



Lockport-Batavia Line 112

Rebuild Project

Exhibit 7

Local Ordinances

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EXHIBIT 7: LOCAL ORDINANCES

7.1 INTRODUCTION

The Lockport-Batavia 112 Rebuild Project (the “Project”)¹ is proposed to be sited in the following jurisdictions:

- County of Niagara
 - City of Lockport
 - Town of Lockport
 - Town of Royalton
- County of Genesee
 - Town of Alabama

This exhibit identifies, for each of the jurisdictions listed above, the substantive local ordinances, laws, resolutions, regulations, standards and other requirements applicable or potentially applicable to the Project (“Local Ordinances”). National Grid will comply with the substantive requirements of these Local Ordinances, and the location of the Project and its construction and operation will be in accordance with all such Local Ordinances, except for those substantive requirements of Local Ordinances that the Applicant in this Exhibit 7 identifies as unreasonably restrictive in view of: (i) the existing technology; (ii) factors of costs or economics; or (iii) the needs of consumers. This Exhibit 7 contains justification statements in support of the Applicant’s request that the New York State Public Service Commission (“Commission”) not apply those substantive Local Ordinances identified as unreasonably restrictive.

Due to the preemptive effect of Public Service Law (“PSL”) Section 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

The Compliance Summary Table set forth on the following page(s) lists every substantive Local Ordinance potentially applicable to the Project as well as every substantive Local Ordinance that the Applicant requests that the Commission not apply.

¹ In this exhibit, the term “Project” and numerous other capitalized terms are defined in the Glossary included in this Application.

| TABLE 7.1-1 COMPLIANCE SUMMARY TABLE | | |
|---|---|---|
| Municipality | Subject of Ordinance | Applicant Will Comply or Requests PSC Relief |
| <i>County of Niagara</i> | | |
| | Local Law No. 7 of 2007 – Right to Farm | Will Comply |
| | Local Law No. 4 of 1999 – Uniform Fire Prevention and Building Code | Will Comply |
| | Local Law No. 3 of 1976 – Freshwater Wetlands | Will Comply |
| <i>City of Lockport</i> | | |
| | Chapter 66 – Building Construction Administration | Will Comply |
| | Chapter 68 – Buildings, Demolition Of | Will Comply |
| | Chapter 98 – Fire Prevention/Vegetation Clearing | Requests Partial PSC Refusal to Apply |
| | Chapter 106 – Freshwater Wetlands | Will Comply |
| | Chapter 125 – Noise | Requests Partial PSC Refusal to Apply |
| | Chapter 158 – Streets and Sidewalks | Requests Partial PSC Refusal to Apply |
| | Chapter 176 – Trees | Requests Partial PSC Refusal to Apply |
| | Chapter 183 – Vehicles and Traffic | Will Comply |
| | Chapter 190 – Zoning | |
| | Section 190-12 – Regulations Applicable to All Districts | Requests Partial PSC Refusal to Apply |
| | Article XVII – Signs | Will Comply |
| | Article XVIII – Performance Standards | Will Comply |
| | Article XX – Flood Damage Prevention | Will Comply |
| <i>Town of Lockport</i> | | |
| | Chapter 58 – Building Construction and Fire Prevention | Will Comply |
| | Chapter 85 – Drainage | Will Comply |
| | Chapter 95 – Flood Damage Prevention | Will Comply |
| | Chapter 123 – Noise | Request Partial PSC Refusal to Apply |
| | Chapter 132 – Property Maintenance | Request PSC Refusal to Apply |
| | Chapter 156 – Solid Waste | Will Comply |
| | Chapters 158 and 159 – Storm Sewers and Stormwater Management | Will Comply |
| | Chapter 161 – Streets and Sidewalks | Will Comply |
| | Chapter 200 - Zoning | |
| | Article IV – General Regulations | Will Comply |
| | District Regulations | Requests PSC Refusal to Apply |

TABLE 7.1-1 COMPLIANCE SUMMARY TABLE

| Municipality | Subject of Ordinance | Applicant Will Comply or Requests PSC Relief |
|---------------------------------|--|---|
| | Sections 200-72, 200-73 and 200-94 – Site Development Standards, Dimensional Requirements, and Additional Dimensional and Aesthetic Requirements | Requests PSC Refusal to Apply |
| | Section 200-178 | Will Comply |
| <i>Town of Royalton</i> | | |
| | Chapter 29 – Building Code Enforcement and Administration | Will Comply |
| | Chapter 55 – Drainage Systems | Will Comply |
| | Chapter 79 – Flood Damage Prevention | Will Comply |
| | Chapter 95 – Noise | Request PSC Refusal to Apply |
| | Chapter 152 – Solid Waste | Will Comply |
| | Chapter 175 – Vehicles and Traffic | Will Comply |
| | Zoning | |
| | Section 200-40(C) – Special Use Permit Conditions | Will Comply |
| | Section 200-13 – Signs | Will Comply |
| | Section 200-14 – Temporary Uses | Will Comply |
| | Article V – District Regulations | Requests Partial PSC Refusal to Apply |
| | Section 200-20 – Non-conforming Uses, Lots and Structures | Will Comply |
| <i>County of Genesee</i> | | |
| | Local Law No. 4 of 1992 – Source Separation and Recycling | Will Comply |
| | Local Law No. 3 of 2003 – Administration and Enforcement of the New York Building Code | Will Comply |
| <i>Town of Alabama</i> | | |
| | Local Law No. 3 of 1982 – Flood Damage Prevention | Will Comply |
| | Local Law No. 1 of 1989 – Prevention of the Depositing or Accumulation of Trash | Will Comply |
| | Local Law No. 1 of 1992 – Source Separation and Recycling Law | Will Comply |
| | Local Law No. 2 of 2007 – Building Code | Will Comply |
| | Local Law No. 2 of 2014 – Property Maintenance | Request Partial PSC Refusal to Apply |
| | Local Law No. 1 of 2017 – Water Code | Will Comply |
| | Local Law No. 1 of 2019 – Right to Farm | Will Comply |
| | Local Law No. 2 of 2022 – Parking | Will Comply |
| | Zoning | |
| | Section 307 – Entrances and Exits onto Highways | Will Comply |
| | Section 401 – Buildings, Uses and Lots | Will Comply |
| | Section 402 – Supplementary Yard Regulations, Stripping and Excavations | Will Comply |
| | Section 409 – Height Modifications | Will Comply |

TABLE 7.1-1 COMPLIANCE SUMMARY TABLE

| Municipality | Subject of Ordinance | Applicant Will Comply or Requests PSC Relief |
|---------------------|---|---|
| | Section 501 – Agricultural-Residential District (A-R) | Will Comply |
| | Section 505 – Land Conservation (LC) | Request PSC Refusal to Apply |
| | Local Law No. 3 of 2012; Local Law No. 6 of 2017 – Technology Districts 1, 2, and 3 | Request Partial PSC Refusal to Apply |
| | Local Law No. 2 of 2018 – Technology District Design Standards | Request Partial PSC Refusal to Apply |
| | Section 606 – Signs | Will Comply |
| | Section 809 – Special Use Permit | Will Comply |

7.2 COUNTY OF NIAGARA²

7.2.1 Local Law No. 7 of 2007 - Right to Farm

This law provides that no entity may engage in any conduct or act in any manner so as to unreasonably and/or intentionally prevent or in any way deter the practice of farming within the County.

7.2.2 Local Law No. 4 of 1999 - Uniform Fire Prevention and Building Code

In this local law, the County of Niagara has adopted the New York State Uniform Fire Prevention and Building Code (“Building Code”).

7.2.3 Local Law No. 3 of 1976 - Freshwater Wetlands

In this local law, the County of Niagara has adopted the New York State Freshwater Wetlands Act.

² The Applicant obtained the Local Ordinances of the County of Niagara online at https://www.niagaracounty.com/government/legislature/local_laws.php (last visited November 2, 2022).

7.3 CITY OF LOCKPORT³

7.3.1 Chapter 66 - Building Construction Administration

In this chapter, the City of Lockport has adopted the Building Code and the New York State Energy Conservation Construction Code (“Energy Code”).

This chapter also requires that electrical installations be made in conformity with the requirements of the National Electrical Code, published by the National Fire Protection Association.

