of a premises to another part of the same premises, when such excavation or removal is clearly incidental and subordinate to the site development for a use permitted in the land use district in which the property is located. Provision must be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered within the first growing season following the start of such operation.

#### **7.5.2.9 Development near Streams, Wetlands, and Other Watercourses**

According to §120-27, all development is prohibited within 100 feet of the normal stream bank of any NYSDEC classified stream within the Town of Stockport or within 100 feet of the boundary of a freshwater wetland, as mapped by NYSDEC.

*No NYSDEC-classified streams or mapped freshwater wetlands are located in the Project right-of-way in the Town of Stockport.*

#### **7.5.2.10 Screening**

§120-33 requires that any enclosed or unenclosed light industrial use permitted by the Land Use Law in the Town of Stockport be provided with a fence, screen, and/or landscaping sufficient to

obscure objectionable aspects of such use from view from adjoining properties in residential land use districts and/or public rights-of-way. Adequate plans for the installation of required fences, screens, and landscaping must be reviewed by the Town Planning Board.

*To the extent that the Applicant's vegetation management procedures or practices are inconsistent with these local requirements, the Applicant requests that the Commission refuse to apply the local requirements because they are unduly restrictive in view of the Commission's reliability criteria, safety considerations, and the needs of the Applicant's consumers. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The needs of the consumers outweigh the impact on this municipality that would result from the Commission's refusal to apply these local requirements. In addition, this screen planting requirement is impractical and contrary to industry standards and practices.*

#### **7.5.2.11 Erosion and Sedimentation Control**

§120-36 is applicable to erosion, sedimentation, and stormwater control on all properties within all zoning districts where the properties have a slope area of ten percent or greater. The ridgeline requirements of this chapter are applicable to properties within 100 feet of a ridgeline.

Limitations are not applicable to isolated steep slopes with an area of 400 square feet or less.

Additionally, all development activities that will disturb more than one acre will be reviewed by the Town Planning Board upon submittal of Erosion and Sediment Control Plans and Stormwater Pollution Prevention Plans. The installation of electric poles may be exempt from review under this law.

*The Project will obtain a SPDES General Permit for Stormwater Discharges from Construction Activity to discharge stormwater and will develop a SWPPP for use during Project construction activities. NYSEG will not seek separate approval of the SWPPP and Erosion and Sediment Control Plans from the Town.*

## 7.6 References

Town of Chatham, New York. Town Code. 2011. <http://www.unicode360.com/CH1668>.

Town of Ghent, New York. Town Code. 2007. <http://www.unicode360.com/GH1743>.

Town of Stockport, Columbia County, New York. 2011. Town of Stockport Zoning.

Town of Stockport, New York. 1998. Code of the Town of Stockport.

\* \* \* \* \*

**Table 7-2: Town of Chatham Local Ordinance Waiver Requests**

| Chapter  |  | Description   | Statutory Basis  | Justification for Waiver Request   |
|--|--|---|--|--|
| <i>Zoning</i>                                      |  |   |  |  |
| <i>Zoning: RL-2 District</i>                       |  |   | Existing technology and factors of cost and economics  | The Applicant requests that the Commission refuse to apply the use, dimensional, and area requirements detailed in the Town of Chatham zoning ordinance. Circuit #726 in Chatham will be constructed overhead and parallel to an existing electric transmission right-of-way; fifty feet of the 100-foot Project right-of-way will be shared with the existing utility right-of-way. The individual structure locations along Circuit #726 will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size. |
| §180-13  | Governs uses in the RL-2 district. Public utility buildings, structures, and uses are not permitted uses in this district. The minimum dimensional requirements of the RL-2 district include a lot area of five acres, lot width of 300 feet, and front, side, and rear yards of 50 feet each.   |   |  |  |
| <i>Zoning: B District</i>                          |  |   |  |  |
| §180-15  | Governs uses in the B district. Public utility buildings, structures, and uses are not permitted uses in this district. The minimum dimensional requirements of the B district include a lot area of two acres, lot width of 200 feet, front yard of 25 feet, and rear yard of 50 feet. The Town of Chatham Planning Board may require side yards up to 25 feet. |   |  |  |
| <i>Public Utility Uses, Siting, and Structures</i> |  |   |  |  |
| §180-22E   | Requires that each aboveground utility structure comply with zoning setback regulations and be setback a distance at least equal to its height.  | Existing technology and factors of cost and economics | The Applicant requests that the Commission refuse to apply the setback regulations as they apply to aboveground utility structures in the Town of Chatham zoning ordinance. The individual structure locations along Circuit #726 will depend upon possible spans length regardless of setback requirements. |  |

