

New York State Electric & Gas Corporation
Columbia County Transmission Project

Exhibit 7

Local Ordinances

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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

	Local Ordinances	Compliance Summary	
County of Columbia	Section 136 - Highway Law	Will Comply	
	Local Law No. 2 - Littering	Will Comply	
	Local Law No. 3 - Solid Waste	Will Comply	
	Chapter 83 - Dumping and Littering	Will Comply	
	Chapter 108 - Vehicles and Traffic	Will Comply	
Town of Chatham	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	Requests Partial PSC Refusal to Apply	
	Signs	Will Comply	
	Noise	Will Comply	
	Temporary Structures	Will Comply	
	Grading Permits	Will Comply	
	Site Plan Review	Will Comply	
	Town of Ghent	Chapter 99 - Flood Damage Prevention	Will Comply
		Chapter 144 - Solid Waste	Will Comply
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
	Site Plan Review	Requests Partial PSC Refusal to Apply
	Building Permit and Certificate of Occupancy	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
	Supplementary Regulations	Will Comply
	Signs	Will Comply
	Excavation	Will Comply
	Development near Streams, Wetlands, and Other Watercourses	Will Comply
	Screening	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 (“ROW”) 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 ROW of an entrance or connection to such road; construction of any works, structure, or obstruction in the County road ROW; or any overhead or underground crossings of the County road ROW 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. Applicant will, however, secure from the County the rights required for the use of any County property that is necessary for the project.

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 include overhead construction of a portion of Circuit #726, which parallels and shares 50 feet of ROW with the existing Circuit #984, and electrical improvements to the existing Klinekill Substation. A new building will not be constructed at the 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 ROW 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

Pursuant to §180-13, 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.

Pursuant to §180-15, 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.

The Applicant requests that the Commission refuse to apply the lot area, lot width and yard size requirements in the Town of Chatham zoning ordinance to the portion of the Project in the Town except for the proposed Project improvements at the existing Klinekill Substation (because the improvements will not change the dimensions of that lot). Circuit #726 in the Town of Chatham is proposed to be constructed overhead and parallel to an existing electric transmission line; the existing line and Circuit #726 will share a 175-foot ROW. The ROW will be comprised of easements in a contiguous linear path. These Town dimensional requirements have no relevance as applied to the Applicant's contiguous linear ROW lots. The Applicant could in theory acquire more property and take other steps to maximize the number of lots that satisfy these criteria, but such actions would only incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town. Thus, this request cannot be obviated by design changes to the Project.

The adverse impacts of granting the request are mitigated to the maximum extent practicable, including sharing ROW with an existing line. The Project does not require the greater width of

ROW that would result from conformity to these requirements. A ROW of the width proposed by Applicant mitigates to the maximum extent practicable the impact of the Project. Widening the ROW beyond the proposed 100 feet would maximize the number of lots that satisfy these criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Chatham.

7.3.3.3 Site Plan Review

§180-17 provides that the Planning Board shall review all plans for nonresidential uses, public and semipublic buildings and multifamily residential units, whether or not such development includes a subdivision or resubdivision of a site. Site plan review is required for all residential cluster and planned business developments.

Required site plans must show all buildings, parking areas, signs and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities must also be shown and described. Typical elevations and floor plans of all buildings may also be required. Elevations for all signs shall be provided. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet or as required by the Board. The proposed use, building, design and layout shall meet the provisions of this chapter and other regulations and ordinances of the Town of Chatham. The proposed use, design and layout will be of such a location in such size and character that it will be consistent with the development of the surrounding area. The proposed use and layout must be of such a nature that it will not increase vehicular or pedestrian traffic hazards in the area involved. The proposed location and height of buildings or structures, walls and fences, parking, loading and landscaping shall be such that they not interfere with or discourage allowed development in the use of the land adjacent to the proposed site or unreasonably affect its value. Signs shall be in accordance with the regulations of Chapter 180, and, shall be designed and located as not to present a hazard, glare or unattractive appearance to either adjacent property or to motorists. Outdoor lighting shall be in accordance with Chapter 180. In its site plan review, the Planning Board shall follow the same procedures as for a special permit, including Sections 180-44 (B) and (N), with the exception that a public hearing is not required but is optional. Section 180-44(B) provides that the Zoning Board of Appeals shall grant special use permits upon the finding by the Board that granting this special use permit will be in harmony with chapter 180 of Chatham's ordinances,

and will not adversely affect the neighborhood in which the use will occur. Section 180-44(N) provides the standards applicable to all special uses. First, the location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Second, operations in connection with any special use shall not be more objectionable to nearby properties, by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted use.

To the extent that the Town of Chatham's site plan review regulations apply to the Project, the need for approval of the Planning Board of a site plan for the Project is preempted by PSL Section 130. Because §180.22, discussed in the next section of this Exhibit, provides regulations specifically for the siting and structure of public utility uses, the applicability of the site plan review regulations is questionable. Further, other than the requirement that proposed use, building, design and layout shall meet the provisions of other regulations and ordinances of the Town of Chatham, which regulations and ordinances to the extent relevant to the Project are dealt with elsewhere in this Exhibit, the site plan review regulations do not provide absolute substantive standards from which a waiver can be requested, but give a number of considerations that the Planning Board should take into consideration in exercising its discretion to grant site plan approval.

7.3.3.4 Public Utility Uses, Siting, and Structures

Pursuant to §180-22, a “public utility use or structure” is allowed by special permit in both the RL-2 district and the B district. 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.

Section 180-22 also includes substantive provisions. The structures must be sited to have the least possible visual impacts on other lands within the Town of Chatham (Subsection B(1)(a)). Use of a particular site must take into account the availability of other locations less likely to cause injury to the neighborhood and their advantages and disadvantages. Shared use of existing structures is preferred to additional new facilities. 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 requirements of Section 180-44(B) and 180-44(N), discussed in the immediately preceding section of this Exhibit, also apply to special permits for utility uses or structures.