7.3.2 Chapter 68 - Buildings, Demolition Of

This Chapter sets forth protective measures to be employed in connection with structure demolition.

7.3.3 Chapter 98 - Fire Prevention/Vegetation Clearing

Section 98-15 of this chapter requires that property exteriors and premises be free from any accumulation of rubbish or garbage. It requires the removal of large quantities of dry vegetation, including wood, which would constitute a fire hazard.

The Applicant will prepare its right-of-way (“ROW”) for the Project in accordance with its then-current “Clearing and Slash Disposal Procedures for Standard Environmental management and Construction Plan (“Clearing Procedures” “EM&CP”). The Applicant will manage its ROW in accordance with its Transmission Right-of-Way Management Plan adopted pursuant to 16 NYCRR Part 84, as it may be amended from time to time (“TROWMP”). Vegetation clearing measures the Applicant will implement at the commencement of the Project are identified and detailed in 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 98-15 because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflicts with the Applicant’s Clearing Procedures and its TROWMP. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-

³ The local laws of the City of Lockport are available online at <https://ecode360.com/LO0777> (last visited November 2, 2022).

voltage electric transmission lines. The needs of the Applicant's consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply Section 98-15.

7.3.4 Chapter 106 - Freshwater Wetlands

In this chapter, the City of Lockport has adopted the New York State Freshwater Wetlands Act.

7.3.5 Chapter 125 – Noise

Section 125-3(L) prohibits construction “in a manner as to cause unreasonable noise” during the 10 hour period starting at 9:00 p.m. each night from Sunday to Thursday and the 8 hour period starting at 11:00 p.m. on Friday and Saturday nights. Section 125-2 defines “Unreasonable Noise” as “[a]ny excessive or unusually loud sound or any sound which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business.”

Construction activities on the Project will generally be scheduled to occur between the hours of 7:00 a.m. and 7:00 p.m. six days per week (Monday through Saturday). Due to the safety-driven nature of the Project, construction activities could infrequently be scheduled to occur on Sundays or outside of the normal working hours listed above. This would be done solely to avoid or reduce schedule delays, including those caused by adverse weather conditions.

The Applicant requests that the Commission refuse to apply Sections 125-2 and 125-3(L) because they are unduly restrictive in view of the existing technology, cost and the needs of the Applicant's consumers. This request cannot be obviated by design changes to the Project. The Applicant will strive to avoid operating construction equipment in this municipality at times contrary to this ordinance. It is possible, however, that due to safety or continuous operation requirements, the Applicant will need to continue work uninterrupted in the City after hours or on a Sunday. If that appears necessary, the Applicant will give Staff and the City advance notice, which mitigates the adverse impacts of granting this request to the maximum extent practicable. The Applicant may incur considerable additional cost if it were required to achieve full compliance with these local requirements by adjusting the Project's work schedule. The needs of the Applicant's consumers are best met by enabling the Applicant to construct this Project expeditiously so as to have the Project in service at the earliest possible date. These costs and

consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply these local requirements. The request is the minimum necessary.

7.3.6 Chapter 158 - Streets and Sidewalks

Provisions of Chapter 158 prohibit motor vehicles remaining stationary for more than one hour, putting materials on any street, vehicles on City sidewalks, the breaking of pavement, throwing rubbish onto any streets, or causing any obstructions to the same. They also require that street excavations and deposits of building material be fenced and lit at night, and that crosswalks be kept free from vehicles.

Section 158-21A requires every person in control of any parcel of land in the city to cut and remove any growth of vegetation or brush growing on the lot, as follows: (a) on any parcel of one acre or less, cut the vegetation to a length of six inches or less; and (b) on any parcel of more than one acre or less, or on any contiguous tracts or parcels with at least one common owner that contain more than one acre in combined area, cut vegetation to a length of six inches or less back a distance of 20 feet from the curb or boundary line of each adjacent public street and/or property line.

The Applicant will prepare its Project ROW in accordance with its Clearing Procedures and manage its Project ROW in accordance with its TROWMP. Vegetation clearing measures the Applicant will implement at the commencement of the Project are identified and detailed in 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 158-21A because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflicts with the Applicant's Clearing Procedures and its TROWMP. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines. The needs of the Applicant's consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply Section 158-21A.

7.3.7 Chapter 176 – Trees

Section 176-5 prohibits injuring, abrading or killing any “tree, plant or shrub in or upon any public highway or public place” by causing any electric conductor to come into contact with

it. Section 176-6 prohibits attaching any rope, wire, chain or sign to any such tree, plant or shrub or to its protective guard or stake, “except for the purpose of protecting it or the public.” Section 176-8 requires anyone in charge of building, altering or removing any structure to protect any such tree in the vicinity. Section 176-12 establishes regulations for planting, trimming and care of trees in or upon the public highways and public places of the City.

The Applicant will prepare its Project ROW in accordance with its Clearing Procedures and manage its ROW in accordance with its TROWMP. Vegetation clearing measures the Applicant will implement at the commencement of the Project are identified and detailed in 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 Sections 176-5, 176-6, 176-8 and 176-12 because they are unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. These laws conflict with the Applicant’s Clearing Procedures and its TROWMP. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines. The needs of the Applicant’s consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission’s refusal to apply these local laws.

7.3.8 Chapter 183 – Vehicles and Traffic

Article II of this Chapter sets forth regulations for the operation of motor vehicles within the city. Article III of this Chapter includes parking, standing and stopping regulations for motor vehicles within the city.

7.3.9 Chapter 190 – Zoning

7.3.9.1 Zoning Map and Districts

Figure 7.3-1 is the City of Lockport Zoning Map. The Project’s ROW is located in the following zoning districts: Heavy Industrial (I-3) District and a Reserved Area (RA) District.

7.3.9.2 Section 190-12 – Regulations Applicable to All Districts

The minimum lot size in the I-3 Heavy Industrial District is 2 acres, maximum lot coverage is 50% and required setbacks are 35 feet in front yards, 20 feet on side yards, and 30 feet in rear

yards. The minimum lot size in the RA Reserved Area District is 4 acres, maximum lot coverage is 10% and required setbacks are 80 feet in front yards, 50 feet on side yards, and 100 feet in rear yards.

The Applicant requests that the Commission refuse to apply to the Project the City's dimensional, area and setback requirements detailed in the foregoing paragraph. The justifications for this request are based on the fact that Line 112 and its ROW presently exist and are situated primarily on lots owned by the Applicant joined in a contiguous linear path. First, many of these requirements have no necessary nexus or relevance when considered in light of the Applicant's contiguous ROW lots. Regarding the minimum lot size and yard requirements, the Applicant could in theory take steps to merge many of its lots in order to maximize the number of lots that satisfy these criteria, but such action would only incur unnecessary cost to the Applicant and be of no benefit to the City. The position of each existing structure was a function of optimal structure separation when Line 112 was built, and most of the replacement structures erected in the Project are to be positioned in close proximity to the structures they replace. The distance by which structures are setback from the lot lines perpendicular to the path of Line 112 is completely unrelated to the location of the lot lines. These dimensions were set when the Applicant acquired these lots decades ago, and no technical reason exists for increasing the measurements at this time. Any increases would be of no benefit to the City and only cause the Applicant to incur additional expense. Finally, the Applicant has optimized the height of the structures associated with the rebuilt Line 112 to be the minimum height necessary to provide for safe and reliable operation of the line based on prudent engineering considerations inclusive of those minimum conductor clearance requirements as outlined in the most current edition of the National Electrical Safety Code. Therefore, it is technologically impossible to comply with the City's maximum height restrictions.

Pursuant to Sections 190-72, 190-66(C) and 190-77(B), essential services are a permitted principal use in the I-3 Heavy Industrial District and a special use in the RA Reserved Area District. The Project meets the definition of "Essential Service" in Section 190-6(B): "[t]he erection, construction, alteration or maintenance by public utilities ... of ... overhead ... electrical ... transmission systems, including poles, wires, ... cables ... and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities...."