**Table 7-3: Town of Ghent Local Ordinance Waiver Requests**

| Chapter                      | Description  | Statutory Basis                                       | Justification for Waiver Request   |
|------------------------------|--|---|--|
| <i>Subdivision of Land</i>   |  |   |  |
| §156                         | Regulates lot size and arrangement, access, drainage improvements, and the preservation of natural features as they relate to the subdivision of land.   | Needs of consumers and factors of cost and economics. | The Applicant requests that the Commission refuse to apply the regulations regarding subdivision of land for construction of the Ghent Switching Station. Although the landlocked proposed site for the Ghent Switching Station will require a private access road to connect to State Highway 9H, the remote location of the proposed site and the natural vegetative screening from State Highway 9H will decrease its visibility to the general public.   |
| <i>Zoning</i>                |  |   |  |
| <i>Zoning: RA-2 District</i> |  | Existing technology and factors of cost and economics | The Applicant requests that the Commission refuse to apply the use, dimensional, setback, and area requirements detailed in the Town of Ghent zoning ordinance as they apply to Circuit #726, the National Grid Trunk #15 115-kV transmission line extension and the Ghent Switching Station. Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension in the Town of Ghent will be constructed overhead and will both feed into the proposed Ghent Switching Station. A portion of Circuit #726 will parallel an existing electric transmission right-of-way; 50 feet of the 100-foot Circuit #726 right-of-way will be shared with the existing utility right-of-way. The individual structure locations along Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size. The Applicant has determined, based on NESC criteria and |
| §190<br>Attach. 1            | Governs uses in the RA-2 district. Public utility structures and rights-of-way are permitted uses in the RA-2 district with a special permit. The district requires a two-acre minimum lot area, a five-acre minimum density per lot, a ten percent maximum total area occupied by main and accessory buildings, a 200-foot minimum lot width, a 35-foot maximum height, a 75-foot minimum front yard setback, a 40-foot minimum side yard setback for one side, an 80-foot total minimum setback for both side yards on an interior lot, a 50-foot minimum setback for a side yard abutting a side street on a corner lot, a 40-foot minimum rear yard setback, and a 60-foot frontage. |   |  |

| Chapter                          | Description   | Statutory Basis  | Justification for Waiver Request   |
|----------------------------------|---|--|--|
| <i>Zoning: CI-3 District</i>     |   |  |  |
| §190<br>Attach. 3                | Governs uses in the CI-3 district. Public utility structures and rights-of-way are permitted uses in the CI-3 district with a special permit. The CI-3 district requires a 40,000-square-foot minimum lot area, a fifty percent maximum total lot area occupied by main and accessory buildings, a 100-foot minimum lot width, a 35-foot maximum height, a 50-foot minimum front yard setback, a 15-foot minimum side yard setback for one side, a 30-foot total minimum setback for both side yards on an interior lot, a 15-foot minimum setback for a side yard abutting a side street on a corner lot, a 40-foot minimum rear yard setback, and a 60-foot frontage. |  | prudent engineering considerations, that the optimal height is 60 feet for Circuit #726 and the National Grid Trunk #15 115-kV transmission line structures. It is not technologically feasible to comply with the Town's height restrictions.   |
| <i>CI-3 District Regulations</i> |   |  |  |
| §190-13D                         | Requires the development of a detailed landscape plan, showing the location, size, and all proposed plant species. The required planting must be maintained by the property owner.  | Existing technology, factors of cost and economics, and consumer needs | The Applicant requests that the Commission refuse to apply these local landscaping requirements because they are subject to interpretation and potentially unduly restrictive in view of the Commission's reliability criteria, security considerations, and the needs of the Applicant's consumers. According to the Institute of Electrical and Electronics Engineers (IEEE) Guide for Electric Power Substation Physical and Electronic Security, "any landscaping treatment around substations should be carefully designed so as not to create potential security problems". Larger vegetative screening outside of the Ghent Switching Station could |
| §190-13F                         | Requires evergreen species of such type, height, spacing, and arrangement to be planted to screen the use from the adjoining area. A wall or fence of location, height, and design may be   |  |  |

| Chapter                  | Description   | Statutory Basis                                   | Justification for Waiver Request  |
|--------------------------|---|---|---|
|                          | substituted for the required planting.  |   | provide a means of access into the station if climbed. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. These consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply these local requirements. In addition, the landscaping requirements are impractical and contrary to industry standards and practices in the area between the proposed Ghent Switching Station and the adjacent electric transmission rights-of-way. |
| §190-13G                 | Requires that all areas not occupied by structures, parking, or driveways be landscaped attractively with lawn, trees, shrubs, or other plant material and not obstruct sight distance and traffic flow. The owner must adhere to a planting schedule and a two growing season replacement agreement. |   |   |
| <i>General Standards</i> |   |   |   |
| §190-18I                 | Requires adequate buffering and screening between the proposed site and adjoining properties.   | Consumer needs and factors of cost and economics. | The Applicant requests that the Commission refuse to apply the Town of Ghent stormwater collection and disposal requirement. The Project will obtain a SPDES General Permit for Stormwater Discharges from Construction Activity to discharge stormwater and will develop a SWPPP for use during Project construction activities. The Applicant will not seek separate approval of the stormwater plan from the Town of Ghent.  |
| §190-18K                 | Requires provisions for the collection and disposal of all drainage and stormwater runoff from the site.  |   |   |
| <i>Fences</i>            |   |   |   |
| §190-31                  | Requires that the height for any fence not exceed six feet.   | Existing technology and customer                  | The Applicant requests that the Commission refuse to apply the local provision regarding the height of fences. According to Section 11 General Requirements in the 2012 NESC, fence heights must be at least seven feet tall, either seven feet of vertical fence or a combination of six feet of fence and "an   |