The Applicant requests that the Commission refuse to apply the setback requirement of Subsection E summarized above as they apply to Circuit #726. This request cannot be obviated by Project design changes that alter structure locations along Circuit #726 because that would result in the individual structure locations being determined not by technical and safety considerations of optimal structure separation like span lengths and conductor heights, but by a factor unrelated to those considerations: the distance by which structures are setback from the lot lines parallel to the path of the ROW. With structure heights proposed at and above 70 feet, compliance with this requirement would require a minimum new ROW width of over 140 feet for Circuit #726 if it were sited separately from Circuit #984, and would require the proposed 175-foot joint ROW be expanded 20 feet to a total ROW of 195 feet if the Project shares the ROW with existing Circuit 984, which is now on a 150 foot right-of-way. Widening the ROW would satisfy the setback requirements; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the residents of the Town of Chatham. Since Applicant proposes that Circuit #726 parallel Circuit #984 in Chatham, the total ROW for the two lines would be wide enough that Circuit #726 would satisfy the ordinance on the Circuit #984 side of the Circuit #726, but Applicant would be required to purchase at least an additional 20 feet of ROW on the other side of Circuit #726 for the approximately .5 miles that Circuit #726 runs through Chatham. NYSEG's customary easement allows the owner of the underlying fee interest to use the land beneath the electric lines provided that the owner's use does not conflict with the transmission line use. Since the underlying fee owner will be allowed non-conflicting use of the land upon which the easement is situated, no safety purpose would be served by requiring Applicant to purchase an additional width of ROW, but such a

requirement would further burden the underlying fee interest. Although Applicant has not yet developed an estimate of the cost of the additional easement area that compliance with this ordinance would require, considering that expanding the width of the easement would provide no benefit, any additional cost to consumers of purchasing the additional width of ROW outweighs the benefit of applying the ordinance, and the ordinance is therefore unduly restrictive. A ROW of the width proposed by the Applicant mitigates to the maximum extent practicable the impact of the Project.

7.3.3.5 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.

PSL Section 130 prohibits the Town of Chatham from requiring approval of the Board of Appeals for the Project's structures. The Applicant requests that the Commission refuse to apply this height limitation to the Project's structures. This request cannot be obviated by design changes to the Project. The Applicant has determined the optimal height for each structure of the Project based on NESC criteria and prudent engineering considerations, and in every case the height exceeds 35 feet. Based on those factors, the optimal height was determined to be at least approximately 70 feet for the Circuit #726 structures and, therefore, it is technologically impossible to change the Project design to comply with the Town's height restriction. By keeping the height of the Project structures to a minimum after taking into account the NESC criteria and prudent engineering considerations, the Applicant has mitigated to the maximum extent possible the impact of granting this request.

7.3.3.6 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.

7.3.3.7 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 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. Figure 7-4 of this Exhibit is a map showing the property lines of the properties on which construction will occur.

7.3.3.8 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.

7.3.3.9 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. Applicant will, however, comply with the substantive provisions of this ordinance.

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 ROW 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 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 ROW 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”.

7.4.4 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 ROW inspections and maintenance of Circuit #726 and the National Grid Trunk #15 115-kV transmission line extension.

7.4.5 Chapter 190 – Zoning

7.4.5.1 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 7.4.1 (Chapter 99 – Flood Damage Prevention).

7.4.5.2 District Regulations

§190 Attachment 1 references public utility structures or rights-of-way as a permitted use in the RA-1 zoning district with a special permit. For the RA-1 district, §190 Attachment 2 requires (i) a one-acre minimum lot area, (ii) a three-acre minimum density per lot, (iii) a ten percent maximum total lot area occupied by main and accessory buildings, (iv) a 150-foot minimum lot width, (v) a 35-foot maximum height, (vi) a 50-foot minimum front yard setback, (vii) a 20-foot minimum side yard setback for one side, (viii) a 45-foot total minimum setback for both side yards on an interior lot, (ix) a 25-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.

The Applicant requests that the Commission refuse to apply the above lot area, density per lot, lot width, setback, frontage and height requirements in the Town of Ghent zoning ordinance because they are 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 are proposed to be constructed overhead and both are proposed to feed into the proposed Ghent Switching Station. A portion of Circuit #726 in this Town is proposed to be constructed parallel to an existing electric transmission line; the existing line and Circuit #726 will share a 175-foot ROW. This ROW will be comprised of easements in a contiguous linear path. These Town lot area, density per lot, lot width, setback and frontage requirements have no relevance as applied to the Applicant's contiguous linear ROW lots. The Applicant could in theory acquire more property and take other steps to maximize the number of lots that satisfy these criteria, but such actions would only incur unnecessary cost to the Applicant, impact neighboring property

owners, and be of no benefit to the Town. Thus, this request cannot be obviated by design changes to the Project.

The adverse impacts of granting the request are mitigated to the maximum extent practicable, including sharing ROW with an existing line. The Project does not require the greater width of ROW that would result from conformity to these requirements. A ROW of the width proposed by Applicant mitigates to the maximum extent possible the impact of the Project. Widening the ROW beyond the proposed width would maximize the number of lots that satisfy these criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Ghent.

This request cannot be obviated by Project design changes that alter structure locations along Circuit #726 because that would result in the individual structure locations being determined not by technical considerations of optimal structure separation like span lengths and conductor heights, but by a factor unrelated to those considerations: the distance by which structures are setback from the lot lines. Widening any ROW beyond its proposed width would maximize the number of lots that satisfy the setback requirements ROW; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Ghent. A ROW of the width proposed by the Applicant mitigates to the maximum extent possible the impact of the Project.

The Applicant has determined the optimal height for each structure of the Project based on NESC criteria and prudent engineering considerations and in every case the height exceeds 35 feet. Based on those factors, the optimal height was determined to be at least approximately 70 feet for the Circuit #726 structures and therefore it is technologically impossible to change the Project design to comply with the Town's height restriction. By keeping the height of the Project structures to a minimum after taking into account the NESC criteria and prudent engineering considerations, the Applicant has mitigated to the maximum extent possible the impact of granting this request.

7.4.5.3 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 ROW 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 will manage its ROW in accordance with the ROW Management Program. The vegetation clearing measures that the Applicant will implement at the commencement of the proposed Project are identified and detailed in Section 4.1.2.1 and 4.5.1.1 of Exhibit 4. These procedures and practices are consistent with state law and have been developed with Commission oversight.