Section 190-118(B) provides that the following requirements apply to special uses: (i) must be designed, located and proposed to be operated in a manner protective of the public health, safety, welfare and convenience; (ii) must not cause substantial injury to the value of other property

in the neighborhood; (iii) must “be compatible with adjoining development and the proposed character of the zone district where it is to be located”; (iv) must have “adequate” landscaping and screening; (v) must provide “adequate” off-street parking and loading and ingress and egress designed as to cause minimum interference with traffic on abutting streets; and (vi) must conform to “all applicable regulations governing the zoning district where located.”

7.3.9.3 Article XVII - Signs

Article XVII of the City’s zoning ordinance prohibits the placement of signs on utility poles and permits signs necessary for the identification, operation or production of a public utility. This article also establishes sign size, placement and set back rules.

7.3.9.4 Article XVIII - Performance Standards

Clauses D through I of Section 190-150 of Article XVIII of the City’s zoning ordinance contain detailed provisions limiting various objectionable elements such as vibration, glare, smoke, odors, dust, fumes, vapors, and toxic or noxious matter at or beyond the property lines of the source lot. Clause D of Section 190-150 limits noise, but it does not apply to “temporary construction work.”

7.3.9.5 Article XX - Flood Damage Prevention

This article in the City’s zoning ordinance implements the National Flood Insurance Program. The special flood hazard areas associated with the Erie Canal crossed by a portion of the Project comprise “A” flood zones as identified and defined on the flood insurance rate map for the City of Lockport prepared by FEMA. See Figure 4.3-2 of Exhibit 4.

7.4 TOWN OF LOCKPORT⁴

7.4.1 Chapter 58 - Building Construction and Fire Prevention

In this chapter, the Town of Lockport has adopted the Building Code and the Energy Code.

7.4.2 Chapter 85 - Drainage

This law protects the Town’s drainage systems.

The Applicant will apply for a water quality certification under the Federal Clean Water Act (“CWA”) as part of the PSL Article VII certification process. In addition, the Applicant will seek coverage from the New York State Department of Environmental Conservation (“NYSDEC”) under its State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) (“General Permit”) by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the General Permit is the development of a Stormwater Pollution Prevention Plan (“SWPPP”) in accordance with the requirements set forth in the SPDES Permit. The EM&CP will address storm water management, temporary soil erosion and sediment controls, as well as spill prevention and control measures. These measures will be set forth in the EM&CP and will constitute the Project’s SWPPP. Refer to Exhibits 4 and 8 for details.

7.4.3 Chapter 95 - Flood Damage Prevention

This chapter implements the National Flood Insurance Program. The special flood hazard areas associated with the Erie Canal crossed by a portion of the Project comprise “A” flood zones as identified and defined on the flood insurance rate map for the Town of Lockport prepared by FEMA. The special flood hazard areas associated with Donner Brook crossed by a portion of the Project comprise “AE” flood zones as identified and defined on such flood insurance rate map. See Figure 4.3-2 of Exhibit 4.

7.4.4 Chapter 123 – Noise

Section 123-3(A) of this chapter prohibits any person from causing or permitting to be caused “any noise which can be heard by a person with normal hearing beyond the boundaries of

⁴ The local laws of the Town of Lockport are available online at <https://ecode360.com/LO1992> (last visited November 2, 2022).

property ... that shall unreasonably disturb, alarm or interfere with the comfort, repose or peace of other persons.”

The Applicant requests that the Commission refuse to apply Section 123-3(A) because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. This request cannot be obviated by design changes to the Project because noise is unavoidable given the nature of such construction activities. A number of the processes and activities to be conducted in the course of the Project, including motorized equipment engaged in excavation and erection of structures, make compliance technically impossible or impracticable. The Applicant will implement noise mitigation measures during the course of the proposed Project; these are identified and detailed in Section 4.9 of Exhibit 4. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with Section 123-3(A) by further adjusting the Project’s noise levels. The needs of the Applicant’s consumers are best met by enabling the Applicant to perform this safety-driven Project expeditiously so as to keep the duration of outages on Line 112 to a minimum. These costs and consumer needs outweigh the impact on this town that would result from the Commission’s refusal to apply Section 123-3(A).

Section 123-3(E) prohibits any person from engaging in “construction or demolition activities which emit noise audible on any premises containing a residence between the hours of 7:00 p.m. and 7:00 a.m.,” with the exception that, in “emergency or extreme circumstances,” the town Building Inspector may authorize such work “subject to such conditions as he shall determine.”

Construction activities on the Project will generally be scheduled to occur between the hours of 7:00 a.m. and 7:00 p.m. six days per week (Monday through Saturday). Due to the safety-driven nature of the Project, construction activities could infrequently be scheduled to occur outside of the anticipated working hours or on Sundays. This would be done solely to avoid or reduce schedule delays, including those caused by adverse weather conditions.

The Applicant requests that the Commission refuse to apply Section 123-3(E) because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. This request cannot be obviated by design changes to the Project. The Applicant will strive to avoid operating construction equipment in this municipality at times contrary to this ordinance. It is possible, however, that due to safety or continuous operation requirements, the Applicant will need to continue work uninterrupted in the town after hours. If that appears necessary, the Applicant will give Staff and the town advance notice, which mitigates the adverse

impacts of granting this request to the maximum extent practicable. The Applicant may incur considerable additional cost if it were required to achieve full compliance with this local requirement by adjusting the Project's work schedule. The needs of the Applicant's consumers are best met by enabling the Applicant to construct this Project expeditiously so as to have the Project in service at the earliest possible date. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local requirement. The request is the minimum necessary.

7.4.5 Chapter 132 - Property Maintenance

Chapter 132 sets forth the Town's rules regarding property maintenance and prohibits the outdoor storage, accumulation or placement of inoperable construction equipment, rubbish, solid waste and debris (defined as material resulting from construction, excavation and repair of structures as well as materials consisting of vegetation resulting from land clearing and utility line maintenance).

The Applicant requests that the Commission refuse to apply Chapter 132 because it is unduly restrictive in view of cost and the needs of the Applicant's consumers. The Applicant would incur considerable additional cost to adjust its procedures and practices to achieve full compliance with this local requirement, particularly when other municipalities traversed by Line 112 have different and sometimes conflicting requirements. Additionally, the needs of the Applicant's consumers are best met by enabling the Applicant to perform the Project and operate and maintain Line 112 safely and reliably pursuant to procedures that are based on state law and Commission precedent. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local requirement.

7.4.6 Chapter 156 - Solid Waste

This chapter implements the Town's solid waste management program to separate solid waste into recyclable and reusable material, as required by the New York Solid Waste Management Act of 1988.

7.4.7 Chapters 158 and 159 – Storm Sewers and Stormwater Management

These Chapters regulate stormwater discharges to the Municipal Separate Storm Sewer System ("MS4") in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems.

The Applicant will seek coverage from the NYSDEC under the State's General Permit by filing a Notice of Intent prior to commencement of Project construction. One of the requirements

of the General Permit is the development of a SWPPP in accordance with the requirements set forth in the General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. These measures will be set forth in the EM&CP and will constitute the Project’s SWPPP. Refer to Exhibits 4 and 8 for details.

7.4.8 Chapter 161 - Streets and Sidewalks

This chapter requires that anyone intending to perform any “excavation, drilling, construction, erection of poles, laying or stringing of wires, [or] placement of ... conduits ... or any other structure ...” within any Town road or highway demonstrate that the work will not “unduly damage highways, impair safety, or impose an undue burden on the Town....”

7.4.9 Chapter 200 – Zoning

7.4.9.1 Zoning Map and Districts

Figure 7.4-1 is the Town of Lockport Zoning Map. Line 112’s ROW is located in the following districts: Agricultural Residential Use District (AR), Residential Use District (R-1), Agriculture Use District (AG), and General Business Use District (B-2), and in the Commercial Corridor Overlay District overlaying the General Business Use District.

7.4.9.2 Article IV - General Regulations

Section 200-11 prohibits, on any corner lot, a structure more than three feet high located in “a space to be determined by drawing a line 16 feet along each street right-of-way line of such lot from the intersection of the right-of-way lines of the two streets and connecting the ends of such lines by a diagonal line enclosing a triangular space.” In the Town of Lockport, the Project will include no new structures located inside such spaces on corner lots.