| Chapter | Description | Statutory Basis | Justification for Waiver Request   |
|---------|-------------|-----------------|--|
|         |             | needs           | <p>extension utilizing three or more strands of barbed wire to achieve an overall height of seven feet". The proposed site for the Ghent Switching Station is somewhat isolated from local roads and public areas, and because this facility will be critical energy infrastructure, security requirements will dictate the position, type, and materials for the security fence. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The needs of the consumers outweigh the impact on this municipality that would result from the Commission's refusal to apply this local requirement.</p> |

**Table 7-4: Town of Stockport Local Ordinance Waiver Requests**

| <b>Chapter</b>   | <b>Description</b>  | <b>Statutory Basis</b>                                | <b>Justification for Waiver Request</b>   |
|--|---|---|---|
| <i>Land Use Law</i>                                      |   |   |   |
| <i>District Regulations</i>                              |   |   |   |
| §120   | References public utility stations and structures as a permitted use in the RR and A districts with a special permit. The dimensional requirements in the RR district include a three-acre minimum lot area per principal building for non-residential uses, a ten percent maximum structure coverage, a 100-foot minimum lot width, a 40-foot minimum front yard setback, a 25-foot minimum side yard setback, and a 50-foot minimum rear yard setback. Because the A district is an overlay district, the area and bulk requirements are the same as those described for the RR district. | Existing technology and factors of cost and economics | The Applicant requests that the Commission refuse to apply the use, dimensional, setback, and area requirements detailed in the Town of Stockport zoning ordinance because they are potentially unduly restrictive in view of existing technology and cost factors. The portion of the National Grid Trunk #15 115-kV transmission line extension in the Town of Stockport will be constructed overhead. Individual structure locations along the extension will depend upon possible span lengths regardless of dimensional requirements, and the size and configuration of any necessary easements will be based on required clearance and reliability criteria rather than minimum lot size. |
| <i>Rural Residential District Development Guidelines</i> |   |   |   |
| §120-20.3B4  | Requires that all development be placed a minimum of 25 feet from the edges of ravines.   | Consumer needs and factors of cost and economics      | The Applicant requests that the Commission refuse to apply the setback requirements as they apply to the edges of ravines. Although these environmentally sensitive areas will be avoided to the greatest extent practicable, individual structure locations for the proposed National Grid Trunk #15 115-kV transmission line extension will depend upon possible span lengths regardless of setback requirements.   |
| §120-20.3B11   | Requires the avoidance of major modifications to the existing landscape, including extensive  |   | The Applicant requests that the Commission refuse to apply this local requirement because it is unduly  |

| Chapter          | Description  | Statutory Basis                        | Justification for Waiver Request  |
|------------------|--|--|---|
|                  | grading, clear-cutting of trees, or other similar activities.  |  | restrictive in view of the Commission's reliability criteria and the needs of the Applicant's consumers. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The Commission and Department of Public Service staff will be responsible for defining the methods to be employed during Project construction through review and approval of the Project's EM&CP.  |
| <i>Screening</i> |  |  |   |
| §120-33          | Requires that any enclosed or unenclosed light industrial use permitted by the Land Use Law in the Town of Stockport be provided with a fence, screen, and/or landscaping sufficient to obscure objectionable aspects of such use from view from adjoining properties in residential land use districts and/or public rights-of-way. | Existing technology and consumer needs | To the extent that the Applicant's vegetation management procedures or practices are inconsistent with these local requirements, the Applicant requests that the Commission refuse to apply the local requirements because they are unduly restrictive in view of the Commission's reliability criteria, safety considerations, and the needs of the Applicant's consumers. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project and operate and maintain it safely and reliably pursuant to procedures that are based on state law, reliability standards, and Commission precedent. The needs of the consumers outweigh the impact on this municipality that would result from the Commission's refusal to apply these local requirements. In addition, this screen planting requirement is impractical and contrary to industry standards and practices. |

| Chapter                                  | Description   | Statutory Basis                                  | Justification for Waiver Request  |
|--|---|--|---|
|  |   |  |   |
| <i>Erosion and Sedimentation Control</i> |   |  |   |
| §120-36                                  | Governs erosion, sedimentation, and stormwater control on all properties within all zoning districts in the Town of Stockport where the properties have a slope area of ten percent or greater. | Consumer needs and factors of cost and economics | The Applicant requests that the Commission refuse to apply the erosion and sedimentation control requirements in the Town of Stockport. The Project will obtain a SPDES General Permit for Stormwater Discharges from Construction Activity to discharge stormwater and will develop a SWPPP for use during Project construction activities. The Applicant will not seek separate stormwater plan approvals from the Town of Stockport. |