Figure 7-5 of this Exhibit is a diagram showing the fence line of the Ghent Switching Station and the setbacks required by ordinance. Applicant will meet the Town of Ghent's setback requirements. However, the Applicant requests that the Commission refuse to apply the Town of Ghent requirements regarding vegetation screening and management because, as applied to the Ghent Switching Station and the transmission line structures, they are unduly restrictive in view of the existing technology, cost factors and needs of the Applicant's consumers. This request

cannot be obviated by design changes to the Project. It is technologically impossible to landscape or fence the transmission line structures in a manner that would screen the structures from adjoining properties, which would require screening the vertical extent of the Project.

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 Applicant will mitigate the impact of the Ghent Switching Station by providing landscaping with shrubs to the extent possible considering security requirements. This waiver request is the minimum necessary.

7.4.5.4 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).

The Applicant requests that the Commission refuse to apply the buffering and screening requirements of Subsection I summarized above because they are unduly restrictive in view of the existing technology, cost factors and the needs of the Applicant’s consumers. This request

cannot be obviated by a change in the design of the facilities. 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 needs of the consumers are best met by allowing the Applicant to construct, operate, and maintain the Ghent Switching Station safely and reliably. The Applicant will provide lower screening with shrubs. This waiver request is the minimum necessary.

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), but will comply with the substantive provisions of this chapter and Article 24 of the ECL.

7.4.5.5 Site Plan Review

§190-21 provides that any application for building, structure or use permit (including an accessory building or use), other than for a one- or two-family residence or an accessory building or use relating thereto, shall require site plan review, which shall be made by the Town Planning Board. §190-23 provides that the site plan review shall include, as appropriate, but not be limited to, adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, structures and traffic controls; location, arrangement, appearance and sufficiency of off-street parking and loading; location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage; adequacy of drainage and stormwater facilities; adequacy of water supply and sewage disposal facilities; adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between applicant's adjoining lands, including maximum retention of existing vegetation; protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features; adequacy of fire lanes and other emergency zones and water supply for fire-fighting purposes; compatibility of building design with existing characteristics of the neighborhood; compliance with all applicable

performance and design standards; compliance with requirements for wetlands and flood zone regulations.

Need for approval of a site plan for the Project is preempted by PSL Section 130. Further, the Ghent site plan review regulations do not provide absolute substantive standards for which a waiver can be requested, but give a number of considerations that should be taken into consideration in exercising its discretion to grant site plan approval. Factors such as the adequacy and arrangement of vehicular traffic access and circulation, pavement surfaces, and traffic controls; location, arrangement, appearance and sufficiency of off-street parking and loading; location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage; and adequacy of stormwater facilities do not appear to be applicable to an overhead electric transmission line. Because the Ghent Switching Station will be a switching station and not a substation, it will not include any transformers. Therefore, the amount of oil present, and thus the possibility of a fire, will be very limited. Nevertheless, the Ghent Switching Station access road will be of adequate width and construction to provide access to emergency equipment. To the extent that consideration of factors such as visual buffer between applicant's adjoining lands, maximum retention of existing vegetation; unsightliness or compatibility of building design with existing characteristics of the neighborhood would require a change in the transmission facilities Applicant has proposed, this ordinance is unduly restrictive in view of existing technology, factors of costs and the need of consumers. Retaining within the ROW of vegetation that is tall or could grow tall and reach the conductors is not feasible for reasons of technology, since such vegetation could cause outages of the facility. Screening the transmission facilities, or changing in the appearance of the proposed structures to a more compatible appearance is not feasible for reasons of technology, and attempts to make such changes would make this facility, which is needed by consumers of electric service in the area unreasonably costly.

7.4.5.6 *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.

7.4.5.7 Fences

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

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. This request cannot be obviated by changes to the design of the Project, and is the minimum request necessary.

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.

7.4.5.8 Signs

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

7.4.5.9 Building and Use Permits; Certificates of Occupancy

The Ghent Switching Station will include a steel frame prefabricated control house. §190-63 requires that a building permit be obtained from the Building Inspector for every structure or use built, established, placed, enlarged or significantly altered upon any real property. A building permit will not be issued unless the owner can demonstrate full compliance with the New York State Uniform Fire Prevention and Building Code and compliance with the regulations concerning the Flood Area Overzone. §190-66 requires that a certificate of occupancy be obtained by an owner before any building is used or occupied. A certificate of occupancy may not be issued unless the building is in conformity with the New York State Uniform Fire

Prevention and Building Code and with the local law regulating the Flood Overzone Area if applicable.

The need for a building permit or a certificate of occupancy for the Ghent Switching Station is preempted by PSL Section 130. Applicant will, however, comply with the Uniform Fire Prevention and Building Code and will have the Ghent Switching Station building inspected by a person authorized by the Secretary of State to determine compliance with the code.

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

Figure 7-3, located at the end of Exhibit 7, provides the Town of Stockport Zoning Map. The proposed National Grid Trunk #15 115-kV transmission line extension is located in the Residential Agricultural (RA) District.

7.5.2.2 District Regulations

The §120 Schedule of Use Regulations references public utility stations and structures as a permitted use in the RA zoning district with a special permit. For the RA district, the §120

Schedule of Area and Bulk Regulations requires (i) a ten percent maximum structure coverage; (ii) a seventy percent minimum open space, (iii) a 35-foot maximum structure height, (iv) a 200-foot minimum lot width, (v) a 50-foot minimum front yard setback, (vi) a 50-foot minimum side yard setback, and (vii) a 50-foot minimum rear yard setback.

The Applicant requests that the Commission refuse to apply the above width and setback requirements in the Town of Stockport zoning ordinance because they are 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.

The Project does not require the greater width of ROW that would result from conformity to the minimum dimensional and area requirements. These requirements have no relevance as applied to the Applicant's contiguous linear ROW lots. Widening the ROW beyond the proposed 100 feet would maximize the number of lots that satisfy the area and dimensional criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Stockport. Granting this request would mitigate the impact of the Project.

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 *Supplementary Regulations*

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 RA district that exceeds 57 dBA between 6:00 am to 7:00 pm and 53 dBA 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 all open portions of any developed lot must have adequate grading and drainage and must be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grasses or other planted ground cover or by paving with asphalt, concrete, crushed rock or by other material (Subsection G).

These general performance standards will be adhered to during the use of the National Grid Trunk #15 115-kV transmission line extension.