Section 200-16 prohibits mixing stone or gravel with oil or other binders.

Section 200-17 prohibits the excavation or removal of soil to an extent greater than the minimum amount necessary for the construction or alteration of structures, roads or other infrastructure and excavation and/or grading incidental thereto.

In Section 200-20, the Town of Lockport has adopted the Building Code and the Energy Code.

7.4.9.3 District Regulations

The maximum lot coverage requirement is 35% for the General Business Use District (Section 200-72) and 75% for the Commercial Corridor Overlay District (Section 200-94). The minimum green/open space requirement is 25% for the Commercial Corridor Overlay District (Section 200-94).

The other use, dimensional, area and setback requirements applicable in these districts are set forth in the following table:

| TABLE 7.4-1 TOWN OF LOCKPORT ZONING DISTRICT REGULATIONS | | | | | |
|--|--|---------------------------------|---------------------------|---------------------------|--|
| DISTRICT | B-2 | R-1 | AR | AG | CCO |
| use - as of right | No | No | No | No | No |
| use - special or conditional | No | No | Yes | Yes | No |
| minimum lot area (sq. ft.) | 30,000 | 20,000 | 20,000 | | 40,000 (except 50,000 at corners) |
| minimum lot width (ft.) | 150 | 85 | 100 | 150 | 200 (except 250 at corners) |
| minimum lot depth (ft.) | 200 | 200 | 200 | 250 | 200 (except 250 at corners) |
| minimum front yard setback (ft.) | 75 (maximum 100) | 50 (except 70 on major streets) | 75 | 75 | 75 |
| minimum side yard setback (ft.) | 10 (except 100 if adjacent to AR or R-1) | any one side 10; total 25 | any one side 15; total 35 | any one side 20; total 50 | 25 (except 100 if abuts residential; 75 if abuts street) |
| minimum rear yard setback (ft.) | 10 (except 100 if adjacent to AR or R-1) | 50 | 50 | 75 | 25 (except 50 if abuts residential; 75 if abuts street) |
| maximum height - principal (ft.) | 40 | 35 | 35 | 35 | 40 |
| maximum height - accessory (ft.) | | 25 | 25 | | 25 |
| Sources: Sections 200-69, -70, -72 (B-2); Sections 200-37, -38, -40 (R-1); Sections 200-32, -33, -35 (AR); Sections 200-26, -27, -29 (AG); and Section 200-94 (CCO). | | | | | |

The Applicant requests that the Commission refuse to apply to the Project the Town's use, dimensional, area and setback requirements detailed in the foregoing paragraph and table. The

justifications for this request are based on the fact that Line 112 and its ROW presently exist and are situated primarily on lots owned by the Applicant joined in a contiguous linear path. First, the land cannot be used in a manner that conforms to the Town’s zoning ordinance as a use other than a conditional or special use without removing the electric transmission line altogether. Second, many of the Town’s zoning requirements have no necessary nexus or relevance when considered in light of the Applicant’s contiguous ROW lots. Regarding the minimum lot size and width requirements, the Applicant could in theory take steps to merge many of its lots in order to maximize the number of lots that satisfy these criteria, but such action would only incur unnecessary cost to the Applicant and be of no benefit to the Town. The position of each existing structure was a function of optimal structure placement when Line 112 was built, and most of the replacement structures erected in the Project are to be positioned in close proximity to the structures they replace. The distance by which structures are setback from the lot lines perpendicular to the path of Line 112 is completely unrelated to the location of the lot lines. For the minimum lot depth criteria, to the extent the depth of these lots is even meaningful given that many do not front on roads or streets, the lot depth is the width of the ROW. These dimensions were set when the Applicant acquired these lots decades ago, and no technical reason exists for increasing the measurements at this time. Any increases would be of no benefit to the Town and only cause the Applicant to incur additional expense. Finally, the Applicant has optimized the height of the structures associated with the rebuilt Line 112 to be the minimum height necessary to provide for safe and reliable operation of the line based on prudent engineering considerations inclusive of those minimum conductor clearance requirements as outlined in the most current edition of the National Electrical Safety Code. Therefore, it is technologically impossible to comply with the Town’s maximum height restrictions.

Section 200-178 of the Zoning Law addresses nonconforming uses, lots and structures. This section allows nonconforming uses to be continued “to the extent, and upon the premises and in the building or structure, where such nonconforming use now exists.”

7.4.9.4 Sections 200-72, 200-73 and 200-94 – Site Development Standards, Dimensional Requirements, and Additional Dimensional and Aesthetic Requirements

These sections establish buffering, landscaping and screening requirements for the General Business Use and Commercial Corridor Overlay districts, respectively.

The Applicant requests that the Commission refuse to apply these sections because they are unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. These laws are not consistent with the Applicant’s Clearing Procedures and its

TROWMP which, for reasons of efficiency, safety and reliability, reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines. The needs of the Applicant's consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply Sections 200-72, 200-73 and 200-94.

7.5 TOWN OF ROYALTON⁵

7.5.1 Chapter 29 - Building Code Administration and Enforcement

This Local Ordinance provides for the Town of Royalton’s administration and enforcement of the Building Code and Energy Code.

7.5.2 Chapter 55 – Drainage Systems

This law protects the Town’s drainage systems. The Applicant will apply for a water quality certification under the CWA as part of the PSL Article VII certification process. In addition, the Applicant will seek coverage from the NYSDEC under its General Permit by filing a Notice of Intent prior to commencement of Project construction. One of the requirements of the General Permit is the development of a SWPPP in accordance with the requirements set forth in the General Permit. The EM&CP will address storm water management, temporary soil erosion and sediment controls, as well as spill prevention and control measures. These measures will be set forth in the EM&CP and will constitute the Project’s SWPPP. Refer to Exhibits 4 and 8 for details.

7.5.3 Chapter 79 - Flood Damage Prevention

This chapter implements the National Flood Insurance Program. The special flood hazard areas associated with Mud Creek crossed by a portion of the Project comprise “A” flood zones as identified and defined on the flood insurance rate map for the Town of Royalton prepared by FEMA. See Figure 4.3-2 of Exhibit 4.

7.5.4 Chapter 95 – Noise

This chapter is intended to prevent unreasonably loud, disturbing and unnecessary noise. It prohibits noise which can be heard by a person with normal hearing beyond the property boundary if such noise annoys, injures or endangers the person and is caused by an inadequate muffler on a vehicle or other loud noise likely to cause such annoyances, except “usual and normal noises resulting from usual and normal activities.”

The Applicant requests that the Commission refuse to apply Chapter 95 because it is unduly restrictive in view of the existing technology, cost and the needs of the Applicant’s consumers. This request cannot be obviated by design changes to the Project because noise is unavoidable given

⁵ The local laws of the Town of Royalton are available online at <https://ecode360.com/RO3169> (last visited November 2, 2022).

the nature of such construction activities. A number of the processes and activities to be conducted in the course of the Project, including motorized equipment engaged in excavation and erection of structures, make compliance technically impossible or impracticable. The Applicant will implement noise mitigation measures during the course of the proposed Project; these are identified and detailed in Section 4.9 of Exhibit 4. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with Chapter 95 by further adjusting the Project's noise levels. The needs of the Applicant's consumers are best met by enabling the Applicant to perform this safety-driven Project expeditiously so as to keep the duration of outages on Line 112 to a minimum. These costs and consumer needs outweigh the impact on this town that would result from the Commission's refusal to apply Chapter 95.

7.5.5 Chapter 152 - Solid Waste

This chapter implements the Town's solid waste management program to separate solid waste into recyclable and reusable material, as required by the New York Solid Waste Management Act of 1988.

7.5.6 Chapter 175 – Vehicles and Traffic

This Chapter sets forth regulations for the operation of motor vehicles within the Town.

7.5.7 Zoning

7.5.7.1 Zoning Map and Districts

Figure 7.5-1 is the Town of Royalton Zoning Map. Existing Line 112's ROW is located in two Town of Royalton zoning districts: the Agricultural (A) and Residential (R) districts. Per Sections 200-32D and 200-33D, respectively, of the Town's Zoning Ordinance, public utilities are considered special uses in these two zoning districts.

7.5.7.2 Section 200-40(C) – General Standards

Section 200-40(C) provides the following standards for special uses within the Town: (i) the use must be "in harmony and promote the general purposes and intent of" the Town's Zoning Ordinance; (ii) the lot area is "sufficient ... for the use and for its reasonably anticipated operation and expansion"; (iii) the use "will not prevent the orderly and reasonable use of adjacent properties"; (iv) "the site is particularly suitable for the location of such use in the community"; (v) "the characteristics of the proposed use are not such that its proposed location would be

unsuitably near any place of public assembly”; (vi) “access facilities are adequate for the estimated traffic from public streets and sidewalks in order to assure public safety and avoid traffic congestion”; (vii) “all proposed curb cuts have been approved by the street or highway agency which has jurisdiction”; (viii) “sufficient off-street parking and truck loading spaces are to be provided”; (ix) “adequate buffer yards and screening are to be provided where necessary to protect adjacent properties and land uses”; (x) “adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character”; and (xi) “the use will not unreasonably interfere with the preservation and integrity of any historic building.”

7.5.7.3 Section 200-13 - Signs

Section 200-13 of Article III of the Town’s Zoning Ordinance contains the standards applicable to signs.

7.5.7.4 Section 200-14 - Temporary Uses

Section 200-14 of the Town’s Zoning Ordinance governs temporary uses and allows construction signs and contractor sheds.

7.5.7.5 Article V - District Regulations

Sections 200-32 and 200-33 of Article V contain the regulations specific to the Agricultural and Residential districts, respectively. For both districts, the minimum lot size is 45,000 square feet; maximum lot coverage is 35%; setback minimums are 50 feet in front, 10 feet on sides, and 35 feet in rear; minimum frontage is 150 feet; minimum depth is 300 feet; maximum height is 35 feet; and corner lots must have structures set back from the adjacent highway ROW not less than 25 feet.

The Applicant requests that the Commission refuse to apply to the Project the Town’s dimensional, area and setback requirements detailed in the foregoing paragraph. The justifications for this request are based on the fact that Existing Line 112 and its ROW presently exist and are situated primarily on lots owned by the Applicant joined in a contiguous linear path. First, many of these requirements have no necessary nexus or relevance when considered in light of the Applicant’s contiguous ROW lots. Regarding the minimum lot size and width requirements, the Applicant could in theory take steps to merge many of its lots in order to maximize the number of lots that satisfy these criteria, but such action would only incur unnecessary cost to the Applicant and be of no benefit to the Town. The position of each existing structure was a function of optimal structure separation when Existing Line 112 was built, and most of the replacement structures

erected in the Project are to be positioned in close proximity to the structures they replace. The distance by which structures are setback from the lot lines perpendicular to the path of Existing Line 112 is completely unrelated to the location of the lot lines. For the minimum lot depth criteria, to the extent the depth of these lots is even meaningful given that many do not front on roads or streets, the lot depth is the width of the ROW. These dimensions were set when the Applicant acquired these lots decades ago, and no technical reason exists for increasing the measurements at this time. Any increases would be of no benefit to the Town and only cause the Applicant to incur additional expense. Finally, the Applicant has optimized the height of the structures associated with the Rebuilt Line 112 to be the minimum height necessary to provide for safe and reliable operation of the line based on prudent engineering considerations inclusive of those minimum conductor clearance requirements as outlined in the most current edition of the National Electrical Safety Code.

7.5.7.6 Section 200-20 - Non-Conforming Uses, Lots and Structures

Section 200-20 of the Town's Zoning Ordinance governs non-conforming uses, lots and structures. In general, non-conforming uses and structures are permitted to continue until they are removed, but may not be moved, enlarged or extended, or altered to an extent exceeding 50 percent of full value. The restoration and repair of unintentionally destroyed or unsafe structures is permitted.

7.6 COUNTY OF GENESEE⁶

7.6.1 Local Law No. 4 of 1992 - Source Separation and Recycling

Section 4.01 of this Local Ordinance requires source separation of recyclables from solid waste generated within the County.

7.6.2 Local Law No. 3 of 2003 – Administration and Enforcement of the New York Building Code

This Local Ordinance provides for Genesee County’s administration and enforcement of the Building Code.

⁶ The Applicant obtained a list of the Local Ordinances of the County of Genesee online at <http://cms1files.revize.com/revize/geneseecountynew/departments/legislature/Listing%20by%20Year%202021.pdf> (last visited November 2, 2022) and select Local Ordinances of the County of Genesee from the County Clerk.

7.7 TOWN OF ALABAMA⁷

7.7.1 Local Law No. 3 of 1982 – Flood Damage Prevention

This local law implements the National Flood Insurance Program.

7.7.2 Local law No. 1 of 1989 – Prevention of the Depositing or Accumulation of Trash

This Local Ordinance prohibits the accumulation of trash, rubbish, debris or garbage on property within the Town except indoors or within receptacles approved by the Town Board. It further prohibits the deposition of trash, rubbish, debris or garbage on any property within the Town except in a dumpster or container provided by the Town.

7.7.3 Local Law No. 1 of 1992 – Source Separation and Recycling Law

Section 3.01 of this Local Ordinance requires source separation of recyclables from solid waste generated within the Town.

7.7.4 Local Law No. 2 of 2007 – Building Code

This Local Ordinance provides for the Town of Alabama’s administration and enforcement of the Building Code and the Energy Code.

7.7.5 Local Law No. 2 of 2014 – Property Maintenance

Section 2 of this Local Ordinance requires that owners of land cut to a height of ten inches or less brush, grass, rubbish or weeds or spray poisonous shrubs or weeds on such land.

The Applicant requests that the Commission refuse to apply Section 2 of this Local Ordinance because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflicts with the Applicant’s Clearing Procedures and its TROWMP. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines. The needs of the Applicant’s consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that

⁷ The Applicant obtained a list of the Local Ordinances of the Town of Alabama, and select Local Ordinances of the Town of Alabama, from the Town Clerk and the Zoning Map of the Town of Alabama online at <https://alabamany.com/wp-content/uploads/2018/02/TAlabamaZoningMap.pdf> (last visited November 2, 2022).

these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply Section 2.

7.7.6 Local Law No. 1 of 2017 – Water Code

This Local Ordinance provides requirements for municipal water service within the Town of Alabama.

7.7.7 Local Law No. 1 of 2019 – Right to Farm

This Local Ordinance contains provisions designed to promote and protect the right to farm in the Town.

7.7.8 Local Law No. 2 of 2022 – Parking

This Local Ordinance prohibits parking on all roads within the Town of Alabama from November 1 and April 30, between the hours of 4:00 p.m. and 8:00 a.m.

7.7.9 Zoning

Figure 7.7-1 is the Town of Alabama Zoning Map. Within the Town of Alabama, the Project would be located in the following zoning districts: Land Conservation (LC), Agricultural-Residential (A-R), Technology District-1 (TD-1), and Technology District-2 (TD-2), as well as in the 100-foot Ag/Res Buffer and the 300-foot TD Buffer abutting the north side of TD-1 and the east side of TD-2.

7.7.9.1 Section 307 – Entrances and Exits onto Highways

Section 307.B of the Town of Alabama Zoning Law regulates the construction of driveways entering onto Town highways.

7.7.9.2 Section 401 – Buildings, Uses and Lots

Section 401.A of the Town of Alabama Zoning Law provides that, with the exception of certain multifamily and single-family dwellings, there shall be only one principal use per lot within the A-R district.

7.7.9.3 Section 402 – Supplementary Yard Regulations, Stripping and Excavations

Section 402.D of the Town of Alabama Zoning Law provides that on corner lots “in any district, no fence, wall, hedge, or other structure or planting more than three feet in height, shall be erected ... within the triangular area formed by the intersecting road lines and a straight line

joining said road lines at points which are forty (40) feet in distance from the point of intersection ...” Section 402.I provides that “open excavations shall be limited to a maximum of sixty (60) days, with appropriate fencing, barricades or covering.”

7.7.9.4 Section 409 – Height Modifications

Section 409.A.3 provides that “[p]ublic and quasi-public buildings, ... and other similar permitted uses may exceed the maximum height specified for the zone district provided that the minimum front, side and rear yard setbacks are increased by two (2) feet for each one (1) foot of such additional height up to a maximum height of fifty (50) feet and provided that on-site fire protection facilities approved by the local fire company are installed.”