7.5.2.5 Signs

§120-24B permits temporary construction signs with a maximum size of 32 square feet in surface area that identify the parties involved in the construction on the premises where the sign is located.

7.5.2.6 Excavation

§120-26 permits the excavation of sand, gravel, shale, topsoil, or similar material to move such material from one part of a premise to another part of the same premise, when such excavation or removal is clearly incidental and necessary for improving the property 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.

7.5.2.7 Development near Streams, Wetlands, and Other Watercourses

According to §120-27, all development proposed 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, is subject to special permit review.

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

7.5.2.8 Screening

§120-35 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. The Applicant will manage its ROW in accordance with the ROW Management Program. The Vegetation clearing measures that the Applicant will implement at the commencement of the proposed Project are identified and detailed in Section 4.1.2.1 and 4.5.1.1 of Exhibit 4. These procedures and practices are consistent with state law and have been developed with Commission oversight.

The Applicant requests that the Commission refuse to apply Section 120-35 because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of the Applicant's consumers. This request cannot be mitigated by changes in the design of the Project, and it is the minimum necessary to allow reliable operation of the Project. It is technologically impossible to install a fence or vegetative screen sufficient to obscure the National Grid Trunk #15 115-kV transmission line extension from view from adjoining properties so as to fully comply with the requirement that the use be provided with a fence, screen and/or landscaping sufficient to obscure objectionable aspects of such use from adjoining landowners. This would require screening the entire vertical extent of the Project. In addition, this screen planting requirement is impractical and contrary to industry standards and practices which require sufficient clearance between electric transmission lines and any object that could impact the lines or conduct high-voltage to persons or property in the vicinity. 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.

7.6 References

Town of Chatham, New York. Town Code. 2011. <http://www.ecode360.com/CH1668>.

Town of Ghent, New York. Town Code. 2007. <http://www.ecode360.com/GH1743>.

Town of Stockport, New York. 2007. Code of the Town of Stockport.

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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 lot area, lot width and yard size requirements in the Town of Chatham zoning ordinance to the portion of the Project in the Town except for the proposed Project improvements at the existing Klinekill Substation (because the improvements will not change the dimensions of that lot). Circuit #726 in the Town of Chatham is proposed to be constructed overhead and parallel to an existing electric transmission line; the existing line and Circuit #726 will share a 175-foot ROW. The ROW is comprised of easements owned by the Applicant in a contiguous linear path. These Town dimensional requirements have no relevance as applied to the Applicant's contiguous linear ROW. The Applicant could in theory acquire more property and take other steps to maximize the number of easements that satisfy these criteria, but such actions would only incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town. Thus, this request cannot be obviated by design changes to the Project.
§180-13	Pursuant to §180-13, 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	Pursuant to § 180-15, 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.		The adverse impacts of granting the request are mitigated to the maximum extent practicable, including sharing ROW with an existing line. The Project does not require the greater width of ROW that would result from conformity to these requirements. A ROW of the width proposed by Applicant mitigates to the maximum extent possible the impact of the Project. Widening the ROW beyond the proposed width would maximize the number of lots that satisfy these criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Chatham.	

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Public Utility Uses, Siting, and Structures</i>			
§180-22E	<i>Requires that each aboveground utility structure comply with zoning setback regulations and be setback a distance at least equal to its height.</i>	<i>Existing technology and factors of cost and economics</i>	<i>The Applicant requests that the Commission refuse to apply the setback requirement of Subsection E as they apply to Circuit #726. This request cannot be obviated by Project design changes that alter structure locations along Circuit #726 because that would result in the individual structure locations being determined not by technical considerations of optimal structure separation like span lengths and conductor heights, but by a factor unrelated to those considerations: the distance by which structures are setback from the edge of the ROW. With structure heights proposed at and above 70 feet, compliance with this requirement would require a minimum ROW width of over 140 feet just for Circuit #726, and considerably wider where the Project would share the ROW with an existing transmission line. Widening the ROW beyond the proposed width feet would maximize the number of lots that satisfy the setback requirements; However, because Applicant customarily obtains an easement for its electric transmission line rights-of-way, and the terms of the customary easement allow the owner of the underlying fee interest to use the land beneath the wires for purposes that do not conflict with the use of the easement for an electric transmission line, safety would not be enhanced by requiring NYSEG to obtain a wider easement for Circuit #726, and doing so would cause Applicant's customers to incur unnecessary cost, impact neighboring property owners more than the Project requires, and be of no benefit to the residents of the Town of Chatham. A ROW of the width proposed by the Applicant mitigates to the maximum extent possible the impact of the Project.</i>

Chapter	Description	Statutory Basis	Justification for Waiver Request
Height Requirements			
§ 180-26	<p>§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.</p>	Existing technology	<p>PSL Section 130 prohibits the Town of Chatham from requiring approvals of the Board of Appeals for the Project's structures. The Applicant requests that the Commission refuse to apply this height limitation to the Project's structures. This request cannot be obviated by design changes to the Project. The Applicant has determined the optimal height for each structure of the Project based on NESC criteria and prudent engineering considerations, and in every case the height exceeds 35 feet. Based on those factors, the optimal height was determined to be at least approximately 70 feet for the Circuit #726 structures and therefore it is technologically impossible to change the Project design to comply with the Town's height restriction. By keeping the height of the Project structures to a minimum after taking into account the NESC criteria and prudent engineering considerations, the Applicant has mitigated to the maximum extent possible the impact of granting this request.</p>