7.7.9.5 Section 501 – Agricultural-Residential District (A-R)

Section 501.B.12 provides that “public utility” uses are special permit uses within the A-R zoning district.

7.7.9.6 Section 505 – Land Conservation (LC)

This Section does not include utility uses among the list of permitted uses or special permit uses within the LC zoning district. Section 405 of the Zoning Law provides that uses that are not permitted are deemed to be prohibited.

The Applicant requests that the Commission refuse to apply to the Project the Town’s use prohibition described in the foregoing paragraph. The justification for this request is based on the fact that the Project cannot be performed in a manner that will result in Line 112 being in conformity with the Town’s zoning ordinance, given the extent of the Town that is zoned LC. Therefore, it is technologically impossible to comply with this use prohibition in the LC zoning district.

7.7.9.7 Local Law No. 3 of 2012; Local Law No. 6 of 2017 – Technology Districts 1, 2, and 3

Local Law No. 3 of 2012 provides that utility uses are permitted uses within the Technology 1 and Technology 2 zoning districts and the TD Buffer.

Local Law No. 6 of 2017 does not include utility uses among the list of permitted uses or special permit uses within the Ag/Res Buffer. Section 405 of the Zoning Law provides that uses that are not permitted are deemed to be prohibited.

The Applicant requests that the Commission refuse to apply to the Project the Town's use prohibition described in the foregoing paragraph. The justification for this request is based on the fact that the Project cannot be performed in a manner that will result in Rebuilt Line 112 being in conformity with the Town's zoning ordinance, in light of the Project's need to cross the Ag/Res Buffer in order to connect to electric transmission facilities on the STAMP Project. Therefore, it is technologically impossible to comply with this use prohibition in the Ag/Res Buffer.

7.7.9.1 Local Law No. 2 of 2018 – Technology District Design Standards

Section 1.4 of Local Law No. 2 of 2018 contains a Standard and Guideline stating that, in Technology Districts 1 and 2, permanent utility lines should be installed underground, “where feasible.”

The Applicant requests that the Commission refuse to apply the foregoing undergrounding requirement to the Project because undergrounding the Project, even if “feasible,” would result in: (a) unreasonably higher cost; (b) less electric service reliability compared to overhead transmission lines; and (c) negative impacts to environmental resources from construction and future maintenance of an underground line greater than those for an overhead line (with the possible exception of visual impacts). In general, undergrounding a transmission line can cost at least three times, and as much as ten times, more than the cost of equivalent lengths of overhead construction. The negative impacts on resources would occur not only during installation, but they would recur if repairs to the line are performed. Underground transmission lines tend to have significantly longer restoration time than overhead lines. The Applicant and its customers may incur considerable additional cost if the Project were required to comply with this local requirement. The needs of the Applicant's consumers for reliable, economic service are best met by enabling the Applicant to construct this urgently needed Project as an overhead facility. These consumer needs and the above-stated cost, service reliability, and environmental impacts outweigh any benefit to the Town that would result from the Commission's refusal to waive this local requirement. The request is the minimum necessary.

Section 5 of Local Law No. 2 of 2018 contains landscape design requirements applicable to Technology Districts 1 and 2. These provisions include requirements for a combination of trees, shrubs, ground cover and other vegetation.

The Applicant requests that the Commission refuse to apply this Local Ordinance because it is unreasonably restrictive in view of the existing technology, cost factors and the needs of consumers. This law conflicts with the Applicant's Clearing Procedures and its TROWMP. For reasons of efficiency, safety and reliability, these procedures reflect uniform right-of-way clearing

and vegetation management practices for construction, operation and maintenance of high-voltage electric transmission lines. The needs of the Applicant's consumers are best met by enabling the Applicant to perform the Project and operate and maintain the electric transmission line and its right-of-way efficiently, safely and reliably. The Applicant submits that these factors outweigh the impact on this municipality that would result from the Commission's refusal to apply Section 5.

7.7.9.2 Section 606 - Signs

This Section regulates signs within the Town. Section 606.B.2 requires signs to be located on the same lot as the permitted use. Section 606.M provides that portable and temporary signs are permitted in every zoning district and shall not exceed 16 square feet in size. Section 606.Z provides that any preexisting nonconforming signs may continue but the degree of such nonconformity shall not be increased. Section 606.BB requires that signs be properly maintained such that they do not become a danger to the public health, safety or welfare. Section 606.CC requires all signs to comply with the requirements of the Building Code.

7.7.9.3 Section 809 – Special Use Permit

Section 809.H provides standards for the issuance of special use permits including that the use (i) does not pose a hazard to pedestrian and vehicular traffic and is in harmony with the development of zoning district, (ii) will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value, (iii) shall not be more objectionable to nearby properties than would be operation of any permitted use, (iv) shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties, (v) shall not result in electrical disturbances that disrupt radio or television communications, (vi) shall meet the off-street parking and loading requirements of similar uses, (vii) shall have appropriate drainage, (viii) shall have adequate access to and from the site, and (ix) shall have attractive landscaping.



Lockport-Batavia Line 112

Rebuild Project

Exhibit 7

Local Ordinances

Figures



Lockport-Batavia Line 112

Rebuild Project

Exhibit 7

Local Ordinances

Figure 7.3-1

City of Lockport Zoning Map



CITY OF LOCKPORT

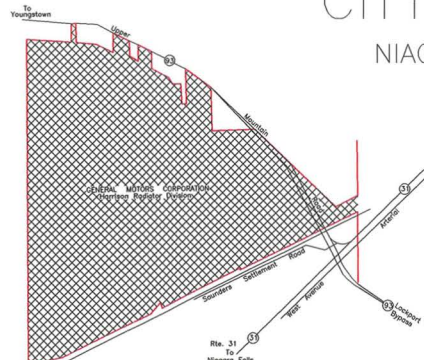
NIAGARA COUNTY, NEW YORK



LEGEND

- | | |
|-----------------|-------------------|
| STATE ROUTES | CHURCHES |
| CITY LINE | PARDICIAL SCHOOLS |
| RAILROADS | PUBLIC SCHOOLS |
| BRIDGES | PARKS |
| ONE WAY STREETS | PUBLIC PARKING |