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

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Subdivision of Land</i>			
§190-21	<p>§190-21 provides that any application for building, structure or use permit (including an accessory building or use), other than for a one- or two-family residence or an accessory building or use relating thereto, shall require site plan review, which shall be made by the Town Planning Board §190-23 provides that the site plan review shall include, as appropriate, but not be limited to, adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, structures and traffic controls; location, arrangement, appearance and sufficiency of off-street parking and loading; location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage; adequacy of drainage and stormwater facilities; adequacy of water supply and sewage disposal facilities; adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between applicant's adjoining lands, including maximum retention of existing vegetation; protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features; adequacy of fire lanes and other emergency zones and water supply for fire-fighting purposes; compatibility of building design with existing characteristics of the neighborhood; compliance with all applicable performance and design standards; compliance with</p>	Existing technology.	<p>The need for approval of a site plan for the Project is preempted by PSL Section 130. Further, the Ghent site plan review regulations do not provide absolute substantive standards for which a waiver can be requested, but give a number of considerations that should be taken into consideration in exercising its discretion to grant site plan approval. As applied to the transmission lines to be constructed within the Town of Ghent, factors such as the adequacy and arrangement of vehicular traffic access and circulation, pavement surfaces, and traffic controls; location, arrangement, appearance and sufficiency of off-street parking and loading; location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage; and adequacy of stormwater facilities do not appear to be applicable to an overhead electric transmission line.</p> <p>To the extent that consideration of factors such as visual buffer between applicant's adjoining lands, maximum retention of existing vegetation; unsightliness or compatibility of building design with existing characteristics of the neighborhood would require a change in the transmission facilities Applicant has proposed, this ordinance is unduly restrictive in view of existing technology, factors of costs and the need of consumers. Retaining within the ROW of vegetation that is tall or could become tall is not feasible for technological reasons. With present technology, such vegetation could cause outages of the facility, Screening the transmission facilities, or changing in the appearance of the proposed structures to a more compatible appearance are not feasible for reasons of technology, and attempts to make such changes would make this facility, which is needed by consumers of electric service in the area unreasonably costly.</p>

Chapter	Description	Statutory Basis	Justification for Waiver Request
	requirements for wetlands and flood zone regulations		
<i>Zoning</i>			
<i>Zoning: RA-2 District</i>		Existing technology and factors of cost and economics	<p>The Applicant requests that the Commission refuse to apply the above lot area, density per lot, lot width, setback, frontage and height 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 ROW; 50 feet of the 100-foot Circuit #726 ROW will be shared with the existing utility ROW. 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.</p> <p>This request cannot be obviated by design changes to the proposed facility. The Project does not require the greater width of</p>
§190 Attach. 1	Governs uses in the RA-1 district. Public utility structures and rights-of-way are permitted uses in the RA-1 district with a special permit. The district requires a one-acre minimum lot area, a three-acre minimum density per lot, a ten percent maximum total area occupied by main and accessory buildings, a 150-foot minimum lot width, a 35-foot maximum height, a 50-foot minimum front yard setback, a 20-foot minimum side yard setback for one side, an 45-foot total minimum setback for both side yards on an interior lot, a 25-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.		
<i>Zoning: CI-3 District</i>			

Chapter	Description	Statutory Basis	Justification for Waiver Request	
§190 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		<p>ROW that would be needed to conform to the minimum area and dimensional requirements. These requirements have no relevance as applied to the Applicant's contiguous linear ROW lots. Widening the ROW beyond the proposed 100 feet would maximize the number of lots that satisfy these criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Ghent. By sharing ROW with an existing line, Applicant mitigates to the extent possible the impact of this request.</p> <p>The Applicant has determined, based on NESC criteria and prudent engineering considerations, that the optimal height is 70 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.</p>	
<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	<p>The Applicant requests that the Commission refuse to apply the Town of Ghent requirements regarding vegetation screening and management because as applied to the Ghent Switching Station and the transmission line structures, they are unduly restrictive in view of the existing technology, cost factors and the needs of the Applicant's consumers. This request cannot be obviated by design changes to the proposed Project. It is technologically impossible to landscape or fence the transmission line structures in a manner that would screen the structures from adjoining properties, which would require screening the vertical extent of the Project.</p> <p>The Applicant requests that the Commission refuse to apply the buffering and screening requirements of Subsection I because they are unduly restrictive in view of the existing technology, cost factors and the needs of the Applicant's consumers. This request cannot be obviated by a change in the design of the facilities. According to the IEEE Guide for Electric Power Substation Physical and Electronic Security, "any landscaping treatment around substations</p>	
§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 substituted for the required planting.			
§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			

Chapter	Description	Statutory Basis	Justification for Waiver Request
	adhere to a planting schedule and a two growing season replacement agreement.		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 allowing the Applicant to construct, operate, and maintain the Ghent Switching Station safely and reliably. The Applicant will provide lower screening with shrubs. This waiver is the minimum necessary.
<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.	
<i>Stormwater</i>			
§190-18K	Requires provisions for the collection and disposal of all drainage and stormwater runoff from the site.		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.
<i>Fences</i>			
§190-31	Requires that the height for any fence not exceed six feet.	Existing technology and customer needs	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. This request cannot be obviated by changes to the design of the Project and is the minimum request necessary. 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 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

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>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>

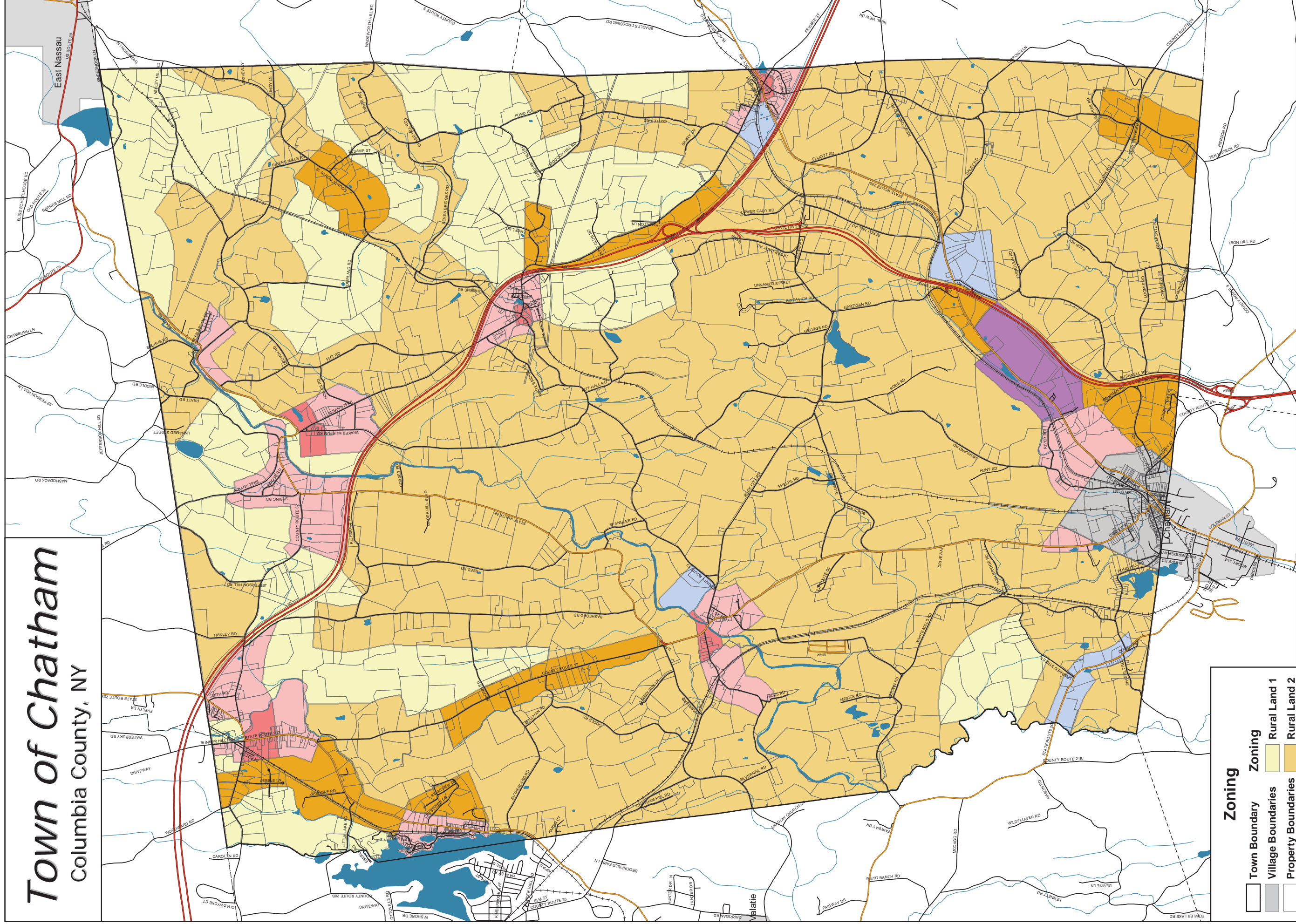
Table 7-4: Town of Stockport Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Use Law</i>			
<i>District Regulations</i>			
§120	<p>The § 120 Schedule of Use Regulations references public utility stations and structures as a permitted use in the RA zoning district with a special permit. For the RA district, the § 120 Schedule of Area and Bulk Regulations requires (i) a ten percent maximum structure coverage, (ii) a seventy percent minimum open space, (iii) a 35-foot maximum structure height, (iv) a 200-foot minimum lot width, (v) a 50-foot minimum front yard setback, (vi) a 50-foot minimum side yard setback, and (vii) a 50-foot minimum rear yard setback.</p>	<p>Existing technology and factors of cost and economics</p>	<p>The Applicant requests that the Commission refuse to apply the width and setback requirements in the Town of Stockport zoning ordinance because they are 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.</p> <p>The Project does not require the greater width of ROW that would result from conformity to the minimum dimensional and area requirements. These requirements have no relevance as applied to the Applicant's contiguous linear ROW lots. Widening the ROW beyond the proposed 100 feet would maximize the number of lots that satisfy the area and dimensional criteria; however, such action would incur unnecessary cost to the Applicant, impact neighboring property owners, and be of no benefit to the Town of Stockport. Granting this request would mitigate the impact of the Project.</p>

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Screening</i>			
§120-35	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	The Applicant requests that the Commission refuse to apply Section 120-35 because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of the Applicant's consumers. This request cannot be mitigated by changes in the design of the Project, and it is the minimum necessary to allow reliable operation of the Project. It is technologically impossible to install a fence or vegetative screen sufficient to obscure the National Grid Trunk #15 115-kV transmission line extension from view from adjoining properties so as to fully comply with the requirement that the use be provided with a fence, screen and/or landscaping sufficient to obscure objectionable aspects of such use from adjoining landowners. This would require screening the entire vertical extent of the Project. In addition, this screen planting requirement is impractical and contrary to industry standards and practices which require sufficient clearance between electric transmission lines and any object that could impact the lines or conduct high-voltage to persons or property in the vicinity. 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.

Town of Chatham

Columbia County, NY



Zoning

- Town Boundary
- Village Boundaries
- Property Boundaries
- Water Features
- Streams
- Rural Land 1
- Rural Land 2
- Rural Land 3
- Hamlet 1
- Hamlet 2
- Industrial
- Business
- Village

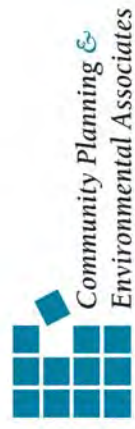


2 Miles

0 0.5 1

Columbia County Transmission Project
Article VII Application
Figure 7-1

Draft Map Date:
10-27-2004

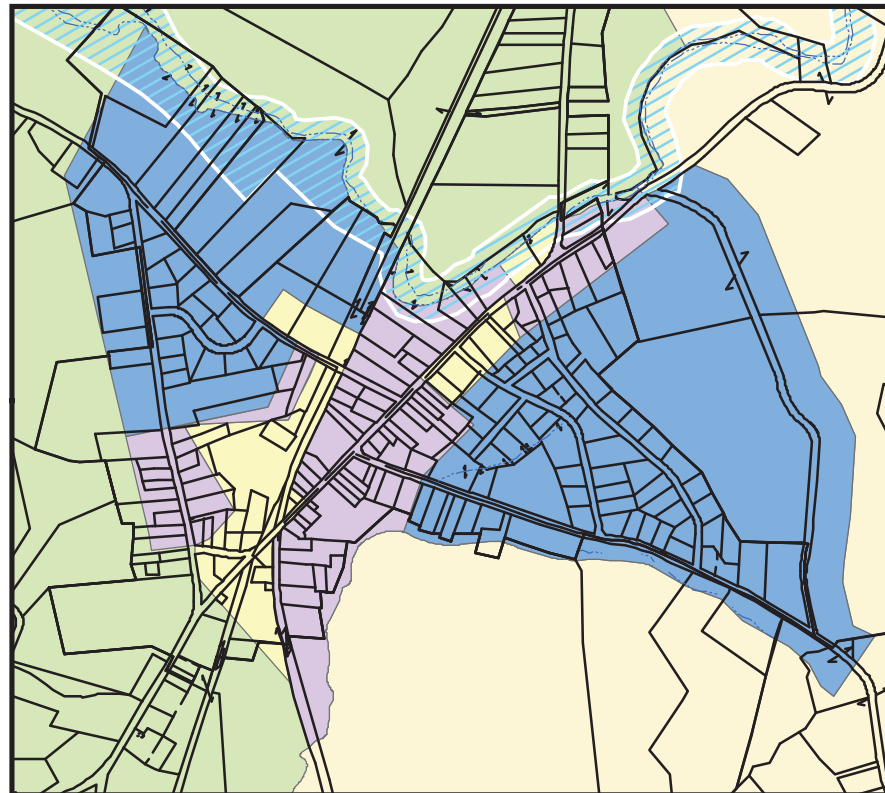


Community Planning &
Environmental Associates

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152 Stolzenburg Road, Berne, NY 12023
Don Meltz, Planning and GIS - www.donmeltz.com