PREPARED BY
CITY OF LOCKPORT
ENGINEERING DEPARTMENT
APRIL 1995



| SYMBOL | ZONE | DESCRIPTION | PRINCIPAL USES ALLOWED | BUILDING HEIGHT LIMIT | MINIMUM LOT WIDTH | MINIMUM LOT DEPTH | MINIMUM FRONT YARD SETBACK | MINIMUM SIDE YARD SETBACK | MINIMUM REAR YARD SETBACK | MAX. LOT COVER | MINIMUM LOT AREA | MINIMUM LOT AREA PER DWELLING |
|----------|------|---------------|-------------------------------|-----------------------|-------------------|-------------------|----------------------------|---------------------------|---------------------------|----------------|------------------|-------------------------------|
| [Symbol] | R1 | RESIDENTIAL | ONE FAMILY DWELLING | 2 1/2 STORIES | 75 FT. | 120 FT. | 40 FT. | 25 FT. | 10 FT. | 20% | 10,000 SQ. FT. | 10,000 SQ. FT. |
| [Symbol] | R2 | RESIDENTIAL | 1, 2 & 3 FAMILY DWELLING | 1 1/2 STORIES | 30 FT. | 120 FT. | 30 FT. | 10 FT. | 10 FT. | 30% | 12,000 SQ. FT. | 6,000 SQ. FT. |
| [Symbol] | R3 | RESIDENTIAL | 1, 2 & 3 FAMILY MULTIPLE RES. | 3 STORIES MAX. | 30 FT. | 180 FT. | 30 FT. | 10 FT. | 10 FT. | 35% | 20,000 SQ. FT. | 2,000 SQ. FT. |
| [Symbol] | B1 | BUSINESS | NEIGHBORHOOD SHOPPING CENTER | ONE STORY | 100 FT. | 100 FT. | 40 FT. | 30 FT. | 35% | 1 ACRE | 20,000 SQ. FT. | 8 |
| [Symbol] | B2 | BUSINESS | COMMERCIAL BUSINESS AREA USES | 1 1/2 STORIES | --- | --- | --- | --- | --- | 100% | --- | --- |
| [Symbol] | B3 | BUSINESS | GENERAL BUSINESS | 3 STORIES | 100 FT. | 100 FT. | 30 FT. | 30 FT. | 35% | 35% | 20,000 SQ. FT. | 8 |
| [Symbol] | B4 | BUSINESS | OFFICE BUSINESS | 3 STORIES | 80 FT. | 100 FT. | 30 FT. | 30 FT. | 15 FT. | 35% | 10,000 SQ. FT. | 8 |
| [Symbol] | B5 | BUSINESS | EXPANDED COMMERCIAL BUSINESS | 3 STORIES | 100 FT. | 150 FT. | 30 FT. | 30 FT. | 10 FT. | 35% | 20,000 SQ. FT. | 8 |
| [Symbol] | I 1 | INDUSTRIAL | LIGHT INDUSTRY | 2 STORIES | 300 FT. | 300 FT. | 50 FT. | 30 FT. | 35% | --- | 2 ACRES | --- |
| [Symbol] | I 2 | INDUSTRIAL | LIGHT INDUSTRY | 2 STORIES | 150 FT. | 150 FT. | 25 FT. | 30 FT. | 20 FT. | 40% | 1 ACRE | --- |
| [Symbol] | I 3 | INDUSTRIAL | HEAVY INDUSTRY | 4 STORIES | 300 FT. | 300 FT. | 35 FT. | 30 FT. | 20 FT. | 50% | --- | 2 ACRES |
| [Symbol] | RA | RESERVED AREA | FRUIT WOODS AREAS | 1 1/2 STORIES | 300 FT. | 400 FT. | 80 FT. | 100 FT. | 50 FT. | 10% | 4 ACRES | --- |