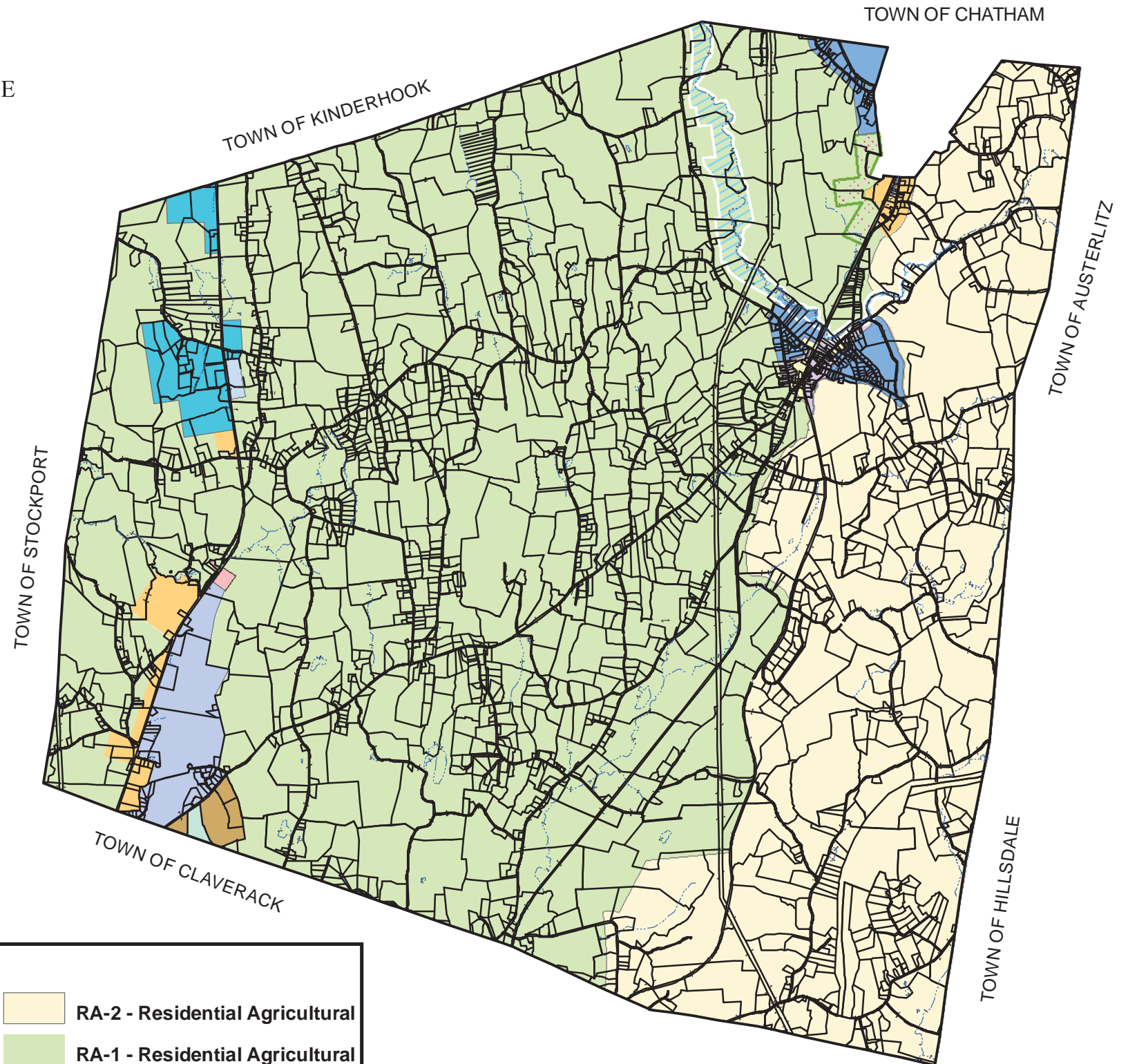
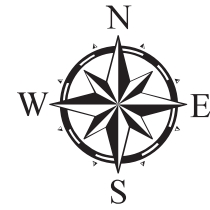
ZONING MAP PREPARED FOR THE TOWN OF GHENT

HAMLET INSET



0.25 0.125 0 0.25 Miles

1 inch equals 0.25 miles



Legend

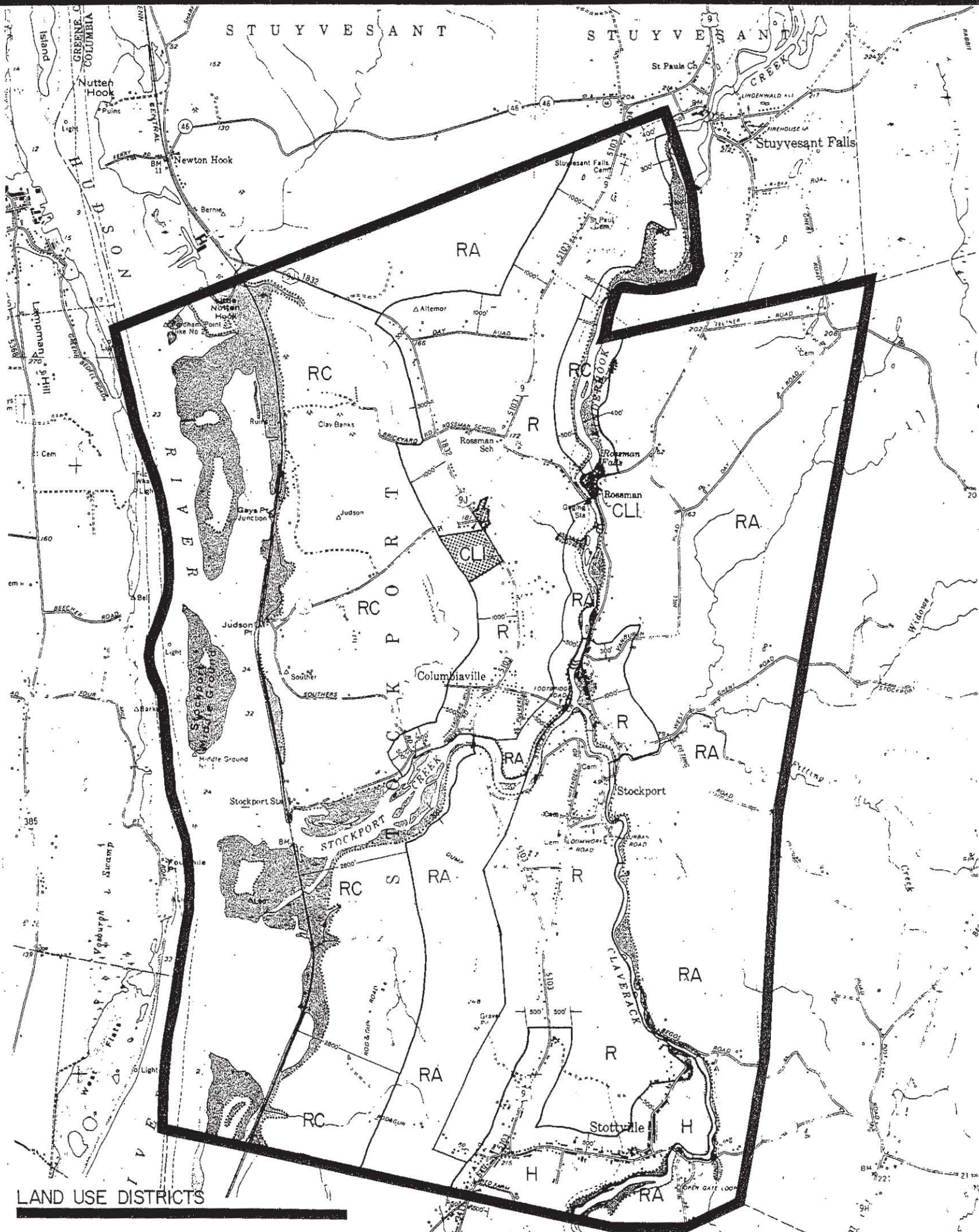
FAO - Flood Area Overzone	CI-3 - Commercial Industrial	RA-2 - Residential Agricultural
BC - Business/Commercial	BIC - Business Industrial Complex	RA-1 - Residential Agricultural
SR - Suburban Residential	VR - Village Residential	Town Boundary
LCB - Limited Commercial Business	VB - Village Business	Tax Parcel Boundaries
CI - Commercial Industrial	PCID overzone	Water
CI-2 - Commercial Industrial	PCID - Planned Commercial Industrial Development	

0 0.5 1 1.5 2 Miles

1 inch equals 1 miles

Map updated August 19, 2010
to reflect current Zoning District Boundaries

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LAND USE DISTRICTS

- H HAMLET
- R RESIDENTIAL
- RA RESIDENTIAL AGRICULTURAL
- RC RESIDENTIAL CONSERVATION
- CLI COMMERCIAL-LIGHT INDUSTRIAL
- PD PLANNED DEVELOPMENT
-unmapped 1-88
- FW FLOODWAY
-refer to FEMA map
- FF-O FLOOD-FRINGE OVERLAY
-per FEMA map

THE PREPARATION OF THIS MAP WAS FINANCIALLY AIDED THROUGH A FEDERAL GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE COMPREHENSIVE PLANNING ASSISTANCE PROGRAM AUTHORIZED BY SECTION 701 OF THE FEDERAL HOUSING ACT OF 1954, AS AMENDED. THIS MAP WAS PREPARED UNDER THE COMPREHENSIVE PLANNING ASSISTANCE PROGRAM FOR THE NEW YORK STATE OFFICE OF PLANNING COORDINATION. IT WAS FINANCED IN PART BY THE STATE OF NEW YORK. COLUMBIA COUNTY PLANNING DEPARTMENT

LAND USE DISTRICT MAP 1-88
TOWN OF STOCKPORT



IMPORTANT NOTICE

THIS MAP REFLECTS ZONING BOUNDARIES AS OF JANUARY 1988 WHICH ARE SUBJECT TO CHANGE. CHECK WITH TOWN OFFICIALS TO CONFIRM CURRENT BOUNDARIES.

**Columbia County
Transmission Project
Article VII Application
Figure 7-3**

Path: V:\NYSEG\66615_Klinekill_Valkin\GIS\DataFiles\ArcDocs\Application_Maps\Revised\Chatham_Lot_Boundaries.mxd dwerth 3/26/2013
Contains information copyrighted by the New York State Office of Cyber Security and Critical Infrastructure Coordination, 2013.



- Existing Transmission Lines
- Circuit #726
- Existing ROW Boundary
- Proposed ROW Boundary
- Town Boundaries
- Parcels

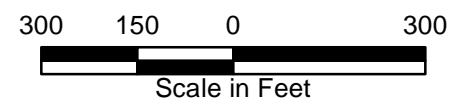


Figure 7-4
Columbia County
Transmission Project
Circuit #726
Town of Chatham

Path: V:\NYSEG\66615_Klinekill_Valkin\GIS\DataFiles\ArcDocs\Application_Maps\Revised\Ghent_Switching_Station_Setbacks.mxd dwerth 3/26/2013
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- Town of Ghent
- CI-3 Required Setbacks
- Ghent Switching Station
- Circuit #726
- Extension of National Grid
- 115-kV Trunk #15
- Proposed ROW Boundary
- Parcels



Figure 7-5
Columbia County
Transmission Project
Ghent Switching Station
Town of Ghent
Required Setbacks for CI-3 Zone