Lockport-Batavia Line 112

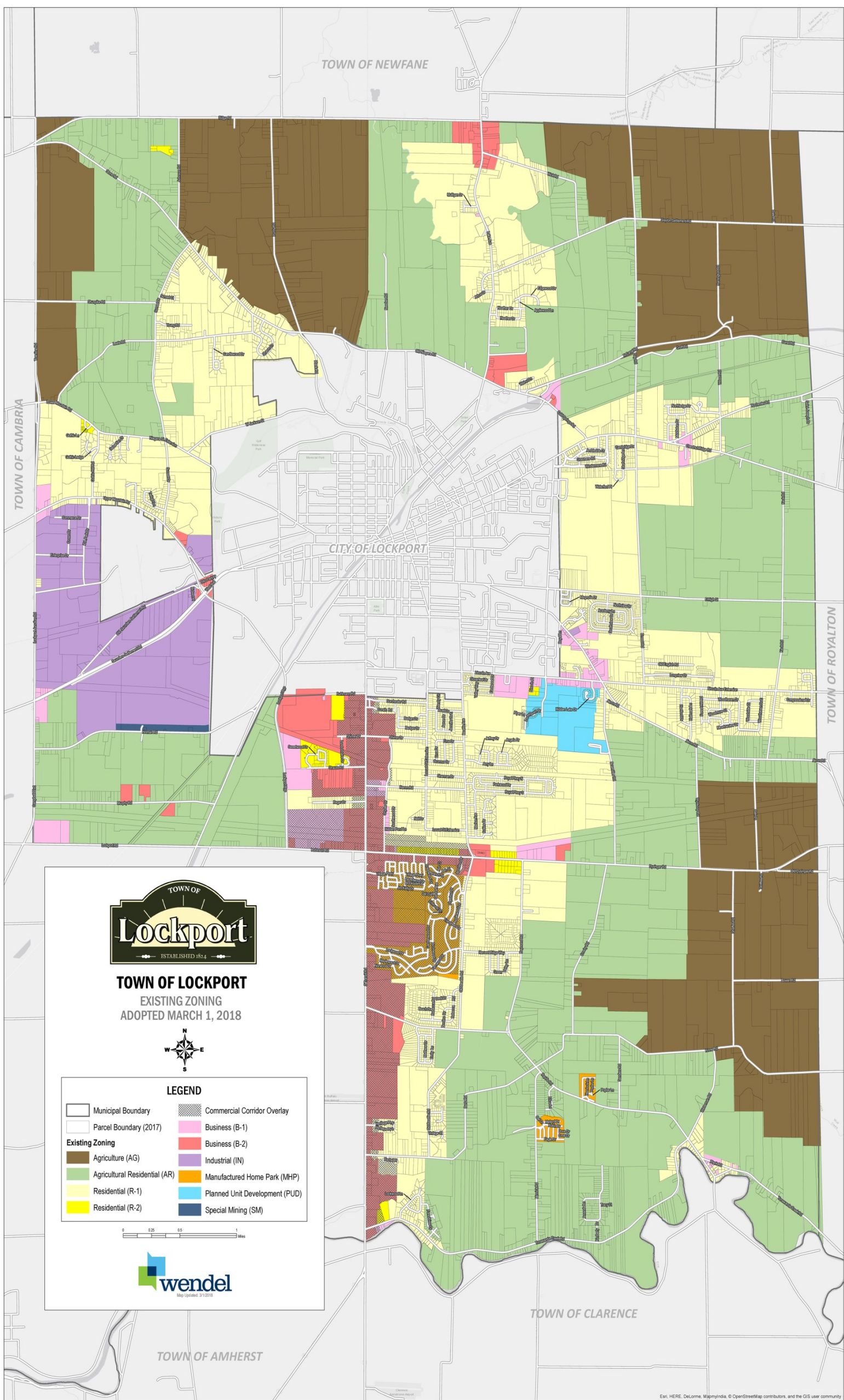
Rebuild Project

Exhibit 7

Local Ordinances

Figure 7.4-1

Town of Lockport Zoning Map





Lockport-Batavia Line 112

Rebuild Project

Exhibit 7

Local Ordinances

Figure 7.5-1

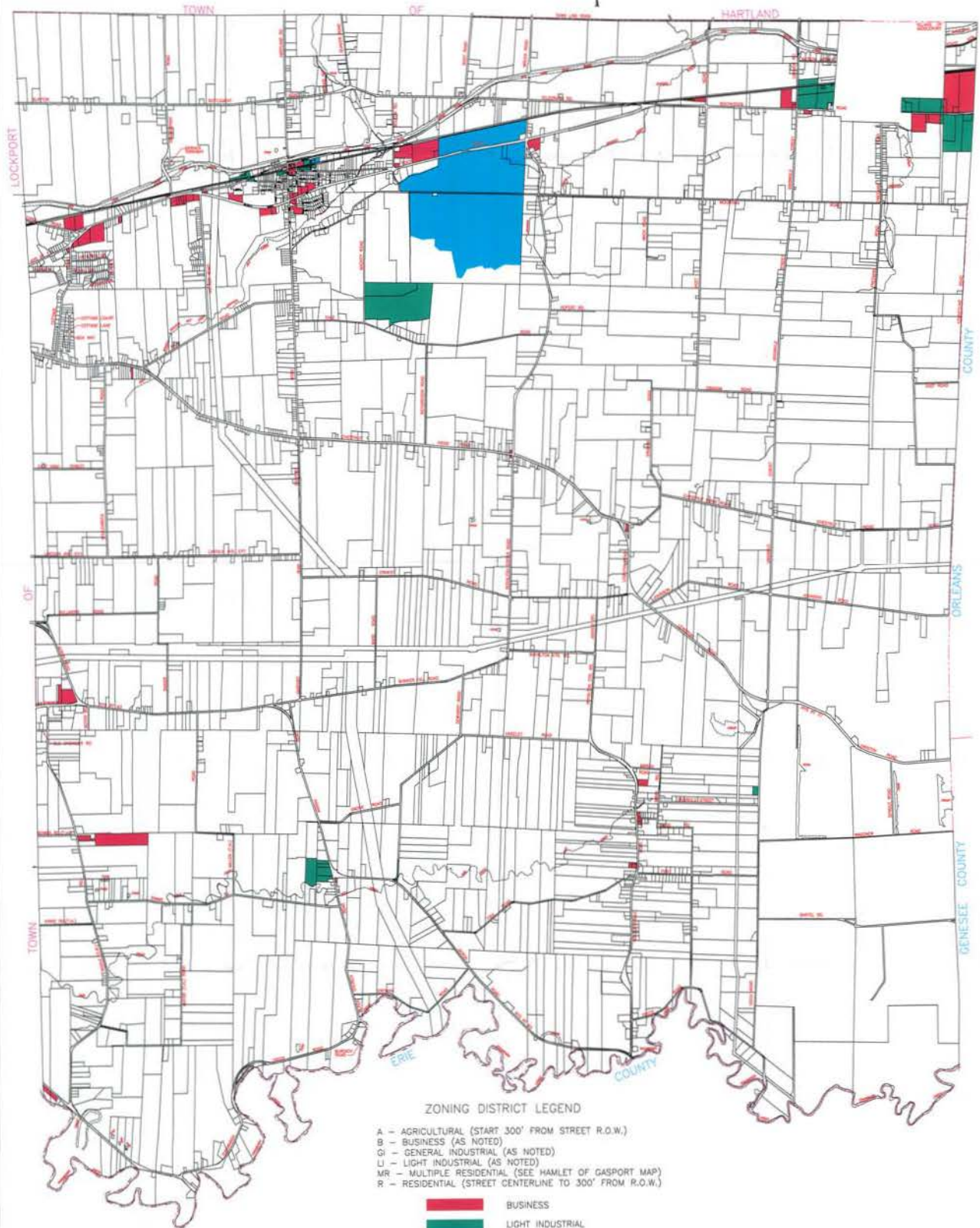
Town of Royalton Zoning Map

TOWN OF ROYALTON

NIAGARA COUNTY, NEW YORK

ZONING MAP

ADOPTED JULY 12, 1999



ZONING DISTRICT LEGEND

- A - AGRICULTURAL (START 300' FROM STREET R.O.W.)
- B - BUSINESS (AS NOTED)
- GI - GENERAL INDUSTRIAL (AS NOTED)
- LI - LIGHT INDUSTRIAL (AS NOTED)
- MR - MULTIPLE RESIDENTIAL (SEE HAMLET OF GASPORT MAP)
- R - RESIDENTIAL (STREET CENTERLINE TO 300' FROM R.O.W.)

- BUSINESS
- LIGHT INDUSTRIAL
- GENERAL INDUSTRIAL



Lockport-Batavia Line 112

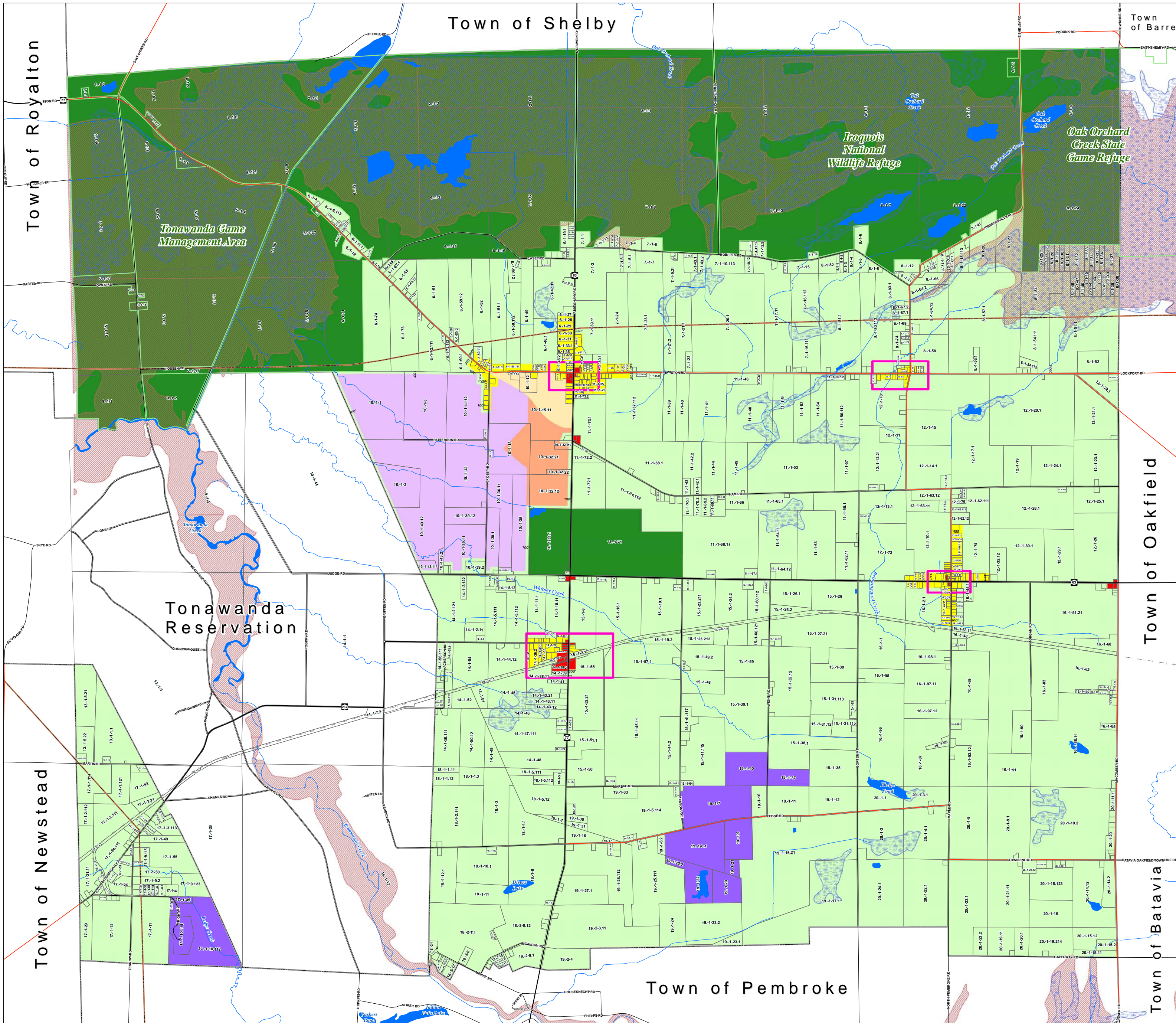
Rebuild Project

Exhibit 7

Local Ordinances

Figure 7.7-1

Town of Alabama Zoning Map



Map Features

Zoning Districts

- Agricultural-Residential (A-R)
- Residential (R)
- Commercial (C)
- Industrial (I)
- Land Conservation (LC)
- Technology District-1 (TD-1)
- Technology District-2 (TD-2)
- Technology District-3 (TD-3)

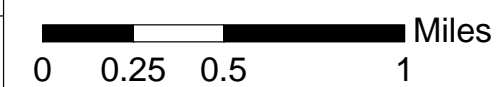
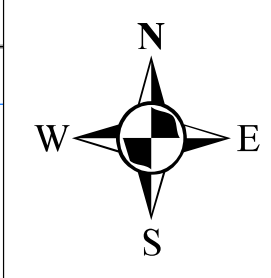
Interstate Highway
State Routes
County Highway
Town Road
Village Street
Active Railroad
Streams
Surface Water
Park/Refuge Boundary
Municipal Boundaries
Abandoned Railroad
2014 Tax Parcels
Electric Line
Flood Hazard Area
State Regulated Wetlands

Notes:

Town of Alabama Zoning Law Section 302.

- Where zone boundaries are shown with dimensions given, dimensions are approximate and intended to begin and/or end at centerlines of roads, natural features, municipal boundaries, centerlines of railroad rights-of-way (ROW), or Tax Map Parcel (TMP) boundaries as indicated.
- District Boundaries have been determined at the time of adoption and/or amendments by using the most current tax maps. If a discrepancy exists the official zoning map and/or the Zoning Board of Appeals will be the final determining factor to decide the district boundaries.

| Revisions |
|-------------------|
| June 12, 2000 |
| March 13, 2006 |
| October 27, 2008 |
| December 10, 2012 |



Map created by the Genesee County Dept. of Planning July 2014

